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PUBLIC HEARING OF ADOPTION OF

THE TOWN OF YATES MORATORIUM ON

WIND ENERGY FACILITIES LAW OF 2016

Transcript of the Public Hearing at the

Lyndonville High School Auditorium, 77 Housel Avenue,

Lyndonville, New York 14098, on April 21, 2016,

commencing at 7:00 p.m.

REPORTED BY: DOREEN M. SHARICK, Court Reporter

EDITH E. FORBES COURT REPORTING SERVICE

21 Woodcrest Drive

Batavia, New York 14020

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APPEARANCES :

- JAMES SIMON, SUPERVISOR
- JOHN RIGGI, COUNCILMAN
- JAMES WHIPPLE, COUNCILMAN
- MICHELE HARLING, TOWN CLERK
- ANDREW MEIER, TOWN ATTORNEY
- CHARLES MALCOMB, SPECIAL COUNSEL

EXCUSED: BRADLEY BENTLEY, COUNCILMAN

WES BRADLEY, COUNCILMAN

1
2 MR. SIMON: Hello, everyone. Thank
3 you for coming. My name is Jim Simon and I
4 want to check. Is everybody hearing me okay
5 in the back?

6 Okay. So what we will do is, we will
7 explain a couple things and then we will
8 open the hearing, starting with the
9 moratorium and then moving on following that
10 conceivably and then moving onto the other.
11 I do appreciate everyone's indulgence. We
12 are starting a little bit late, but we have
13 a stenographer and anticipate she'll be here
14 in a second. In the meantime, we have a
15 recording and we will also take notes for
16 (inaudible).

17 So I am calling the public hearing to
18 order for the Town of Yates Moratorium on
19 Wind Energy Facilities of 2015, at 7:14 on
20 April 21st. I'd like to start with the
21 pledge of allegiance.

22 (The pledge was said.)

23 SUPERVISOR SIMON: So I need a motion
24 to open the public hearing on the proposed
25 Local Law on the Moratorium on Wind Energy

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Facilities?

MR. RIGGI: So moved.

MR. WHIPPLE: Second.

SUPERVISOR SIMON: So moved and seconded. Any discussion amongst board members? All in favor say aye?

MR. RIGGI: Aye.

MR. WHIPPLE: Aye.

SUPERVISOR SIMON: Opposed? The motion is passed. This public hearing is now officially open. The rules for this evening are as follows: We welcome everyone to make public comments who have signed in. If, in the course of the evening, you feel compelled to say something which either you are not signed in, we will continue to listen. You can contact us afterwards. You can send us an email. You can call me. You can visit me next time you get a chance to go to the town hall. We are still receiving input on this. So don't feel like you have to speak tonight and I'm really glad that you came and have signed up to speak.

Along those same lines, if someone

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2 comes up to speak and the podium is where
3 you'll do so, we ask that you not read other
4 people's letters or emails that have been
5 sent to you. However, you can submit those
6 for the record. So you do your speech and
7 then you'd say, may I approach to submit for
8 the record my neighbor's letter or my
9 relative's email? Okay. So you are welcome
10 to do that.

11 I should say we're in a school. The
12 exits are right there. In the back there's
13 restrooms, okay. So those are some of the
14 rules.

15 I'd like to introduce the people
16 sitting up here with me, my colleagues on
17 the Town Board, John Riggi and Jim Whipple.
18 We have also the Town Attorney, Andrew Meier
19 to Jim's left. Shelly Harling is the town
20 clerk. And then Chuck Malcomb is a
21 representative of the Special Counsel for
22 the Wind Energy Moratorium from Hodgson
23 Russ.

24 So this is a chance for you to be
25 heard. We hope to gain more insight into

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2 what we are proposing by your comments. I'm
3 going to briefly summarize first the
4 Moratorium. Then when we have the next one,
5 I'll summarize that as well.

6 The Moratorium is for any facilities
7 associated with wind energy including
8 turbines, MET Towers or other towers. It's
9 a six month Moratorium. It's posted on the
10 web site. It's available there still and
11 after this if you still have questions. The
12 idea is while we are reviewing the wind
13 energy law, which is also on the docket
14 tonight, and as well, the Comprehensive Plan
15 and the LWRP, which is Local Waterfront
16 Revitalization Plan. Both of those plans
17 require coordination with multiple agencies.
18 The Moratorium includes both of those plans
19 very specifically because the Comprehensive
20 Plan informs the zoning laws of any
21 community or municipality. In this case,
22 the Comprehensive Plan is a joint plan that
23 was put into place 13 years ago into the
24 Towns of Shelby, Ridgeway, Yates and the
25 Villages of Lyndonville and Medina. So that

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2 effort should this law be passed into law,
3 that effort would begin with those entities
4 and it would be a review and update of that
5 Comprehensive Plan.

6 The LWRP, the Local Waterfront
7 Revitalization Plan, is also a joint plan
8 coordinated with the Towns of Carlton and
9 Kendall as you can imagine going along the
10 lakefront. That plan is though a little bit
11 older and that is an effort that's lead by
12 the county and it's funded by the State and
13 involves many agencies including the state
14 and federal agencies. So that plan in its
15 update and review also that will take
16 considerable time. So it's the opinion of
17 this Board that this Moratorium should be
18 considered and that's what we're here to
19 talk about tonight.

20 We're asking that you try to limit your
21 comments to three minutes. At the 30
22 seconds to go mark, Shelly will hold up the
23 30 second reminder. And at that point
24 hopefully, from over there and speaking over
25 to here you'll see the little sign and at

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2 the three minute mark, I'll ask you to try
3 and conclude your remarks. So again, if you
4 do get cut short, if you want to meet with
5 us afterwards, or if you want to submit the
6 rest of your comments in writing, all those
7 are certainly available to you. In the
8 interest of time, we are going to restrict
9 you with the three minutes and we will give
10 you that 30 second mark.

11 When you come up to the podium, I will
12 simply call you up based on the sign up
13 sheet. When you come up to the podium,
14 please speak slowly your name and what town
15 you are from. We ask that you give the
16 town, village or city. Not I'm from Orleans
17 County or Niagara County. We don't need you
18 to be specific. We don't need your address
19 announced to everybody else. We do need is
20 what town, village or city. So please state
21 that as well as your name.

22 We ask you to refrain from straying too
23 far from the subject. So this one in
24 particular is whether you think it's a good
25 idea to have a Moratorium on anything

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2 associated with Wind Energy Facilities for
3 six months while we work on the
4 comprehensive plan and other law. So try to
5 restrict your comments to that.

6 Speak clearly into the microphone.
7 Limit your testimony to the board members.
8 No one should interrupt or make noises that
9 are disruptive while others are speaking.
10 Speakers, as I mentioned, should not read
11 other people's testimony. The other
12 testimonies if they're written can be simply
13 submitted after you are done speaking and
14 there may be, although most likely there
15 won't be, but there may be a question from a
16 board member or someone up here. If we
17 didn't hear your name, I may say please
18 repeat your name or it may be something else
19 substantive. If you've hit on something
20 that a board member in particular or one of
21 the lawyers thinks needs to be asked, they
22 might ask you a question. Other than that
23 though, there will be no exchange.

24 So when you come up, if you're hoping
25 to get a bunch of answers from us, that's

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2 not the way the public hearing is. It's for
3 us to listen and for you to speak. And so
4 we are really not typically going to
5 exchange dialog in this venue. It's
6 designed for you to speak and for us to
7 listen. As I said, there may be an
8 exception where we need some clarification
9 after questioning, but it's not like we are
10 trying to have a dialog or to have open
11 discussion. There are, as I said, many
12 other opportunities. There have been and
13 there continue to be for that.

14 I think that covers everything. I'd
15 like to start by calling up Marcia Ray to
16 the podium please.

17 MS. RAY: Hi.

18 SUPERVISOR SIMON: Do you mind
19 speaking into the microphone?

20 MS. RAY: Yes.

21 SUPERVISOR SIMON: And Marcia, where
22 are you from?

23 MS. RAY: I am from Pendleton actually
24 and I am a seventh generation from
25 Countyline Road, Town of Somerset.

1
2 (Inaudible) because of its location in
3 proximity to the lake and fine natural
4 resources, our family has been able to
5 maintain this residence (inaudible). I
6 applaud you for your efforts in setting up
7 this Moratorium and your diligence because I
8 know how much work was involved in creating
9 a public hearing.

10 My biggest concern and my biggest
11 comment is, this is not the place for these
12 turbines. This is prime agricultural
13 residential area that has drawn tourists for
14 many many years. And it is simplistic and
15 wonderful growing soil for produce and
16 vegetables along the lake. The appearance
17 of turbines in any location that has been
18 sited for use is making my family physically
19 sick of the idea because we are used to the
20 natural beauty of the wildlife and trees in
21 our area. So we urge you to continue your
22 work and I stress the acceptance and support
23 of your Moratorium (inaudible). Thank you.

24 SUPERVISOR SIMON: Thank you. Richard
25 Ray.

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2 MR. RAY: I guess I didn't realize I
3 was signing up to speak, but I do support
4 the Moratorium. My name is Richard Ray and
5 I'm from Pendleton, also.

6 I've read Article 10. Article 10 takes
7 away local decisionmaking. And I firmly
8 believe us local people have a right to
9 input in all of this.

10 The other thing that I object to is
11 that Article 10 says that (inaudible) here
12 will get a discount on their taxation. I'm
13 certainly not in favor of wind mills. I'm
14 also opposed to any kind of discount. If we
15 get wind mills just like -- (inaudible).

16 SUPERVISOR SIMON: Thank you very
17 much. (Inaudible) If when it comes your
18 turn and I call your name, you're under no
19 obligation to speak, but for sure, we do
20 welcome you. Thank you. Alice Wolanyk.

21 MRS. ALICE WOLANYK: Alice Wolanyk,
22 the Town of Somerset. I am in favor of the
23 Moratorium and against the industrial wind
24 turbines.

25 SUPERVISOR SIMON: Thank you very

1
2 much. Elizabeth Wolanyk.

3 MRS. ELIZABETH WOLANYK: Betty Wolanyk,
4 Town of Somerset. Thank you for letting us
5 speak. I think you are very wise in setting
6 a Moratorium so that you can have time that
7 you need to do the research, to assure that
8 everything you do protects your citizens.
9 So I'm in favor of it.

10 SUPERVISOR SIMON: Thank you. And
11 John.

12 MR. WOLANYK: Thank you for your time.
13 John Wolanyk, Somerset, New York. I am
14 totally in favor of the Moratorium and
15 totally against the wind turbines and I
16 don't know where they came up with the
17 phrase, but it's no farm. Thank you.

18 SUPERVISOR SIMON: Thank you. Chris
19 Bronson.

20 MS. BRONSON: Chris Bronson, Barker,
21 New York. I would just like to say that
22 it's a good idea to put a hold on decisions
23 regarding wind energy. And it's always a
24 good thing to stop and think and I support
25 it a hundred percent and thank you very

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much.

SUPERVISOR SIMON: Thank you. Bruce Williams.

MR. WILLIAMS: I will pass.

SUPERVISOR SIMON: Okay. Dan Fitzgerald.

MR. FITZGERALD: Good evening. My name is Dan Fitzgerald with Lighthouse Wind, local office in Barker, New York. In regards to the Moratorium, it's highly unlikely that any wind energy project would come to the Town Board for approval in that six month period given the terms that exist in Article 10 (inaudible). The only thing that would be before the Board would be --

UNIDENTIFIED SPEAKER: We can't hear you.

MR. FITZGERALD: You can't hear me? A Moratorium that prohibits the processing and approval of MET Tower permit applications would be invalid and beyond the legal authority as there is no public purpose to justify the exercise of authority. And in this case, it would single out one landowner

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2 and one applicant to carry the entire burden
3 of the law.

4 By the very fact that the Town Board
5 has specifically targeted Lighthouse Wind's
6 application, it is clear that it is invoking
7 its police powers to solely satisfy
8 community opposition to the Lighthouse Wind
9 Project. As such, the Town Board must
10 reject the proposed local law as the
11 Moratorium is not valid. Thank you.

12 SUPERVISOR SIMON: Thank you. Tom
13 Arlington.

14 MR. ARLINGTON: I'm Tom Arlington,
15 property owner, the Town of Yates. I do
16 support the Moratorium. I think the Board
17 should do it for at least six months to sort
18 out all the information that's coming out
19 not only for this project but for any
20 project that might come down the pipe like
21 that. And I feel it's a very reasonable
22 request and I urge this Board to approve
23 this Moratorium. Thank you.

24 SUPERVISOR SIMON: Thank you. Deborah
25 Arlington.

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2 MRS. ARLINGTON: Hi, Debbie Arlington,
3 Town of Yates. I wasn't sure about this
4 signing in that I would speak, too, but I
5 would like to say I'm a hundred percent
6 backing the Moratorium. And I agree with I
7 guess it was Chris Bronson's remark, you
8 need to take time to sift through a lot of
9 information and certainly, the two plans
10 that you mentioned the agencies that would
11 be involved is a very time consuming thing.

12 Also I will say, again, that I agree
13 that Article 10 is just a disaster, that we
14 don't have home rule. And we, as many of
15 you know, we have our cottage is a tourist
16 business basically on the lake. We have
17 people coming from all over the world to
18 stay at our cottage. They come mostly for
19 the peacefulness and the relaxation of being
20 on a deck and watching the sunset and seeing
21 the ducks and wildlife and we hate to see
22 that ever change. Thank you.

23 SUPERVISOR SIMON: Thank you. Pam
24 Atwater.

25 MS. ATWATER: Pam Atwater, Barker, New

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2 York. Thanks for letting me have an
3 opportunity to speak. I support the
4 proposed law that you're putting in front of
5 us tonight. Within the legal notice, you
6 mentioned that you're looking at reviewing
7 and revising the Waterfront Revitalization
8 Plan, the Town Comprehensive Plan and Zoning
9 Regulation and while these are being
10 considered, I think it's a very wise move to
11 enact a Moratorium. I'm aware of a similar
12 Moratorium which was enacted in 2008. It's,
13 obvious, then that this proposal doesn't
14 just pertain to this wind project, but it's
15 speaks to the fact that the Town Board is
16 allowing itself enough time to look at
17 multiple plans with the best interest of the
18 town's citizens in mind. So for that I'd
19 like to thank you. I also have some other
20 comments that people wanted to have
21 submitted.

22 SUPERVISOR SIMON: Okay. Thank you.
23 Donn Riggi.

24 MRS. RIGGI: Thank you. Donn Riggi,
25 Lyndonville. I just want to thank the Board

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2 for this proposed Moratorium. I'm a hundred
3 percent in favor of it. It makes sense to
4 take the time to do the research and update
5 the other plans needed before making any
6 further decisions in this life changing and
7 very controversial topic.

8 SUPERVISOR SIMON: Thank you. Ann
9 Smith.

10 MS. SMITH: Annie Smith, Town of Yates.
11 I didn't really prepare any speech because I
12 wasn't planning, but I am a hundred percent
13 for the Moratorium and a hundred percent
14 against the industrial wind turbines in the
15 Town of Yates. Thank you.

16 SUPERVISOR SIMON: Janice Bohn.

17 MS. BOHN: Janice Bohn, Lyndonville. I
18 have to commend the Board for putting the
19 Moratorium in play. I think it's a great
20 idea in terms of making sure that we review
21 all of the laws that are involved in
22 protecting the community and it's people,
23 it's wildlife and it's future. So I'm a
24 hundred percent in favor of the Moratorium.
25 Thank you.

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2 SUPERVISOR SIMON: Thank you. Richard
3 Hellert.

4 MR. HELLERT: Richard Hellert, Town of
5 Yates. I want to commend the Board for
6 proposing the Moratorium on windmills. The
7 if only this time and effort being spent on
8 the issue could have gone toward improvement
9 of the Town of Yates. SOS has passionate,
10 dedicated citizens that have attempted to
11 educate the public and this Board. I am
12 positive that SOS would provide further
13 workshop education to especially inform you
14 on the health hazards of windmills.

15 I feel that my neighbors, the Haytons,
16 have been misled by the offerings of Apex
17 without fully realizing that their health is
18 in jeopardy.

19 I plead with you to be informed on the
20 issue. We have this opportunity to control
21 the destiny of the town by approving the
22 Moratorium. We will not have the same
23 opportunity if this decision goes to Albany.

24 SUPERVISOR SIMON: Thank you. Peg
25 Schwabel.

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2 MRS. SCHWABEL: Thank you very much
3 for the opportunity to speak to this Board.
4 I'm Peg Schwabel, Somerset, New York. I
5 want to support you in this Moratorium. You
6 are well within your rights to enact it. In
7 fact, you must do so given the seriousness
8 of the issues surrounding placing industrial
9 turbines in residential settings.

10 Also I want to quote from New York
11 State law regarding Moratoriums. And I have
12 it here and I will submit it to you.
13 Basically, the law says in part, a
14 Moratorium is designed to halt development
15 temporarily, pending the completion and
16 possible adoption of more permanent,
17 comprehensive regulations. The objective of
18 municipal land use controls is to promote
19 community planning values by properly
20 regulating land development. It follows
21 that land use controls work best when built
22 upon a carefully considered comprehensive
23 plan. It is used to freeze development
24 until a satisfactory final plan or
25 regulations are adopted.

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2 Health and other issues have been
3 documented worldwide regarding wind
4 turbines. It would be irresponsible to fail
5 to explore those issues fully. You are to
6 be commended and I thank you.

7 SUPERVISOR SIMON: Thank you. Cynthia
8 Hellert.

9 MRS. HELLERT: Cynthia Hellert,
10 Lyndonville. I support the Moratorium on
11 Wind Energy Facilities as proposed by the
12 Town Board. There can be no time constraint
13 where the public health and safety of the
14 citizens of this Town is concerned. Apex
15 will continue to push their plan on us and
16 we must take charge of our own protection.

17 In addition to health and safety, the
18 Waterfront Revitalization Program is
19 extremely important to this community and if
20 we allow one single piece to be compromised,
21 we will undo everything the good people who
22 have served us in the past worked so
23 diligently to preserve. Apex will stop at
24 nothing to circumvent our zoning laws. An
25 example is their proposal last year to build

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2 the current MET tower one foot lower than
3 the required height in which the tower had
4 to be lit. Do they care about the safety of
5 the pilots using Tiger Paw Airport just a
6 few hundred feet away? I say no. They want
7 to build it as cheaply as possible.
8 Thankfully, our Town Board insisted on
9 lighting. We need constant vigilance. Apex
10 poses a huge threat to each and every one of
11 us. Thank you.

12 SUPERVISOR SIMON: Kathy Evans.

13 MS. EVANS: Kathy Evans, Yates. I am
14 in favor of adopting the Town of Yates
15 Moratorium on Wind Energy Facilities Law in
16 order to protect our town from serious
17 health and environmental issues until the
18 LWRP, Town Plans and Zoning Regulations have
19 been revised. It is in our best interest to
20 step back and consider the changes in
21 technology and all the research that's been
22 done on the adverse impacts of wind turbines
23 since 2008 when the original wind zoning
24 laws were created.

25 SUPERVISOR SIMON: Thank you. Mary

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Kraus.

MS. KRAUS: I decline.

SUPERVISOR SIMON: Okay. Thank you.
Agnus LaPort.

MS. LAPORT: Agnus LaPort, Town of
Somerset. I'm totally in favor of what
you're doing. And I thank you.

SUPERVISOR SIMON: Okay. Thank you.
Paula Simon.

MRS. SIMON: Hello. I'm in favor of
the Moratorium and I'll save the rest of my
comments for the next session.

SUPERVISOR SIMON: Larry Wolf.

MR. WOLF: I decline.

SUPERVISOR SIMON: You decline? Okay.
Thanks. Pam Shirback.

MS. SHIRBACK: I'm from Lyndonville.
And I want to thank the Board for all the
work they have done. I'm totally in favor
of the Moratorium --

UNIDENTIFIED SPEAKER: Can't hear you.

SUPERVISOR SIMON: So you just said
you're in favor of the Moratorium?

MS. SHIRBACK: I'm in favor of the

1
2 Moratorium a hundred percent. I thank the
3 Board for all the work they have done. And
4 thank you for the opportunity for letting us
5 voice our opinions.

6 SUPERVISOR SIMON: Okay. So she's a
7 hundred percent for the Moratorium and
8 thanking us for her being able to express
9 her opinions.

10 And if you choose not to come up, maybe
11 we'll get the microphone down to you so we
12 can hear you make your comments. Taylor
13 Quarles.

14 MR. QUARLES: Good evening.
15 Moratoriums have been described as the most
16 extreme form of land use actions a
17 municipality can take. New York Court of
18 Appeals has held to justify interference
19 with the beneficial enjoyment of property, a
20 municipality must establish that it acts in
21 response to dire necessity that it's actions
22 are reasonably calculated to alleviate or
23 prevent crisis situations.

24 SUPERVISOR SIMON: Please keep quiet
25 please while presenting. Go ahead.

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2 MR. QUARLES: While the Moratorium has
3 been presented as involving the revision of
4 the Comprehensive Plan, LWRP and other
5 issues, it's my opinion that the Moratorium
6 is solely intended to prevent the
7 installation of the Lighthouse Wind MET
8 Tower permit, which was submitted before the
9 Moratorium was proposed. Only proposed
10 action that will be impacted by this
11 Moratorium, in my opinion, is the MET tower
12 because as we all know, wind projects are
13 considered separately under Article 10.
14 It's important to keep in mind that a MET
15 tower is completely separate from the
16 approval of the wind project. This
17 Moratorium would ban the temporary Met tower
18 installation and it's ability to gather the
19 valuable data on weather and wildlife
20 particularly bat passage rates in the spring
21 and fall seasons, which is required for
22 thoughtful analysis by different stake
23 holders and agencies and required by the
24 Article 10 process.

25 It's clear to me that this Moratorium

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2 is specifically targeting one application
3 and will thus harm not only Lighthouse Wind,
4 but the landowner who's chosen to put this
5 application in.

6 My opinion, this Moratorium is not
7 valid. It is an unreasonable taking of the
8 rights of the applicant and the landowners
9 and I would request that the Board reject
10 this law. In addition to my comments, I
11 have a more thorough comment analysis on the
12 Moratorium that I'd like to offer you all.

13 SUPERVISOR SIMON: Okay. Thank you.
14 Chris Kraft.

15 MR. KRAFT: My name is Chris Kraft and
16 I'm from Yates. Okay. I'm pleased to be
17 able to speak with you today and I thank you
18 for being given the opportunity to talk.
19 I'd like to also thank the people that have
20 been on the Board working through this
21 process. I did attend some of the working
22 sessions. I could see it really was a lot
23 of effort. So I appreciate you doing that.

24 Regarding this whole thing of the
25 approval process and whether or not a

1
2 Moratorium can be valid, pretty interesting
3 question. I spent part of this week with
4 the election and I sort of with the election
5 looking at all the different candidates and
6 I considered -- is there a candidate there
7 that's me for me or candidate doing anything
8 for me? Who's going my way? In being here,
9 growing up here and knowing that I'm from
10 here, that's one thing that I've always been
11 sure about. It's been difficult for me to
12 see what the direction forward should be and
13 some of my antecedents are from here and
14 farmed in this area. Gasley Lane is right
15 where I am now. It's just very hard for me
16 to think about all this and not think about
17 my ancestors. You will call Ms. Viff, like
18 I call her my cousin when I see her because
19 some of our family names if you read our
20 history as you go back through generations,
21 we were kin at that point.

22 I think of myself as being from a
23 farming family as well as from a craftsman
24 family. My other last name is Foley and
25 Foleys were farmers in this area in very

1
2 recent times and they evolved with this and
3 all that. I try to speak to the roots
4 there. I'm not against farming in this
5 area. As an earlier speaker said, this has
6 been and always was one of the most prime
7 places in the State of New York for people
8 to live and to farm. It should stay that
9 way, prime place for people and farming.

10 I really think I heard what other
11 people have said about the basis for a
12 Moratorium. And I've frankly felt complete
13 disenfranchised by the Article 10 process.
14 I have got no idea what it means or where
15 it's going and all going to establish by
16 precedent -- well, there is no precedent.
17 So please go ahead with the Moratorium. It
18 may be what we need. Thank you.

19 SUPERVISOR SIMON: Thank you. If
20 someone signed up after Chris, I can't read
21 your name. It looks like it might be a C.
22 Last name with a C. Okay. I'll go through
23 the list when I'm done -- oh, it could be
24 Cat Orr. It says Cat.

25 MRS. ORR: I thank the Town of Yates

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2 for considering this Moratorium and I
3 finally agree with Taylor Quarles for the
4 first time in my life. This is the most
5 important thing that this town can do. This
6 project will totally destroy this whole area
7 from Somerset to Yates. I mean you all know
8 I've said before, I've come from Wyoming
9 County. Apex is the most manipulative
10 company I've ever seen with the truth. And
11 I will say that not only will it destroy the
12 wildlife, it will destroy the people's
13 lives. They won't be able to sleep at
14 night. It will destroy their kids'
15 concentration. People don't understand.
16 This isn't just a matter of what they look
17 like. It's a matter of not being able to
18 function the next day when you don't sleep
19 night after night. This is the first time
20 in the history of the wind turbine
21 industrial scale models that they have been
22 proposed at this height, six hundred to
23 seven hundred feet. It is absolutely
24 ridiculous.

25 Out west they are put up in deserts or

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2 I don't like them in the water either or out
3 in the water. These have no place amongst
4 people's homes. And one thing I want to
5 advise the Board to demand of this company
6 is that they provide the safety manual that
7 goes to these turbines. In Wyoming County
8 they were proposing 1.5 GE turbines and we
9 were sent a manual. And this manual advised
10 the workmen do not be under the turbines
11 when they were running within fifteen
12 hundred feet. Eighteen hundred feet setback
13 is not enough. The World Health
14 Organization recommends a mile and a quarter
15 at the least going sometimes three to five
16 miles. This is serious. This is
17 destruction of the countryside of the
18 people. Please I agree with you, put the
19 Moratorium in place. The only reason to do
20 a Moratorium we have here. Thank you very
21 much.

22 SUPERVISOR SIMON: Thank you. Stacy
23 Pellicano.

24 MRS. PELLICANO: Good evening. Thank
25 you. My name is Stacy Pellicano. I was

1
2 born and raised in Orleans County. I live
3 in Lockport. And we also enjoy a home on
4 the lake in Lyndonville. So obviously, I
5 have some interest in this area as well.

6 I, too, come from a long line of
7 farmers. My maiden name was Knight. And
8 after careful consideration when I married
9 my husband, I took his name even though I
10 still believe in my heart I'm a Knight and
11 I'm a farmer in my heart.

12 And I would like to say as a SOS
13 member, proud and active, that I support
14 farming in this area. And feel that it's
15 extremely important for the benefit of all
16 people, farmers including these signers,
17 that this Moratorium be put in place so that
18 we can take the time to carefully consider
19 those things that we now know based on all
20 research that are not -- would not benefit
21 our area or our community. My concern is in
22 some of the Apex language, I feel like this
23 is really something that does need to be
24 considered. We are in a dire situation when
25 an organization responds to your concerns

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2 with research that doesn't apply to your
3 area. They have a just wait and see
4 approach and our research will show and my
5 experience with research is that it's
6 absolutely questionable when you assume to
7 know what the outcome will be before the
8 research is completed. So for that reason,
9 I believe that you are well within your
10 right and I appreciate the fact that you are
11 considering this Moratorium. Thank you.

12 SUPERVISOR SIMON: Thank you. Richard
13 Fisk.

14 MR. FISK: Good evening, Town of Yates
15 Board. My name is Richard Fisk. I live in
16 the Town of Yates. I'm not sure if I'm in
17 favor of the Moratorium law or not yet. I
18 will draw my conclusions down the road.

19 Started my first business in 1959.
20 Still own several businesses today. Through
21 the years, Town of Yates Board has been good
22 for business and also for homeowners,
23 cottagers and those renting. But now, I see
24 the new Town Board wants to slow down or
25 stop business.

1
2 And your new Moratorium on wind
3 turbines is aimed at only a few people in
4 this community. I thought the Town Board
5 was supposed to make laws to benefit all the
6 people. To help you slow down a business, I
7 suggest that your Moratorium be made to
8 include all businesses in the Town of Yates,
9 residential, building and wind. Thank you.

10 SUPERVISOR SIMON: Thank you. Brian
11 Fisk.

12 MR. FISK: Hello. I live in the Town
13 of Yates. I wasn't prepared for this today,
14 but I'll just throw out a quick comment.
15 I'm a hundred percent for the windmills and
16 I'm a hundred percent to have my taxes cut
17 in half. I love that idea. I'm asking you,
18 as the Board, what are you going to do to
19 cut my taxes in half? Thank you.

20 SUPERVISOR SIMON: Thank you. Ed
21 Lutz.

22 MR. LUTZ: My name is Ed Lutz. I live
23 in the Town of Yates. I am for the
24 Moratorium because most of the obvious
25 points have been brought up before. That's

1
2 all I need to say about the Moratorium.

3 About as far as the windmills are
4 concerned, I'm against the windmills because
5 there's going to be so many heavy negative
6 results from it for this town. It's just
7 not the place to put these windmills. Thank
8 you.

9 SUPERVISOR SIMON: Thank you. Barb
10 Lutz.

11 MRS. LUTZ: Hi, my name is Barbara
12 Lutz. I appreciate that you are suggesting
13 the Moratorium. Many of the reasons that I
14 am against the window turbines have been
15 brought up by a lot of other people. The
16 one thing that I was concerned about was
17 damage done to our roads by all of this
18 heavy equipment coming in on the roads,
19 which I would assume are not capable of
20 handling it and I wonder who is going to pay
21 for the repair of the roads after all of
22 this extra stress has been put on them.
23 Thanks much.

24 SUPERVISOR SIMON: Thank you. Rebecca
25 Winters.

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MS. WINTERS: I pass.

SUPERVISOR SIMON: Passing. Howard
Pierce.

MR. PIERCE: Howard Pierce, Town of
Yates. I'll make my comments short on the
Moratorium. I'm not for it, but I'm not
against it either. But all I would ask,
SOS, both Town boards, everybody is
hollering for information., For health,
birds, wildlife, everything else. The way
we get this information is MET towers. Apex
put an application in on the 8th of April
for a MET tower in our town before this
Moratorium was ever put out there. I would
ask that the Board would consider that
application before they consider this
Moratorium. That's all I ask. I'd like to
reserve the rest of my time for the next
one. Thanks.

SUPERVISOR SIMON: Thank you. Harold
Scribner.

MR. SCRIBNER: Harold Scribner,
Lyndonville. I'm for it. I just came to
sit and listen and listen to all these good

1
2 people and get all the information we can.
3 It's a big decision that's got to be made.
4 And the more time we have, the more stuff we
5 can go over, the better off we are all going
6 to be. Thank you.

7 SUPERVISOR SIMON: Thank you. Faith
8 Basil.

9 MS. BASIL: Faith Basil, Yates. Our
10 community has supported our local farmers
11 over the years buying fruits and vegetables
12 from road side stands and markets,
13 purchasing these and dairy products, but
14 when the product becomes 600 foot tall
15 industrial wind turbines, that is a crop
16 that changes the community. How can we
17 support the unknown impacts on our health,
18 property values or environment, wildlife and
19 the avian population? When we are asked
20 this question, we are told there are peer
21 review studies that cover our questions. I
22 for one would like to wait for a scientific
23 study to answer any questions, but in lieu
24 of those answers, a Moratorium will at least
25 give our local officials time to protect our

1
2 community from a green energy take over that
3 leaves our community and the landscape
4 forever scarred. I support the Moratorium.
5 Thanks.

6 SUPERVISOR SIMON: Thanks. Michael
7 Basil.

8 MR. BASIL: Mike Basil, Yates. I
9 support the Moratorium also. And I ask
10 during this time that our Town Board begin
11 to do extensive research into the past of
12 Apex and demand from them how many lawsuits
13 they have defended in the past that involved
14 human health issues, noise, ecology,
15 environment and I also ask the Board to
16 currently right now ask Apex to find out how
17 many lawsuits they're defending right now
18 for current operations.

19 It was already brought up, these
20 turbines are 600 foot tall. They are using
21 us -- Apex is using us as guinea pigs.
22 These turbines made for offshore use and
23 uninhabited areas. There's about ten
24 manufacturers of these wind turbines. Over
25 80 percent are designed for offshore use and

1
2 Apex sits here and wants us to put these in
3 our Town, use standard setbacks of three
4 times height, when they are already
5 defending issues and have defended issues
6 from using this rationality to place
7 properly sited wind turbines in human areas.

8 One thing I've learned from Apex is
9 that it's not the information that they
10 provide that's critical, it's the
11 information that they don't provide that we
12 need to do the research on to find out
13 what's really going on out in the world and
14 we need to use real world facts. Research
15 and studies are okay, but when you have real
16 world experience out there with turbines
17 that are existing, we need to use that data
18 for our town to move ahead. That's why I've
19 like the Moratorium what you guys did do
20 during this time. Thank you.

21 SUPERVISOR SIMON: Larry Wolf, are you
22 passing?

23 MR. WOLF: Yup.

24 SUPERVISOR SIMON: Robert Williams
25 maybe.

1
2 MR. WILLIAMS: Yes, that's me. I
3 probably don't need to use the microphone.
4 I can talk pretty loud. I'm Robert
5 Williams. I have a home on Lake Shore and I
6 own and operate Tiger Paw Airport in the
7 Town of Yates.

8 I'm Robert Williams. I own a home on
9 Lake Shore Road and I own and operate Tiger
10 Paw AeroDrome that's also on Lake Shore Road
11 near Marshall.

12 I support the Moratorium for many of
13 the reasons that have been stated tonight.
14 I think it's just smart to put things on
15 hold for something so controversial that
16 will have such an impact in the community.

17 I have an additional concern for me in
18 terms of the wind turbine project of this
19 sort as it creates an enormous hazard for
20 operation around my airport. Several of the
21 interested people are immediately around my
22 airport, which would make it essentially
23 unusable and extremely dangerous if you were
24 to use it for a variety of reasons in terms
25 of disturbed air and in terms of obstacles

1
2 hitting a six hundred foot or four hundred
3 foot or five hundred foot obstacle doesn't
4 matter, you know, that range. Would just be
5 an incredible hazard spinning turbine blades
6 if I were to try and use my airport and
7 people that are allowed to use it as well.
8 So I support the Moratorium. I oppose the
9 windmill project.

10 SUPERVISOR SIMON: Thank you. David
11 Robinson.

12 MR. ROBINSON: My name is David
13 Robinson from Yates. I thank you for
14 letting me speak. Thank you for letting me
15 break your mike. Thanks for all the people
16 coming up today. It's very clear that this
17 is a very passionate issue, that we have a
18 lot of people in the community that really
19 care about what's happening in our
20 community. And these are the people that
21 really elected you to your office. So we
22 really need your help. Okay. So we are
23 relying on you to make the best decisions
24 possible. And as lake town residents of
25 this area, science teacher for many years, I

1
2 believe that the only way for us to make
3 real wise decisions is to embrace reality
4 and the only way to really embrace reality
5 is to discover reality and the only way to
6 discover reality is to use science, you
7 know, real investigative honest science.

8 We live in this age of information
9 that's just beyond -- there's so much
10 information out there it's almost become age
11 of disinformation that you can pick and
12 choose whatever you want to make yourself
13 feel better about, what you want to be true,
14 but that don't make it true. We need you to
15 look at things honestly, to look at things
16 clearly and deeply regardless of how it
17 makes you feel. Because if you're
18 emotionally tugged towards any one side, you
19 can't make a rational decision very well.
20 I've taught science for over 25 years in
21 many places. Come back to my home town
22 because I love it here. And it saddens me
23 to see so much information that is just so
24 wrong in so many ways.

25 So as far as the Moratorium is

1
2 concerned, I think that you want to get as
3 much knowledge that is as viable as possible
4 so you can make good decisions. The
5 Moratorium seems to me to just stifle
6 another bit of information that you can get
7 to help you make wiser decisions. If it's a
8 place where they're gathering information
9 about wildlife and you know, the wind or
10 anything in an area, you can use that
11 information in a wise manner.

12 And you should be careful about the
13 information that you do choose because you
14 have to look at organizations. It's just
15 not, you know, anecdotes about certain, you
16 know, people. It's larger organizations.
17 The problem is large. The problem is
18 complex. And we want to make sure we do
19 what is most wise for the greatest benefit
20 of all concerned. So that's why, I mean, I
21 understand how people are so passionate
22 about it. I feel the same way, but I really
23 think that for you to make the wisest
24 decision for all of us in our community, we
25 have to be really careful about where we get

1
2 the information. We want to gather as many
3 studies as we can and we are deeply indebted
4 in relying on you to make those choices for
5 us based on clear scientifically documented
6 and proven evidence. So I think you should
7 get as much as you can. Thank you. I'm
8 sorry about the mike.

9 SUPERVISOR SIMON: Roger Thearing. He
10 passed. I'm sorry. Vince Mulholland.

11 MR. MULHOLLAND: I own aquatics on the
12 lake. I'm an outsider, Canadian. So I
13 offer these comments with the deepest
14 respect. I am completely for the Moratorium
15 and completely against the turbines and this
16 is an incredibly beautiful place. I come
17 here as often as I can. It's my second
18 home. You really can't appreciate what a
19 beautiful place you have and what great
20 people you are and I'd like to see it stay
21 that way. Thank you.

22 SUPERVISOR SIMON: Mark Gates.

23 MR. GATES: Hi. Good evening. My
24 name is Mark Gates. Thank you for giving me
25 a chance to speak tonight. I'm from the

1
2 Town of Yates. I have a residence on Lake
3 Ontario. And I'm one hundred percent
4 against the wind turbine project, but giving
5 you this Moratorium, giving more chance to
6 research this project and in favor of the
7 Moratorium. Thank you.

8 SUPERVISOR SIMON: Okay. Thank you.
9 We do have an opportunity if someone did not
10 get a chance to sign in since a few people
11 come in after we began. Is there anyone
12 else that would like to public comment that
13 has not done so at this time? Okay.

14 So I need a resolution, a motion to
15 close the public hearing for the Town of
16 Yates Moratorium on Wind Energy Laws of
17 2016?

18 MR. RIGGI: So moved.

19 MR. WHIPPLE: Second.

20 SUPERVISOR SIMON: Any discussion by
21 the Board? Seeing none, all in favor say
22 aye?

23 MR. RIGGI: Aye.

24 MR. WHIPPLE: Aye.

25 SUPERVISOR SIMON: All against?

1
2 Resolve to close the public hearing at this
3 time 8:13. Motion to close is approved.

4 (Proceedings concluded.)
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C E R T I F I C A T E

I, DOREEN M. SHARICK, do hereby certify that I have reported in stenotype shorthand the proceedings of the Public Hearing on the Adoption of the Town of Yates Moratorium on Wind Energy Facilities Law of 2016, held at the Lyndonville High School Auditorium, 77 Housel Avenue, Lyndonville, New York 14098, on April 21, 2016.

That the transcript herewith is a true, accurate and complete record of my stenotype notes.

Doreen M. Sharick,
Notary Public.