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PUBLIC HEARING OF THE ADOPTION OF

A LOCAL LAW TO AMEND THE

WIND ENERGY FACILITIES LAW OF 2008

Transcript of the Public Hearing at the

Lyndonville High School Auditorium, 77 Housel Avenue,

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

commencing at 8:14 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 SUPERVISOR SIMON: Okay. I'm now
3 going call the Public Hearing to order for a
4 Local Law to Amend the Wind Energy
5 Facilities Law of 2008. It is 8:14. I need
6 a motion to open this Public Hearing on the
7 proposal of the Local Law Amending Wind
8 Energy Facilities Law?

9 MR. RIGGI: So moved.

10 MR. WHIPPLE: Second.

11 SUPERVISOR SIMON: Moved and seconded.
12 Any discussion? In favor say aye?

13 MR. RIGGI: Aye.

14 MR. WHIPPLE: Aye.

15 SUPERVISOR SIMON: Opposed? Motion
16 carried.

17 So now, folks, we are going to begin
18 with the second list. And again, if someone
19 did come in after this list, please let me
20 know at the end. And also if you want to
21 decline to speak based on already having put
22 your name on here, that is fine as well.

23 Marcia Ray.

24 MS. RAY: Once again, I applaud the
25 Board for their efforts and as I said, I'm a

1
2 Town of Somerset resident. And I would like
3 you to really consider the impact you'll
4 make on your decision making. It's
5 appreciated by so many. And you can see by
6 the crowd here tonight that you have some
7 very educated citizens who are on your side.
8 And I know you will take into account their
9 responses and comments because if we can let
10 Albany know how furious we are by them
11 taking our voice away with Article 10, well,
12 just think what that could do for your
13 little Town of Yates, put you on the map.
14 You could be the first runners in the race
15 against Albany and I give you all my
16 strength and energy to fight them as well as
17 you can with your laws. Thank you, sir.

18 SUPERVISOR SIMON: Thank you.

19 Elizabeth Wolanyk.

20 MRS. ELIZABETH WOLANYK:

21 Congratulations to the Town of Yates Board
22 for proposing these changes to the local
23 zoning laws in the interest of the health
24 and well being of your citizens, local
25 community and the environment. I'm Betty

1
2 Wolanyk, Town of Somerset.

3 You have done an amazing and thorough
4 job to create a comprehensive group of laws
5 to protect the people, animals and the
6 environment from the impact of huge
7 industrial wind turbines.

8 I would like to address several
9 specific recommendations and suggest some
10 changes for your consideration and I have
11 this in writing. I'll give this to you when
12 I'm done. By the way, before I start, I
13 would like to thank you for the changes that
14 you made to the Town of Yates web site.
15 It's much easier to navigate. You really
16 did a good job and I, for one, appreciate it
17 because I've dealt with the old web site and
18 I wouldn't have been able to find the
19 changes in these laws.

20 So specifically, Section 1E
21 Applicability and whatever the word is.
22 Number nine, I commend this section that
23 prevents the transfer of ownership of this
24 facility without town approval. If God
25 forbid, these industrial wind turbines

1
2 abominations are built, this section will
3 keep the town apprised of the sale of the
4 industrial wind turbine facility and like my
5 brother, I agree, this is not a farm. And
6 ensure that the new owner or owners live up
7 to the technical and financial obligations
8 of the ownership and prevent new owners from
9 avoiding any liability.

10 It also ensures that the original owner
11 meets outstanding obligations and addresses
12 outstanding violations and we know from
13 their past history, that Apex very often
14 sells the facility that they have built even
15 before they are finished building it. So I
16 think this is an excellent provision.

17 Section 1F, Number 1J, congratulations
18 on demanding a Complaint Resolution Plan and
19 that the industrial wind turbine facility
20 owner would need to address the complaint
21 within 24 hours notice. However, I feel
22 that the second part of that regulation is a
23 little too nebulous to resolve any complaint
24 in a diligent and timely manner.

25 Considering the length of time that it took

1
2 Apex to sign the New York State Code of
3 Conduct and a concept of diligent and timely
4 manner is far different from mine and those
5 of many members of our community, two
6 communities. I recommend tightening up on
7 that terminology and perhaps placing a more
8 formal time limit on it and another option
9 would be to include a penalty if the
10 complaint is not resolved in a specific time
11 frame.

12 Number 2C, this is a good provision.
13 And I recommend adding the wording to
14 include some other examples of other hazards
15 such as hazardous waste spill of lubricating
16 oils, water contamination of fire
17 suppressant chemicals, disposal of hazardous
18 waste materials post fire, et cetera.

19 2E, I hope that information done on any
20 studies would be made public. One of the
21 problems that prohibits an objective
22 analysis of anything having to do with
23 industrial wind turbine whether it's bird
24 and bat mortality, impact on property values
25 such as this provision, or even how much

1
2 electricity these industrial wind turbines
3 actually produce compared to their rated
4 value, is that so much of this information
5 is deemed proprietary information by the
6 company and they will not allow its release.

7 I would like to see this regulation
8 include that the information be made public.
9 In fact, I believe any company receiving
10 public subsidies and funding should be
11 mandated to provide whatever information the
12 public demands so the public can make
13 intelligent decisions as to whether that
14 subsidy is justified.

15 2F Section is fine. But how will the
16 impact of electromagnetic interference be
17 addressed for all members of the community?

18 SUPERVISOR SIMON: Can you submit the
19 rest in writing?

20 MRS. ELIZABETH WOLANYK: I do have one
21 final thing; however, in findings on impact
22 of turbines on food production, I really
23 think that sentence is the only sentence --
24 that's the only sentence that's crossed
25 purposes and it needs to be rewritten.

1
2 SUPERVISOR SIMON: Okay. Thank you.
3 John Wolanyk.

4 MR. WOLANYK: Thanks again for your
5 time and allowing me to speak. I'll cut it
6 short. I know my sister pretty much said
7 anything that needs to be said tonight at
8 this point, but I'm opposed to the wind
9 turbines and setbacks and I do not trust
10 Apex. They offered us a contract, a family
11 contract, and in that contract, it was quite
12 lengthy. And basically, they weren't
13 responsible for almost anything. And they
14 could also for any leaseholders here
15 tonight, they could also take a mortgage
16 against the property once the project
17 started. So therefore, you could possibly
18 end up with a lien against your farm or your
19 property. Thank you.

20 SUPERVISOR SIMON: Thank you. Alice
21 Wolanyk.

22 MRS. ALICE WOLANYK: I applaud the
23 Town of Yates for updating these local
24 zoning laws to protect its citizens just as
25 the Town of Somerset has done. I firmly

1
2 believe that the decision to have or not
3 have industrial wind turbines built in an
4 area should rest in local hands. I am
5 opposed to industrial wind turbines being
6 built in these two communities.

7 I strongly oppose Article 10 and New
8 York State telling us what we must live with
9 and endure. I'm outraged at Article 10. I
10 cannot believe that more people are not
11 informed about it and New York State taking
12 away local control for these decisions that
13 will have such serious impact on our quality
14 of life and our health. Thank you.

15 SUPERVISOR SIMON: Thank you.

16 JohnPaul Simon.

17 MR. JOHNPAUL SIMON: My name is
18 JohnPaul Simon. I live in the Town of
19 Yates. I just wanted to say that I'm for
20 the law because of the impact it would have
21 on the birds if it wasn't in place. Thank
22 you.

23 SUPERVISOR SIMON: Thank you. Sharbel
24 Sinn.

25 MR. SHARBEL SINN: I'm Sharbel Sinn.

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I live in Lyndonville. I would just like to say that I'm in support of the law and I would like to congratulate all the people on the committee that formed the law. Thank you.

SUPERVISOR SIMON: Thank you. Dan Fitzgerald.

MR. FITZGERALD: I'm Dan Fitzgerald with Lighthouse Wind, local office, Barker, New York. Our submitted comments have been reviewed to great detail on many aspects of the law. And I'll save everybody the trouble of going into each of those tonight because there's definitely not enough time for that.

I just wanted to speak on the timing of this. You know, it was January the Town Board passed the resolution to establish the committee to review the law and to potentially come up with a new one. We have been in the community -- well, in Yates since July of 2014. That's when we first met with the representatives from the government here. But as early as November

1
2 of 2013, we met with the Town of Somerset
3 folks with the Town Board there and people
4 were aware that we were in town.

5 July, 2014, was well five months before
6 we had signed the first lease in the Town of
7 Yates. So our presence was known so the
8 Town Board well beforehand. And now, here
9 we are over a year and a half later and
10 there's a proposal to change the rules.
11 It's just rather difficult to accept that
12 somebody's put a lot of time and effort into
13 developing a project to have the rules
14 changed midgame.

15 Many members of the Town Board have
16 spoken out against Article 10 and claim that
17 you would rather decisionmaking on energy
18 generation projects such as Lighthouse
19 reside in the town and I fully understand
20 that. My earlier work with siting wind
21 turbine projects has been done under the
22 SEQR process usually with the town board as
23 the lead. I believe that that was a much
24 easier way to have direct communication. So
25 I fully understand the position that people

1
2 take on that.

3 One of the things that concerns me
4 though is that the changes in this law are
5 so onerous and so burdensome that it is the
6 kind of thing that only empowers Albany to
7 keep that control. The law that has been
8 put together is, basically, a ban on a wind
9 turbine project in the town. And again, the
10 detailed comments will show that. But it,
11 basically, leaves us so that it even with an
12 even more restrictive law, there's actually
13 technically no way to connect the turbines
14 electrically. So you've spent a lot of time
15 making a law that is, basically, a ban and
16 you probably could have saved a lot of paper
17 and a lot of people's time by actually just
18 going to a ban rather than writing a law
19 that just makes it impossible technically.

20 Another thing that the Town Board has
21 failed to do is to participate in the
22 Article 10 process. I'll give you one
23 example. In October, we first sent a letter
24 to the Town Board asking for information in
25 regard to visual impact assessment,

1
2 basically, asking you know, what are the
3 places, what are the things that concern in
4 the town that you want us to take into
5 consideration as we put together our
6 studies. And this is preliminary to our
7 preliminary scoping statement because you
8 know that the town has some good ideas. The
9 towns I worked with before, you get your
10 quick ones, the churches, the schools, town
11 hall, the ball fields, everybody knows
12 pretty much what those areas are and then we
13 learn usually about some special places that
14 weren't as obvious.

15 A follow-up request was sent to the
16 Town in October of 2015, by our consultant,
17 ESX. We received no response to that
18 either. In February of 2013, we sent yet
19 another letter asking for visual impact
20 assessment points. And we, finally, did
21 receive a reply. The first reply was we
22 reserve the right to keep this open and
23 suggest anything at any time and more
24 recently, we got a request for an extension
25 of 90 days.

1
2 So as we try to bring the Town into the
3 process, we asked the question in September,
4 that is not a monumental question and here
5 we are now in April, almost May, without
6 having any follow-up from the Town on that
7 other than to ask for a further delay.

8 So what I'm trying to say is, I would
9 like to work closely with the Town. I would
10 like to work to put together the studies
11 that need to be done and again, these
12 actions and this law are the things that do
13 empower Albany to say this is unreasonable.
14 This is burdensome and therefore, we feel we
15 need to control that. I think it would be a
16 better use of the Town's time to put
17 together a law that addresses their concerns
18 but shows responsible effort on the part of
19 the Town's people so that this could become
20 a local controlled process again. Thank
21 you.

22 SUPERVISOR SIMON: Thank you. Deborah
23 Arlington.

24 MRS. ARLINGTON: Town of Yates. I'll
25 just say that I support the law and I

1
2 commend you for your hard work. Thank you.

3 SUPERVISOR SIMON: Okay. Tom
4 Arlington.

5 MR. ARLINGTON: Tom Arlington, Town of
6 Yates property owner. Thank you, again.
7 Having previewed the Local Law Amendment of
8 Wind Energy Facilities Law of 2008, I find
9 that the law well written having served and
10 worked in code enforcement zoning for 30
11 plus years, I read a lot of local laws and I
12 think the town committee, whoever worked on
13 this, has done a very good job to help
14 protect the Town of Yates and guide them
15 with these types of projects. And I would
16 urge that the Town Board adopt this local
17 law. I was going to stop there, but the
18 Lighthouse Wind Project seems to have a
19 problem with this proposed local law,
20 whining about this project. All I've got to
21 say is, it's our local law. Deal with it.
22 Do what you got to do. Thank you.

23 SUPERVISOR SIMON: Bruce Williams.

24 MR. WILLIAMS: I'm going to pass
25 again.

1
2 SUPERVISOR SIMON: Okay. Thank you.
3 Pam Atwater.

4 MS. ATWATER: Pam Atwater, Barker.
5 Thanks again for the opportunity to speak.
6 I support the Local Law to Amend the Wind
7 Energy Facilities Law of 2008 and the time
8 and effort that's put in by the committee
9 members to draft this. I understand they
10 are taking into account information that
11 wasn't available when the law in 2008 was
12 put into place because obviously, the size
13 and potential impacts of the industrial wind
14 turbines have changed significantly in that
15 time period and also there's lot of
16 information from other siting around the
17 world that's available now.

18 The proposed law has many provisions in
19 place to help protect public health, safety,
20 welfare of its residents, minimize impacts
21 on the community and environment. I'm sure
22 I speak for many here tonight that say they
23 had no intention in researching, learning so
24 much about industrial wind turbines as we
25 all have in the past year. I know I'm by no

1
2 means an expert, but I know enough to have
3 some serious concerns and many of these
4 areas have been addressed in this proposed
5 law. I'm not going to get into the detail
6 of a lot of my concerns, but a lot of them
7 include the health impacts, noise standards,
8 setbacks, low property value protection,
9 impacts on animal species, particularly,
10 birds and bats.

11 It, again, appears to be a very strong
12 law, but I hope if you are considering any
13 enhancements in the future, that you always
14 err on the side of caution. I looked at
15 this, if this project were to go through,
16 that we are going to be living in the midst
17 of a living experiment. I don't want to be
18 living with affects that we haven't
19 anticipated.

20 There's nothing more important than
21 protecting the citizens of your community
22 from potential harm.

23 Again, very frustrating with Article 10
24 process because it's taking away the
25 authority the Town has to approve or

1
2 disapprove of wind projects. As we are all
3 aware, surveys in the Town of Somerset and
4 Yates have shown overwhelming opposition to
5 this project.

6 County Legislatures-Niagara, Orleans
7 and Erie Counties representing 1.3 million
8 residents have opposed this project.

9 Concerns from Niagara and Orleans
10 Counties Departments of Health have been
11 expressed. Senator Ortt and Assemblyman
12 Hawley have voiced their opposition and
13 concerns shared by the Western New York
14 Senate and Assembly Delegation members.

15 The Great Lake Seaway Trails have
16 expressed its opposition of the project
17 along its scenic byway. Environmental
18 groups are opposed including Federation of
19 Monroe County Environmentalists, Genesee
20 Valley Audubon Society, Rochester Birding
21 Association, Hawk Migration Association of
22 North America, the American Bird
23 Conservancy, which recently named this
24 project as one of the ten worst sited wind
25 projects proposed in the country. The U. S.

1
2 Fish and Wildlife Services stated the risk
3 to wildlife could rise to severe levels
4 should this project be sited here.

5 Just today, I learned Niagara U. S. A.
6 Chamber's opposition to this industrial
7 wind project. And also about Randolph, New
8 York, that just denied a special use permit
9 to install a MET Tower for Atlantic Wind
10 LLC. This is just an example of another
11 town trying to respond to some of the
12 projects. I will give you copies of these.
13 I have them here.

14 Your decisions relative to wind energy
15 in the Town of Yates will have an impact on
16 the entire area and I thank you, again, for
17 work on this law.

18 SUPERVISOR SIMON: Thank you.

19 MS. ATWATER: And I have some comments
20 from a couple other people.

21 SUPERVISOR SIMON: Chris Bronson.

22 MS. BRONSON: Chris Bronson, Barker.
23 Measurable, irrefutable, conclusive,
24 demonstrable, fixed, verifiable, empirical,
25 these are scientific words. The only

1
2 science that I think I need to sight here is
3 that these towers measured 620 feet high or
4 thereabouts. That's science. That's taller
5 than the HSBC Tower in Buffalo. That's
6 science. That's provable. The only thing
7 that I can say for sure is that I know in my
8 heart that these kinds of things don't
9 belong in our fields, around homes where
10 people live and that's not science, but I
11 will use science to show that I do not want
12 these things where I live. Thank you.

13 SUPERVISOR SIMON: Thank you. Donna
14 Riggi.

15 MS. RIGGI: Donna Riggi, Lyndonville.
16 For well over a year I've listened with true
17 appreciation to a number of people who have
18 commented on how long they have lived here
19 including many who have been born here. I
20 think another perspective is also warranted.
21 I was not born here. My father was in the
22 military so we moved often as I also have
23 done as an adult. I have lived in three
24 countries and 13 states, but I chose here to
25 move.

1
2 We spent over two years looking before
3 we found our home here. We did not choose
4 to make our home here in the middle of an
5 industrial wind factory. And if I wanted to
6 live in the middle of 70 skyscraper tall
7 buildings, I would have chosen to life in
8 New York City. So how can Apex be upset
9 with this law? It can't be because of
10 property value guarantees. They have
11 repeatedly told us that our property values
12 won't decrease. It certainly cannot be the
13 baseline health study. Again, they have
14 repeatedly said that there are no negative
15 health affects. Despite evidence to the
16 contrary, they proclaim the people
17 complaining about them from around the world
18 are exaggerating what are merely annoyances.
19 So that leaves us with the setbacks, but the
20 setbacks being required by the town are
21 actually under average compared to other
22 communities. If Apex says that these very
23 basic setbacks equal a ban as they said to
24 Somerset, that's on them. What that really
25 means is that this project is improperly

1
2 sited. It means that they did not do their
3 homework.

4 They are trying to place the largest
5 turbines ever built in an area that is too
6 populated. The setbacks would not be a
7 problem if that weren't true. There are
8 communities and even countries that have
9 setbacks in access of a mile or more to
10 protect their populations. These setbacks
11 pale in comparison, not to mention the
12 increasing number of communities that are
13 now actually banning these projects all
14 together due to the overwhelming and the
15 negative affects they have. If only we had
16 that right.

17 In fact, the only places that have
18 industrial wind turbines without complaints
19 from nearby residents are those projects
20 that are not near people. When Apex says
21 that there are few complaints at most wind
22 projects, it is because most of them are
23 sited in sparsely populated areas like north
24 Texas and Iowa. Rural New York is twenty
25 times more populated than those areas. In

1
2 projects that are in more populated areas,
3 guess what, there are complaints and
4 lawsuits.

5 Frankly, in light of that, I wish the
6 setbacks were even further. It's time for
7 Apex to acknowledge their mistake. They
8 chose an area that is too populated, an area
9 rich in wildlife, natural scenic beauty and
10 tourism. A place too close to the Niagara
11 Falls Air Reserve Station and a place in the
12 middle of one of the largest migratory bird
13 flyways in North America. It is time they
14 listen to five different surveys, two town
15 elections and the resolutions based by three
16 counties and two town boards. It is time to
17 heed the concerns expressed by the American
18 Bird Conservancy, the U. S. Fish and
19 Wildlife Service, the Orleans County
20 Federation of Sportsmen's Club, the Great
21 Lakes Seaway Trail, the Hawk Migration
22 Association of North America, the Niagara
23 County Board of Health, the Genesee Orleans
24 Board of Health, the Rochester Birding
25 Association, the Genesee Valley Audubon

1
2 Association, the Federation of Monroe County
3 Environmentalists, the Nature Conservancy,
4 Mercy Flight, the Niagara Chamber of
5 Commerce and the Western New York Delegation
6 of the New York State Senate and House. It
7 is time to leave.

8 SUPERVISOR SIMON: Thank you. Tanis
9 Bolick.

10 MS. BOLICCK: Thank you. I had
11 occasion this last winder to drive across
12 country. And I haven't done that in a lot
13 of years. For any of you who have done it
14 recently, there are wind turbines out there,
15 thousands of them. They are not as big as
16 the ones that are proposed for here.
17 Because when I stopped and asked, the people
18 told me that knew of those turbines, they
19 were 450 to 520 feet tall. They looked huge
20 to me. And there were hundreds and hundreds
21 and hundreds of them. Some of them were
22 down. Some of them had fallen over when we
23 saw it. I don't know how long they have
24 been there, but nobody seemed to be picking
25 them up.

1
2 When I got back, in February, I had
3 occasion to sit down and go on the web site
4 and read about the proposed law. The only
5 thing I'm concerned about are the setbacks
6 not being adequate enough in terms of the
7 size of these turbines. I think you guys
8 did a phenomenal job in revamping the 2008
9 law to what you're proposing now and I
10 commend all of the people that are on the
11 committee. All you have to do is see
12 hundreds of turbines in an area where there
13 are no homes to actually feel the affect of
14 what -- if you can imagine them in an area
15 where there's residents and houses and
16 animals, and our beautiful lake, then it's
17 just an unimaginable thing. So thank you
18 very much.

19 SUPERVISOR SIMON: Thank you. Ann
20 Smith.

21 MS. SMITH: Ann Smith, 11081 Lake
22 Shore Road, Lyndonville. I, too, would like
23 to thank you for all your hard work that you
24 guys have done developing this new wind law.

25 I, too, agree that I don't think the

1
2 setbacks are quite far enough. That's my
3 one complaint about this. I've got many
4 objections to industrial wind turbines. My
5 main concern is health issues. I've met and
6 talked to people who live by wind turbines
7 that are hundreds of feet smaller than the
8 ones proposed here in the Town of Yates.
9 The people have experienced sleepless
10 nights, dizziness, headaches, nauseousness,
11 vertigo, ringing in the ears, increased and
12 high blood pressure. They can't sell their
13 property and why should they have to.

14 My husband and I have owned our
15 property for 32 years. We even invested
16 much time and money and hard work into our
17 property. I fear that our home will become
18 worthless along with our neighbors' homes if
19 these turbines are allowed to go in.

20 A study was conducted by Clarkson
21 University School of Business and they
22 concluded that the Town of Henderson located
23 in the Thousand Islands could face a total
24 loss of 40 million in property values
25 because of the view of the turbines. They

1
2 also stated that any other towns along the
3 shoreline with characteristics similar to
4 Henderson's would likely experience the same
5 loss of value.

6 There have been two town surveys taken
7 in the Town of Yates. Both times between 60
8 and 70 percent of the people said no to the
9 turbines. What's happened to our country,
10 our state and our town when a company from
11 out of state can come in and dictate to us
12 what will become of our town? I believe
13 that wind turbines are a spasmodic energy
14 source. Would you want your loved ones on a
15 respirator powered by one? I think not.

16 SUPERVISOR SIMON: Peg Schwabel.

17 MS. SCHWABEL: Thank you. For the
18 opportunity to speak to you tonight. I
19 fully support the amendment to the Town of
20 Yates Wind Energy Facilities Law of 2008.
21 By enacting this law, you are helping to
22 protect this community from the risks
23 associated with turning a rural community
24 into an industrial wind turbine complex.
25 You have done your homework and you have

1
2 done it well.

3 Over the past year, we have learned
4 much about the wind industry. We have seen
5 misrepresentations in advertisings and
6 letters and in the omission of information
7 provided by those commissioned by the Wind
8 Energy Developers to do their studies. Half
9 truths and omissions leave a town no course
10 but to develop measures to protect the
11 residents.

12 Over the past year, the voices of
13 residents across the globe have risen in
14 protest, but the wind developers press on at
15 all costs. You have addressed many key
16 issues including sound, setbacks, health and
17 procedural requirements among many others.
18 Wind developers and the developers seeking
19 to invade Somerset and Yates talk of robust
20 studies and such studies are required by
21 Article 10.

22 But ask them to do it, as evidenced by
23 the developer's comments to their PSS
24 filing, they frequently announce, the
25 component or study is not a requirement of

1
2 Article 10 or they acknowledge the comment
3 or simply state that they will provide a
4 review of the literature. Further, they
5 seek to ban representatives of the citizens
6 from technical meetings. This is not
7 robust. It is a demonstration of
8 indifference to the affect these structures
9 will have on Somerset and Yates.

10 Those who do not live in these
11 communities will not bear the brunt of what
12 happens here. The majority of jobs will be
13 temporary and only a few estimated to be,
14 from what we hear, less than ten, but the
15 damage will be permanent and affect every
16 aspect of community life. Thank you.

17 SUPERVISOR SIMON: Thank you. Cynthia
18 Hellert.

19 MS. HELLERT: Cynthia Hellert,
20 Lyndonville. As a member of the ad hoc
21 committee appointed to study and revise
22 Section 591 Wind Energy Facilities Law, I
23 wish to provide to your attention the
24 enormous amount of time and energy that went
25 into this proposal. If anything should be

1
2 changed in my opinion, this law should be
3 more restrictive and provide greater
4 protection. Not only has technology
5 advanced significantly since the original
6 law was drafted, but the aggression of wind
7 companies such as Apex who will stop at
8 nothing to become rich from our hard-earned
9 tax dollars has increased dramatically.
10 They care nothing about any of us.

11 The purpose of the law is to protect
12 the public safety, health and welfare, to
13 regulate structure that promotes protection
14 of Yates residents, to minimize adverse
15 impacts on the Town's character,
16 environment, economy and property values; to
17 minimize negative impacts on our unique
18 resources. Look at the wording here. Why
19 do we think we need protection? Because
20 companies such as Apex will destroy anything
21 in their way to achieve their goal of making
22 money. If wind companies are allowed to
23 invade our town, our lives will not resemble
24 what we have now.

25 I have visited with people who are

1
2 personally affected by improper placement of
3 turbines. I have read testimonies of those
4 I could not personally visit. I went to
5 numerous homes in Iowa where there are
6 turbines and spoke to the people who were
7 affected by them.

8 I have spoken on the phone with the
9 medical adviser of the Brown County
10 Wisconsin Board of Health, Dr. Jay Tibbetts,
11 and to Audrey Murphy, the President of Brown
12 County Board of Health; even Chua Xiong, the
13 former director of that Board of Health.
14 Before Chua was bought out by politicians
15 and the wind company, she personally
16 suggested to me that a baseline health study
17 was the missing link in every court case
18 where residents attempted to fight for their
19 health and safety.

20 Why do we need a baseline health study?
21 Because the onus of proof that industrial
22 wind turbines cause health problems would be
23 on the wind company. The wind companies
24 already know the answer and will, therefore,
25 fight tooth and nail to prevent such a

1
2 study.

3 I attended the Niagara County Board of
4 Health meeting where Apex hired consults to
5 try to convince the Board of this.
6 Apparently, they paid Mr. Christopher Ollson
7 enough money that he forgot his previous
8 presentations where he emphasized the
9 importance of a health study prior to any
10 construction of wind turbines in residential
11 areas.

12 There are many conflicts that discount
13 the reliability and integrity of a company
14 such as Apex. We must remain vigilant. I
15 have done my homework. And I will continue
16 to do so until Apex leaves town honoring the
17 wishes of the majority of our residents.

18 I applaud this Town Board for taking
19 action to protect the residents of Yates. I
20 support the enactment of this law. Thank
21 you.

22 SUPERVISOR SIMON: Kathy Evans.

23 MS. EVANS: Kathy Evans, Yates. I
24 support the amendment to the Wind Energy
25 Facilities Law of 2008. And I would like to

1
2 sincerely thank everyone who has been
3 working so hard for the sake of all the town
4 residents to modify our Wind Energy
5 Facilities Law. I was especially grateful
6 to see that the setbacks have been revised
7 from one thousand feet from the nearest
8 offsite resident to a minimum of 4.5 times
9 the total height of the turbine, but even
10 that is not enough. For turbines 600 feet
11 high, twenty-seven hundred feet is only half
12 a mile and is still too close to residents'
13 homes.

14 The closer people live to wind
15 turbines, the more likely they will
16 experience noise annoyance, have sleep
17 disturbance and develop adverse health
18 affects from the low frequency noise and the
19 infrasound especially in rural areas where
20 background noise levels are low. There's
21 also serious safety concerns from blade
22 throws, ice throws and fires. Many places
23 in the United States and throughout the
24 world have extensively researched this issue
25 and have setbacks greater than half a mile

1
2 in order to protect the health and safety of
3 the residents in their communities. The
4 health affects section needs to be stronger
5 and should include a baseline health report
6 of all the willing residents of the Town of
7 Yates in order to determine what health
8 issues have been caused if the wind turbines
9 are erected and what course of action would
10 be taken to resolve them.

11 The Real Property Value Protection Plan
12 is another important inclusion in the new
13 law in order to protect residents who may
14 suffer from wind turbine related health
15 issues and be forced to sell their homes.
16 Thank you.

17 SUPERVISOR SIMON: Agnus LaPort.

18 MS. LAPORT: I wondered why the
19 existing law needs to be changed. A hundred
20 years ago most traffic laws probably were
21 out of date as most transportation was horse
22 and buggies. First, automobiles did not go
23 very fast. No more than many of them.
24 Drivers did not need to pass a driver's test
25 or have a license or insurance.

1
2 Fast forward to today, the traffic,
3 imagine what a mess it would be if we had no
4 traffic signs or laws. Times change. Many
5 years ago when the Town of Yates adopted the
6 windmill law, there's weren't as many
7 expected and they were much smaller. And
8 huge turbines who would forever alter the
9 character of a community were totally
10 unthought of.

11 With constant changes in today's
12 technologies, all laws must be watched and
13 changed as needed. I applaud the Yates Town
14 Board for protecting the community. As I
15 read the proposed changes, one that I'd like
16 to comment on is the interference with TV
17 reception, et cetera. This would be
18 extremely burdensome to many retired people
19 on social security who rely on antennas.
20 They can't afford to pay for Direct TV
21 and/or have no access to cable. We all
22 reside far away from city life. We put up
23 with many inconveniences in return for the
24 peaceful life in this countryside. Thank
25 you.

1
2 SUPERVISOR SIMON: Thank you. Paula
3 Simon.

4 MS. PAULA SIMON: I'd like to thank
5 the Board for letting me speak. There were
6 so many good speeches already that I cut
7 mine in half. So instead I can use my whole
8 three minutes on bats. They are not only
9 cute, but they are very important to our
10 community because of the economic impact
11 they have on agriculture, as well as an
12 environmental standpoint.

13 It is a well known fact that turbines
14 kill bats. But why in such high numbers? I
15 was able to do some research and I was able
16 to communicate with Paul Cryan, he's a
17 Biologist from the U. S. Geological Survey,
18 which is a nonbiased government agency. He
19 and his colleagues have been doing research
20 about bats and their behavior at wind
21 turbines for a long time. They have
22 on-going studies. There's research that
23 points to an unusual phenomenon. Tree
24 dwelling bats are actually attracted to wind
25 turbines. The MET Towers are not going to

1
2 give accurate information about bat behavior
3 near wind turbines. I've talked to people
4 at the DEC. They can only agree with Apex's
5 information that they submit that they
6 submit something that is true. So if Apex
7 says, we got great information. Five bats
8 passed our MET Tower on this day, but they
9 don't know if that's one bat or five bats.
10 If it was a hundred passes, they don't if it
11 was a hundred bats or one bat passing a
12 hundred times. They do not have enough
13 surveillance.

14 In the studies that I found just with
15 the U. S. Geological Survey, they used four
16 types of surveillance including infrared
17 cameras and and different scientific devices
18 that I have no clue about. But these are
19 scientists. These are biologists. Like I
20 said, it was a nonbiased United States
21 Governmental organization that's doing this
22 research.

23 The other issue that I have about bats
24 is that in our area, we already have a very
25 significant threat to bats with White-nose

1
2 Syndrome. Certain bats are on the
3 endangered species list. And we had a
4 problem with the White-nose Syndrome and
5 that whole colonies of bats can be wiped
6 out. If they are affected in that way,
7 along with the turbines, we actually have a
8 problem with two different species becoming
9 extinct.

10 The U. S. Fish and Wildlife Service is
11 right on the brink of listing two more types
12 of bats as endangered and they are in our
13 area. So I'd just like the Board to
14 consider making very strong laws with the
15 understanding that we will get more
16 scientific information about bats and other
17 wildlife. Thank you.

18 SUPERVISOR SIMON: Thank you. Dennis
19 Seekins.

20 MR. SEEKINS: I graduated from Medina
21 High School 60 years ago, went to college
22 for a couple years, flunked out. Went in
23 the air force. They give me training in
24 computers and electronics I stayed in for
25 the rest of my life. There worked on the

1
2 guided missile systems. When I got out and
3 everything and I got a job and there's a
4 point to my personal history believe me.
5 When I got out, I got a job. I worked five
6 years with the Navy's big Research
7 Development Lab. After that, I spent 15
8 years in NASA in the hype of the space
9 program. After that, it was more big, you
10 know, massive computers.

11 Starting about 25 years ago, I started
12 a rare used book business. Now, this is a
13 particular point I want to make here. When
14 I was working for NASA, we had scientific
15 colloquialisms every Friday from 5:00 to
16 6:00. We had guys like Edward Tell, the
17 Father of the Hydrogen Bomb, Buckminster
18 Fuller, the geodesic dome guy and
19 everything. The Leakeys, the researchers in
20 Africa, one of the people talking there,
21 this is 40 years ago. He is talking about
22 the potential for global warming. He's
23 saying we don't have to worry, but the
24 potential is there and everything, you know.
25 He said we need to start studying it because

1
2 scientists know whether there have been -- a
3 lot of times it only takes about a matter of
4 decades to change climate drastically. We
5 tend to think this stuff is going to be
6 centuries, thousands of years. Not so. In
7 some cases it's decades.

8 Now, my main point of everything is the
9 thing that is not talked about here is the
10 thing about global warming. There may be a
11 lot of bad side affects on this, but nothing
12 is going to compare if the ocean rises ten
13 feet. Like I say, I've had a lot of contact
14 with scientists, you know. In all this time
15 my used rare book business probably monthly
16 I'm selling a book to a rare book library,
17 to a scientist. I just sent a guy in
18 Popaheti a book about malus of Popaheti.
19 He'd been looking for this thing for 15
20 years. Couldn't find it. He says, Dennis,
21 if you were here, I'm kiss you on both
22 cheeks. I have faith in what the scientists
23 say. They're about 98 percent sure that
24 global warming is a problem. And I haven't
25 heard that thought here today at all. I

1
2 appreciate the opportunity to make the
3 comments.

4 SUPERVISOR SIMON: Thank you. Pam
5 Shirback.

6 MS. SHIRBACK: I'm going to pass.
7 Thank you.

8 SUPERVISOR SIMON: Taylor Quarles.

9 MR. QUARLES: Good evening. My name
10 is Taylor Quarles. I'm working on the
11 Lighthouse Wind Project. We have an office
12 in Barker. Before I talk on the law, I just
13 want to outline the time line of our work
14 within Somerset and Yates. We first spoke
15 to Supervisor Engert in December of 2013.
16 Then appeared in Board minutes in November
17 2013. It was five months before we signed a
18 lease in Somerset. We first spoke to
19 Supervisor Belson in Yates in July of 2014,
20 and was then, once again, nearly five months
21 after that initial meeting in December when
22 we signed our first lease in Yates. Since
23 that first landowner signed up, we have
24 approximately eighty-five hundred acres and
25 well over a hundred landowners who have

1
2 chosen to participate in the project. I
3 encourage every potential landowner before
4 they choose to participate to visit one of
5 the 22 wind farms that are currently
6 operating in the State of New York. There's
7 over 40,000 in the country. So they have
8 lots of opportunities to visit.

9 A full year after that first initial
10 outreach, we followed our PSS. We then went
11 to the full year of -- excuse me, our PIV.
12 We then went to a full year of that public
13 involvement planned activities that included
14 opening an office in Somerset, hiring local
15 employees. I sponsored both of the state,
16 county fairs and had a great time for two
17 weeks at the fair. Had many positive
18 conversations about wind energy there. Over
19 a year later, we filed our PSS. We received
20 over eleven hundred comments and we
21 responded substantively to all of them.

22 The next process ahead of us is the
23 Stipulation Process. It's the last process
24 before we file applications. We look
25 forward to productive meetings with all the

1
2 different parties including the Town, the
3 County in order to develop a thorough and
4 comprehensive application. So now,
5 approximately 31 months after we first spoke
6 to Somerset, over approximately 22 months
7 after we first spoke to the government in
8 Yates, there's new law being proposed.

9 Thorough analysis of this law, which I
10 will offer you, shows that in effect, it's a
11 wind ban. So I'm not going to go into every
12 point, but the 13 page analysis and several
13 maps and setback maps I'll offer will
14 demonstrate this is not a thoughtful law
15 which is open to wind energy, but instead, a
16 ban on the project.

17 Now, it seems like it's targeting the
18 project I'm proposing, but certainly, it
19 would apply to any other project that's
20 proposed in the future and restrict the
21 ability of the Town to enjoy the benefits of
22 a project.

23 I'm going to touch on these two issues
24 in the law. Firstly, it defines wind energy
25 conversion systems. It's including all

1
2 infrastructure and electrical lines,
3 substations, access roads and et cetera. So
4 they all apply to the setbacks, meaning that
5 there's no physical way to connect the
6 turbines to one another. Thus, it being a
7 ban.

8 Second is the Town's overreaching
9 control on landowner's property rights. The
10 law states building permits shall not be
11 issued for new construction on the same
12 parcel as permitted WECS. It then goes onto
13 define a structure as walls, fences, signs,
14 shed, billboards, poster panels, docks or
15 similar construction types. So the result
16 here is that any one of the landowners who
17 own, you know, close to nine thousand acres
18 who chose to participate, largely, the
19 agricultural community in this area would
20 not be able to, you know, for instance,
21 build a new barn, impoundment for water on
22 agricultural property, an addition to a
23 home, a fence around an agricultural
24 paddock. So in my opinion, this is a vast
25 overreaching of the Town's zoning authority.

1
2 It's inconsistent with the Town's
3 Comprehensive Plan. These and many other
4 provisions of the law are clearly intended
5 to restrict landowners' rights and prohibit
6 the chance for a wind project to ever be
7 constructed. Any reasonable analysis of
8 this law shows that numerous provisions are
9 unreasonably burdensome and some of them
10 have questionable legality.

11 Due to the points I've raised and
12 numerous other shaky provisions that we've
13 noticed within the law, I'm going to present
14 them tonight and I would encourage the Board
15 to keep this public hearing open so that
16 they can have time to consider what you've
17 provided and potentially, make changes to
18 the wind law based on the information we
19 have provided.

20 I really look forward to continuing to
21 work within both communities in developing a
22 project that can deliver benefits for many
23 years to come. Thank you.

24 SUPERVISOR SIMON: Thank you. Cathy
25 Orr.

1
2 MS. ORR: I thank you for all your
3 hard work also. I think that you have done
4 a great job. I have to also agree not with
5 Taylor Quarles this time but with the people
6 talking about the setbacks. I don't believe
7 they are far enough away. Besides the fact
8 of the increase in height, you have the
9 spinning of the blades and when blades break
10 off, which is what they usually do, they
11 have been noted in smaller turbine studies
12 such as the Town of Bethany had done, to be
13 able to fly twenty-six hundred feet. That
14 would be tips or come down. There's ice
15 shear. There's a lot of issues besides just
16 the fact of, you know, the site. And so I
17 would advise you to follow the World Health
18 Organization recommendations for which
19 started at a mile and a quarter and keep in
20 mind that is for smaller turbines.

21 And I also wish that Apex would take
22 the hint and take a fast flight out of here.
23 Thank you very much.

24 SUPERVISOR SIMON: Georgette Stockman.

25 MS. STOCKMAN: Hi, thanks for an

1
2 opportunity to speak. Georgette Stockman,
3 Town of Yates. I wanted to make comments
4 about property values. In the introduction
5 to the new revised Wind Energy Facilities
6 Laws, Section 16 talks about Utility-Scale
7 Wind to Energy Facilities, when improperly
8 sited, may adversely affect property values
9 and therefore, cause economic hardship to
10 property owners.

11 And number 17, says that the Town of
12 Yates contains clusters and stretches of
13 homes as well as dispersed residences, which
14 residents have chosen as their homes often
15 because of a love for the rural pastoral
16 lifestyle.

17 Forbes Magazine addressed this concern
18 in an article entitled, Do Wind Turbines
19 Lower Property Values? September 23rd, 2015.
20 And sought out individuals not paid by or
21 with financial interest in wind projects for
22 answers. It cited the Appraisal Journal in
23 2012, a Dr. James Talmers qualified as an
24 expert witness in over twenty states, found
25 that residential properties near

1
2 transmission lines sold for twenty to fifty
3 percent less than comparable residential
4 properties.

5 Also cited was a North Ontario Real
6 Estate Development Broker, John L. Goodwin,
7 who reported that wind turbines absolutely
8 impact property values. Turbines complicate
9 your property enjoyment, period. That alone
10 spells depreciated value. They will also
11 cause a significant loss of real estate
12 value. For our area, especially Lakeside
13 homes, property enjoyment is a major reason
14 for purchasing the property.

15 In 2013, an Ontario Superior Court of
16 Justice determined that landowners living
17 near large wind farms do suffer from lower
18 property values with the court accepting a
19 22 to 55 percent reduction. Michael McCann,
20 of McCann Appraisal LLC, in a letter to
21 Lawrence Berkeley National Laboratory of
22 December 14th, 2009, commented on the report
23 the lab had released about housing values
24 located near the Mendota Hills turbines that
25 are located in Lee County, Illinois. And

1
2 his quote is, the deterrent to sale of the
3 homes directly attributable to the wind farm
4 project is well understood by the local
5 realtor who had the listings and who, at the
6 time of my communication with you, had
7 reported to me the consistent rejection
8 rationale of over a hundred otherwise
9 interested would-be buyers and their agents.
10 Interest that evaporated once potential
11 buyers visited the properties and saw the
12 nearby and surrounding turbines.

13 The Mendota Hills project consists of
14 63 operating wind turbines. Each wind
15 turbine stands 214 feet tall and has three
16 85 foot long blades. So that's about a
17 third of the height of the proposed turbines
18 for Lighthouse Wind. Clearly, there is a
19 very legitimate concern that property values
20 and therefore, tax revenues will be
21 adversely affected by any wind turbine
22 project proposed for the Town of Yates.
23 Thank you.

24 SUPERVISOR SIMON: Thank you. Richard
25 Fisk.

1
2 MR. FISK: I just have a suggestion
3 maybe the Town Board could check out that
4 maybe could please everyone here in the
5 audience, those for and those against. I'm
6 just wondering when I turn on Channel 4 News
7 in the morning, I see all the wind turbines
8 in the back. How they get away with it? I
9 see fishing boats underneath them fishing,
10 but I don't think they'd be there if the
11 fish were all dead. I've received no
12 reported deaths on the TV about it. And
13 land values don't seem to be going down
14 because they are building like crazy all the
15 way around there. So if the Town Board
16 could investigate that and see how they get
17 away with that or how they do it, then maybe
18 we could solve the whole problem here.
19 Thank you.

20 SUPERVISOR SIMON: Stacy Pellicano.

21 MRS. PELLICANO: Hello, again. I want
22 to, again, like everybody else applaud your
23 efforts to amend the wind laws. We went to
24 purchase our property. We thought we had
25 done quite a bit of homework. We purchased

1
2 in October of 2014. We derived all the
3 information that was on the web site and we
4 have since heard that there were
5 conversations going on about wind turbines
6 in this area when we purchased. Had we
7 known that, we would not have purchased and
8 in fact, we are considering another piece of
9 property down the road. It's a big
10 investment for our family, but we are
11 waiting and hoping, it will still be
12 available when, hopefully, the wind turbine
13 project goes away.

14 My concern, obviously, we feel that our
15 home is priceless. So we aren't really
16 worried about the property value. We are
17 worried about the fact that we may not be
18 comfortable living there and obviously,
19 property value is an issue if you can't sell
20 it. We plan to keep it in our family God
21 willing and pass it on to our children. So
22 my concern is, obviously, setbacks. I think
23 that while I respect your efforts, I think
24 that they are not significant enough for me
25 to be comfortable to expose my children to

1
2 wind turbines for any significant amount of
3 time.

4 And that leads me to my next
5 conversation. I understand that there's a
6 concern regarding timing. A few years ago,
7 a few summers ago, we had some breakins of
8 vehicles in our neighborhood. And of
9 course, we had alarm system in our house
10 that we cannot set. And there were some
11 loose change stolen, some CD's, some DVD's,
12 pretty harmless. I'm not sure what the
13 statistical probability would be that those
14 thieves would then come in our homes, but we
15 weren't willing to take the chance. And so
16 now daily, we set our alarm when we come and
17 go. We set our alarm when we sleep at night
18 to keep our family safe and I feel like this
19 amendment to the wind law does the same
20 thing for our community. Thank you.

21 SUPERVISOR SIMON: Thank you. Brian
22 Fisk.

23 MR. FISK: I'm passing.

24 SUPERVISOR SIMON: He passed. Okay.
25 Barb Lutz.

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MRS. LUTZ: I pass.

SUPERVISOR SIMON: Pass. Okay. Ed Lutz. Would you like to speak? Okay.

MR. LUTZ: Ed Lutz, Town of Yates. I'd like to oppose the windmills officially. I don't see any positive aspect for those windmills in this community. Thank you.

SUPERVISOR SIMON: Thank you. Rebecca Winters.

MS. WINTERS: Thank you. I want to tell you all that I'm very much in favor of the Lighthouse Wind Project. And I was honored by six of our area farmers with letters that they supplied in their absence tonight because they are busy taking care of their properties. And it would seem to me that there's enough misinformation on both sides. And I had intended to let you know that I was going to read one of the letters. You've asked us not to so I'm going to submit these letters to the Board.

SUPERVISOR SIMON: Okay. Thank you. Howard Pierce.

MR. PIERCE: I will try to keep this

1
2 to three minutes. My name is Howard Pierce.
3 I was on the committee to help write this
4 law. So I'd like to give the people some
5 history how this was done.

6 At the Town of Yates annual
7 organization meeting this year, Mr. Simon
8 and Mr. Riggi added a new committee called a
9 Sustainability Committee making Mr. Simon,
10 the chair, and Mr. Riggi, a member. This
11 committee was to review Yates Local Law No.
12 1 Wind Energy Facilities 2008 and develop
13 the Draft Law Number 1, which was nothing
14 more than a recently passed Somerset Wind
15 Law with Barker and Niagara County still in
16 the law in many places. This could be
17 called plagiarism.

18 The Town of Yates Board passed
19 Resolution Number 37-216 in January
20 establishing the membership of the ad hoc
21 task force and charter. On 18 February
22 2016, I received a letter from Mr. Simon
23 asking me to serve on the ad hoc task force.
24 At first, I was honored to serve. The task
25 force was to meet Saturday, 27 February,

1
2 2016, and Saturday, March 2016, 8:00 a.m. to
3 12:00 p.m. Before the meeting on the 27th
4 of February, the Town Board was to have a
5 special meeting to appoint me to the task
6 force because I was not on the original
7 list. The task force in general was to
8 provide advice to the Yates Town Board on
9 recommended changes, updates and/or
10 amendments no later than 7 March, 2016.

11 The first morning we had a round of
12 introductions. It didn't take me long to
13 figure out the committee was loaded with SOS
14 members, which in my opinion is a special
15 interest group that appears to be taking
16 over our town at this time.

17 I had what I thought were three easy
18 questions. Russ Martino was the town
19 supervisor when the first wind law was
20 written in 2008. How long did it take to
21 write that law? Answer, about two years.
22 Mr. Riggi, as President of SOS, you helped
23 write the new Somerset Wind Law. How long
24 did that take? Answer, six months.

25 The Ad Hoc Task Force is being asked to

1
2 do the same thing in eight hours. What's
3 wrong with this picture? Mr. Simon's first
4 statement was, this new wind law is not
5 about Apex or against Apex. Anyone reading
6 this law can draw your own conclusions, but
7 my opinion is that that's exactly what the
8 law is and does.

9 Once we got to work, my first statement
10 was, needed to write a law that wasn't
11 unduly burdensome. Mr. Spitzer, our town
12 attorney, took a half hour to explain unduly
13 burdensome, but as you can see, the
14 committee ignored Mr. Spitzer's advice. In
15 doing wind turbine research for the past 10
16 to 12 months, Mr. Spitzer's name, working
17 with several counties and towns, kept coming
18 up over and over in the past 10 or 12 years.
19 After working with Mr. Spitzer on this law,
20 I truly believe we have one of the most
21 knowledgeable wind attorneys working with
22 us. I would especially like to thank John
23 Belson, our previous town supervisor; Board
24 Members Wes Bradley, Brad Bentley and Jim
25 Whipple for that.

1
2 In writing a new wind law, we need to
3 listen to Mr. Spitzer and heed his advice.
4 Once we got to work, the procedure was for
5 Mr. Simon read the recently passed Somerset
6 Law, and Mr. Riggi sounded very much like
7 the president of SOS, adding his comments.

8 Section C: findings-new proposed wind
9 law. The Town of Yates is a rural
10 agricultural community supporting varied
11 agricultural uses and is in the heart of
12 Western New York's fruit growing region. As
13 Ben Atwater pointed out to the Somerset Town
14 Board, Somerset is a right to farm
15 community. On behalf of my farming friends
16 in the Town of Yates, I would like to point
17 out to this Board that the Town of Yates is
18 a right to farming community.

19 Section F, applications for Wind Energy
20 Convergent Systems. A report analysis on
21 affect in the air space above the town. Two
22 SOS myths, the town's turbines would affect
23 Mercy Flight. I'm enclosing a copy of a
24 letter I received from the Director of
25 Operations from Mercy Flight. The only

1
2 thing Mercy Flight requests is that the
3 coordinates of latitude and longitude of
4 newly constructed towers and windmills be
5 handed to them, relayed to them as early as
6 possible so they can plot them on their
7 hazardous map. They fly around existing
8 farms with no trouble in the Southern Tier.

9 The wind turbines would affect the
10 Niagara Falls Air Base. I have spoken to
11 Mr. John Cooper, Base Public Service
12 Relations Officer and the Base Commander,
13 and they see no problem now or in the
14 future. The two main missions of the base
15 now are flying of drones overseas and return
16 of the KC-135 tanker refueling wing. I
17 served in the air force from '63 to '67.
18 Mr. Simon, as a retired air force officer,
19 you know we have the best damn pilots in the
20 world. And I'm sure they would rather fly
21 around a few windmills than some
22 anti-aircraft guns.

23 The first thing that any wind farm does
24 in siting their turbines is to have their
25 first conference with the FAA and DOD. On 1

1
2 March, Russ Martino was appointed by
3 Governor Cuomo to the Electric Generating
4 Site Board. Congratulation, Russ. He was
5 here earlier.

6 After being appointed to the Article 10
7 Siting Board, Russ was absent for the second
8 Saturday at the Ad Hoc Wind Task Force
9 meeting. In my opinion, that is so Russ can
10 sit on the board in Albany and say he had
11 nothing to do with writing this unduly
12 burdensome law.

13 The second Saturday was spent working
14 on the part of the law that governs
15 Utility-Scale Wind Energy Facilities. One
16 of the first things we worked on was
17 setbacks. And originally, Yates law the
18 setbacks were 500 feet from roads, property
19 lines and villages, a thousand feet from
20 residents.

21 Mr. Riggi produced a bunch of graphs
22 comparing setbacks. The trouble with the
23 graphs were many of the setbacks were from
24 UK, Denmark, Scotland, Quebec, Germany. You
25 get the picture. One setback on the graph

1
2 was very interesting to me. It was Yates
3 County of New York.

4 For those of you who don't know, Yates
5 County is a rural agricultural community
6 supporting varied agricultural uses and it's
7 in the heart of the Finger Lakes grape
8 growing region. Penn Yan, New York, is a
9 county seat nestled in the Finger Lakes. 12
10 miles south of Penn Yan is a little village
11 called Dundee. This is where I grew up on a
12 family dairy farm. I know my parents would
13 have welcomed turbines on the farm for their
14 many benefits, green energy, stable farm
15 income, reduce taxes for the farm and our
16 neighbors. Yates County setbacks are 2,000
17 feet from residences and ten hundred and
18 fifty feet from roads and property lines.
19 Mr. Riggi's own information. Maybe if we
20 had wind turbines, I'd still be on the
21 family farm.

22 One thing the committee did agree on
23 was using a multiplier times the height for
24 distances. This is where agreements ended
25 with a committee member on one side of the

1
2 table and one on the other side the table.
3 I thought I was at a cattle auction. 1.5,
4 2, 2.5, 3, 3.5, all the way up to the six.
5 And appears the average across the state is
6 anywheres from one and a half to maybe
7 three. As you can see in the proposal, the
8 setbacks are much greater.

9 Two other issues I have with the
10 proposed law are the health affects section,
11 meaning the baseline physical aspect and the
12 real property value section. According to
13 Mr. Spitzer, our own attorney, no one yet
14 has won a health issue lawsuit against any
15 wind farm. My issue with the real estate
16 section is that no one knows what real
17 estate values are going to be in twenty
18 years or thirty years with wind turbines or
19 without wind turbines.

20 After listening to Mr. Spitzer's
21 definition of unduly burdensome, I believe
22 this law will be challenged at the site
23 board in many years.

24 So in rewriting this wind law, why not
25 be selective and rewrite one or two areas.

1
2 I'm sure when the siting board challenge
3 areas of the wind law as written, Mr. Simon
4 and Mr. Riggi will spend thousands of our
5 tax dollars on attorney's fees, money that
6 the Town doesn't have. This law could have
7 been written in ten words, no utility scale
8 wind turbines in the Town of Yates. That's
9 exactly what this 32 pages has done.

10 So in growing up my dad taught me three
11 things, respect your parents and the law. I
12 have a problem with the law. If you are
13 going to do something, take the time to do
14 it right. Sorry dad, I tried, but this law
15 isn't right.

16 If you put something down, then you
17 better have a solution. My solution, throw
18 this proposal law out. Start over with a
19 new committee made of residents representing
20 the whole town including farmers, not just
21 SOS members. Write a new law down the
22 middle respecting the term unduly burdensome
23 that won't have to be tried in court, saving
24 the town taxpayers' money.

25 In closing, in my opinion, when writing

1
2 this law, Mr. Riggi, you acted very much
3 like still like the President of SOS. I
4 know you have said that you're not, but
5 actions speak louder than words.

6 Mr. Bradley, Mr. Bentley, Mr. Whipple,
7 I urge you to vote no on this new proposed
8 law. I feel we can do better and the Town
9 deserves better. Thank you.

10 SUPERVISOR SIMON: Harold Scribner.

11 MR. SCRIBNER: I pass.

12 SUPERVISOR SIMON: Jim Bansbach.

13 MR. BANSBACH: Hi, Jim Bansbach, Town
14 of Yates. I would like to thank the Yates
15 Town Board for amending the Wind Energy
16 Facilities Law 2008. Our knowledge of
17 potential hazards and problems associated
18 with large scale wind turbines has increased
19 dramatically since the original law was
20 passed. More importantly, Governor Cuomo
21 has changed the rules since 2008 by
22 implementing Article 10 in an attempt to
23 prevent local governments from stopping him
24 from achieving his desired goals even if it
25 comes at our expense. I feel we need to

1
2 protect ourselves and our community from
3 potentially bad decisions made at the state
4 level. And that's why I feel it's important
5 to amend the wind law and thank you, again,
6 for doing so.

7 SUPERVISOR SIMON: Faith Basil.

8 MS. BASIL: Faith Basil, Yates. Just
9 before I start, just a fun fact and I always
10 tell everybody this because no one can
11 believe how big these wind turbines are
12 going to be. If everyone is familiar with
13 Eastern Hills Mall, Transit Road, in
14 Williamsville, Sheridan Drive, we will be
15 able to see the wind turbines from Sheridan
16 Drive overpass in Williamsville. Without
17 even squinting you'll be able to see them.

18 Okay. Here's my spiel. When I hear
19 the name Lighthouse Wind, my mind scatters
20 so many concerns I don't know which one to
21 put first. Our health, will I be able to
22 overcome the constant thump of turbines?
23 I'm a light sleeper. Will my sleep be
24 impacted, in turn, my health impacted? Will
25 the calming affects of living in the country

1
2 be gone? Will we lose the darkness with the
3 constant flashing of the lights on the
4 turbines at night? And what about our
5 ability to go outside and see the meteor
6 showers, the space station? And what about
7 this name sake of Lighthouse Winds, Golden
8 Hill Lighthouse? The beacon on the
9 lighthouse will be dwarfed by the industrial
10 wind turbines hulking behind it. All the
11 time and effort put into its restoration by
12 the community for what? So we can climb to
13 the top and look at our beautiful
14 countryside scarred with industrial wind
15 turbines and access roads cutting through
16 the fields and orchards.

17 What is the impact on my property
18 value? Who will pay top dollar for property
19 in a rural community that has giant
20 industrial wind turbines spinning at random
21 times of the day and night? Is it still
22 considered for agriculture or will it become
23 an industrial community with one product,
24 hot air.

25 One thing that makes some of the

1
2 pro-wind's annoyed is our avian population.
3 I'm not willing to excuse the death of our
4 avian friends and I do not want to witness
5 or hear a flock of geese encounter an
6 industrial wind turbine. I am pretty sure I
7 would never forget the sight or the sound of
8 it.

9 The young Bald Eagle my neighbors and I
10 have been watching over the last few years.
11 Will we see him mature to a full mature
12 Eagle or will he be just another kill
13 statistic? Are we really going to forever
14 change our community in the name of
15 industrial wind? I support the revised wind
16 law. Thank you.

17 SUPERVISOR SIMON: Thank you. Mike
18 Basil.

19 MR. MICHAEL BASIL: Mike Basil from
20 Yates. I support the law that's going
21 through. And I want to, again, point out
22 the setbacks. When we are looking at these
23 six to seven megawatt generators, 600 feet
24 in the air, the initial research I'm doing
25 right now, is they're anywhere from 40 to 48

1
2 percent louder than 400 footers.

3 So we are talking about setbacks. We
4 got to talk about the setbacks. But more
5 importantly, we keep ignoring the fact that
6 right now we are in pursuit of clean
7 renewable energy. We get a hundred percent
8 -- or almost a hundred percent of our energy
9 right now from clean renewable energy. Why
10 are we going through all this? We don't
11 need this project. We already know these
12 turbines last around twenty years or less.
13 We are spending hundreds of millions of
14 dollars to an out of state company that is
15 taking all our tax money for a project we
16 don't need. When we talk about this
17 project, we also need to talk about the fact
18 of what's going on in the real world.

19 I spoke at the Board meeting the other
20 day and I'll say it again. Apex sits here
21 right now and after it's been so, obviously,
22 pointed out, this is totally the wrong wrong
23 location for this project, totally. And yet
24 they are willing to sit here and tell us
25 we're being over burdensome to their

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2 accomplishment of their project. And yet,
3 they sit there right now and they open a
4 wind farm about a year ago in Oklahoma and
5 in that short time, they are already facing
6 lawsuits for everything that we are talking
7 about here and yet they continue to push on.

8 So I commend you for the law. We need
9 to do our homework. And like I said
10 earlier, the biggest information we need to
11 seek out is the information that Apex is not
12 giving us because there's so much
13 concealment going on and all they care about
14 is the dollar, stealing our tax money and
15 raping our community. Thank you.

16 SUPERVISOR SIMON: Larry Wolf. Larry
17 Wolf left.

18 MR. WILLIAMS: Rob Williams, Lakeshore
19 Road, Yates. I support the amendment to the
20 law. I think it's the way to go. I don't
21 think this is the right place for these
22 things for all of the reasons that have been
23 said. And I don't think the setbacks in the
24 law are enough. I want to state that.

25 From a property value perspective, I

1
2 can speak directly to that. My house on
3 Lakeshore Road is for sale. My airport is
4 not, but my house is for sale. I've had
5 some potential buyers, unique house. It's a
6 high end house. I've had some very
7 interested people. Two of them have already
8 said, you know what, we really love this
9 house, but with this wind project thing
10 going on, this is not the right time for us.
11 I've had two potential buyers say that. So
12 I can speak directly to the property values
13 in terms of that. It has an affect. People
14 don't want to deal with it. I support what
15 you are doing. And thank you.

16 SUPERVISOR SIMON: Thank you. Bonnie
17 Hartway.

18 MS. HARTWAY: I'll pass.

19 SUPERVISOR SIMON: Okay. David
20 Robinson.

21 MR. ROBINSON: David Robinson, Yates.
22 I'd just like to say a few things. We,
23 obviously, know that we live in a really
24 special area, very beautiful area. The area
25 is special for a number of different

1
2 reasons. It has Niagara Peninsula located,
3 of course, between Lake Erie and Lake
4 Ontario. It has a really nice fetch for
5 wind. It has a fetch in front and a fetch
6 behind and that's why the prevailing wind is
7 so great. And that's what makes it a good
8 location for a wind farm as far as
9 efficiency is concerned. Anyone that's been
10 here in the Blizzard of 77, clearly, you
11 know that, right? You feel the wind daily
12 in the last few months. And the thing is
13 that the reality of the situation is that,
14 of course, you've brought up many good
15 issues. The issues that are brought up,
16 they all can be studied. If you look at
17 many of the studies that I've seen, they are
18 not as controversial as they may seem here.
19 And a lot of the things I've heard this
20 evening are very fear based, which is
21 understandable, because, well, change is
22 hard. But the reality of the situation is
23 that the world is changing. And it's called
24 climate change. And I'd like to thank you
25 for pointing that out, but the thing is, 80

1
2 percent of the scientists of the world, the
3 climate is changing. And we need to do
4 something about it.

5 So the thing is that even a geologist
6 having studied this for so long, the biggest
7 environmental cost that we have for birds,
8 you know, every single creature on the Earth
9 is our climate. It literally is connected
10 to the last five great extinctions in the
11 last 500 million years.

12 In the last five great extinctions, 251
13 million years ago, it was called the Great
14 Dying. It was called the Great Dying
15 because 95 percent of all creatures on the
16 Earth in the sea and on the land died
17 permanently. All of them gone. And it was
18 directly tied to the production of carbon
19 dioxide and climate change and the other
20 four are directly tied to that as well.

21 Right now, we are doing things to the
22 world that are causing environmentally
23 cataclysmic and potentially very dangerous
24 world events. Just off the coast of
25 Greenland and Iceland, there is just for the

1
2 last two years a very large cold -- you can
3 call it a blob of the North Atlantic Ocean.
4 It's the only place in the world that is not
5 warming. And the reason it's the only place
6 in the world that's not warming is because
7 the ice shelf and the glaciers of Greenland
8 are melting so fast that it's creating a
9 less dense part of the sea. It's the same
10 thing that happened 251 million years ago
11 and the rest of the extinctions, the
12 dinosaurs, sure it's linked to an asteroid
13 or comet that created volcanic eruptions
14 that put CO2 in the atmosphere that started
15 this whole cycle of death.

16 Today is the only time it's caused by a
17 species and the species is us. We are the
18 cause of this extinction that we're going
19 through. And this extinction that we're
20 causing, we have a moral duty to do
21 something about. Since we live in this
22 special area that has a great fetch of wind
23 potential and energy that can provide
24 electricity for sixty thousand homes, that
25 can do a little bit in the grand scheme of

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things.

I think we have a duty to our children to do what we can and I think if we don't, our names, your signatures, us, we are going to be on the wrong side of history and that saddens me deeply.

SUPERVISOR SIMON: Roy Thearing.

MR. THEARING: I pass.

SUPERVISOR SIMON: Jennie Robinson.

MS. ROBINSON: I just want to say that I strongly oppose this law. I oppose this law and I want to add that I really think that I find -- as I'm sitting in here, I find that I really think a lot of us have a fear of what it's not normal, when it doesn't look like everyday things to us. You know, it seems like sometimes we get fear of humans that don't look the same. Even a car, for example, if it doesn't look normal. You know, so I think that we have to be a little bit more open-minded and think about the children, the future.

And like they were saying, global warming for example. I worry more about the

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2 water we are drinking at home. And when it
3 comes to the noise, there are people at
4 Walmart working everyday that are going with
5 their purchase. I don't know if you have
6 been there, but that thing rings all the
7 time. I will get sick in the store with my
8 ears working in that store from that noises.
9 I will worry about my kid if they were
10 working in there than a wind farm.

11 I live on 104. It's very noisy in
12 there. And I really think wind farms are
13 actually breathtaking if you think about it
14 if we look at it that way and I understand
15 that there are tourist people that come in
16 this area, but in the future, if we are
17 thinking about global warming, tourists are
18 not going to save us, you know.

19 If we are going into a future of
20 pollution and having our kids sick, today we
21 are having so many problems with our kids.
22 If you look at school, we are having a lot
23 of kids with learning problems and we don't
24 know why. And don't you think it could be
25 pollution? And something is going on with

1
2 our children today. And I worry about about
3 that.

4 I really worry about the water I'm
5 drinking at home every day and there are a
6 lot of old farm houses that I swear their
7 pipes are old and who knows how the water
8 is. So I worry about those things.

9 And I think a cosmetic part of the
10 town, we've been so used -- we get so used
11 to looking at one thing all the time and we
12 get so fearful of the change all the time.

13 And also, those guys over there from
14 Apex. They're pretty cool. They're pretty
15 nice. If you have questions -- I mean if
16 you have questions, you can go and ask them
17 and they will answer you questions, you
18 know. And that's the same with the other
19 group. I think you guys are pretty cool.
20 If I have a question, I can go ask instead
21 of things getting lost in translation. It
22 seems to me as I'm sitting observing people,
23 things get lost in translation.

24 And we are a community. And that's
25 when we should come together and work

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2 together as a group instead of building so
3 many feelings in between all of us and we
4 forget about our children, for example. You
5 know, we forget about them. Now, they have
6 a big opinion

7 UNIDENTIFIED SPEAKER: You're
8 talking --

9 SUPERVISOR SIMON: Please refer your
10 comments to the chair.

11 UNIDENTIFIED SPEAKER: Can I have five
12 more minutes to speak?

13 SUPERVISOR SIMON: No, you may not,
14 ma'am. No, you may not.

15 UNIDENTIFIED SPEAKER: I didn't say --

16 SUPERVISOR SIMON: Please refer your
17 comments --

18 UNIDENTIFIED SPEAKER: -- Everything I
19 wanted to because I was obeying the rules.

20 MS. ROBINSON: Thank you for listening
21 to me.

22 SUPERVISOR SIMON: Thank you.

23 MS. ROBINSON: I have a letter from my
24 friend that she couldn't make it.

25 SUPERVISOR SIMON: Mark Gates.

1
2 MR. GATES: Good evening. My name is
3 Mark Gates. I didn't come here planning to
4 speak tonight or anything written. I'm
5 speaking from the heart. My family and I
6 bought our place on Lake Ontario eight years
7 ago in the Town of Yates. Four years later,
8 we went through the process of your Board.
9 Doubled the size of it, increased the
10 property value and increased our taxes.
11 Like so many people on that lake, that is
12 our home. It is going to be our retirement
13 home.

14 So many people cannot afford two
15 mortgages, but they get by and also rent out
16 their property to other people so they can
17 help pay their bills. If those wind
18 turbines go in, nobody is going to rent that
19 property. Nobody is going to go to the
20 Golden Hills State Park and camp. Nobody is
21 going to go to Barker and nobody's going to
22 go to Lyndonville during those summer months
23 and frequent all the shops and the stores,
24 the little fruit and vegetable stands on the
25 side of the road. All those businesses are

1
2 going to suffer because of the wind
3 turbines.

4 I appreciate the work you guys have
5 done. The setbacks are not far enough. I
6 have worked over twenty years as a police
7 officer, six years on the JTTF and the
8 Buffalo FBI office. I'm looking forward to
9 my retirement on the beautiful shores of
10 Lake Ontario without wind turbines. Thank
11 you.

12 SUPERVISOR SIMON: Vince Mulholland.
13 Is he still here? Is there anybody that
14 hasn't had a chance to speak that would like
15 to say anything?

16 Okay. Public comment is closed. Like
17 to have someone move for a motion to close
18 the public hearing on the proposed Local Law
19 Amending the Wind Energy Facilities Law of
20 2008?

21 MR. RIGGI: So moved.

22 MR. WHIPPLE: Second.

23 SUPERVISOR SIMON: It's moved and
24 seconded. And any discussion amongst the
25 Board? Seeing none, all in favor say aye?

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MR. RIGGI: Aye.

MR. WHIPPLE: Aye.

SUPERVISOR SIMON: Opposed? I need a motion to close this public hearing -- close that hearing, but now closing for the evening. So need a motion to close for the evening?

MR. RIGGI: Motion to close.

MR. WHIPPLE: Second.

SUPERVISOR SIMON: All in favor say aye?

MR. RIGGI: Aye.

MR. WHIPPLE: Aye.

SUPERVISOR SIMON: Motion passed.
Thank you everyone for coming.

(Proceedings concluded at 9:50 p.m.)

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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 a Local Law to Amend the Wind Energy Facilities Law of 2008, 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.