

Town of Yates August Board Meeting  
8 S. Main St., Lyndonville, NY 14098  
August 9, 2018, 7:00PM

Present: Jim Simon, Supervisor  
Jim Whipple, Councilman  
Wes Bradley, Councilman  
Harold Suhr, Councilman, Councilman  
John Riggi, Councilman  
Michele Harling, Town Clerk  
Andrew Meier, Town Attorney

Excused: Roger Wolfe, Highway Superintendent  
Trisha Laszewski, Assessor  
Dan Wolfe, Code Enforcement Officer

Others :	Larry Wolfe	Chris Bronson	James Hoffman
	Robert Verhyne	Bob LaPorte	Agnes LaPorte
	Elwyn Corser	Kal Watt	Mark Car
	Maryellen Royce	Steven Royce	Pam Atwater
	Betty Wolanyk	Alice Wolanyk	Susan Campbell
	Linda Fisk	Donna Bane	Georgette Stockman
	Dennis Seekins	Anne Smith	Cynthia Hellert
	Paul Lauricella	Kate Kremer	Cheri Hayton
	Theron Hayton		

Supervisor Simon called the August Board Meeting to order at 7:00PM.

**PLEDGE OF ALLEGIANCE**

**PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY**

Paul Lauricella, Town of Yates, questioned the legality of Resolution No. 81-8/18 and wondered if this expense was budgeted. He also asked if there would be a cap on the amount the Town would spend on the advertisement.

Supervisor Simon responded that the proposal was reviewed by the Town's Attorney and that it is a legal use of Town funds and that the charge will probably come from the Supervisor's contingency account which is allowed for this type of expenditure since there was never a separate line in the budget set up for advertisements.

**RESOLUTION NO. 79-8/18**

**RESOLUTION TO APPROVE MINUTES OF THE REGULAR JULY MEETING**

RESOLVED, to approve the minutes of the July 12, 2018 regular Board Meeting as presented to each Board Member.

Offered by Councilman Whipple, who moved its adoption  
Seconded by Councilman Bradley

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 80-8/18**

**RESOLUTION TO EQUITABLY DISBURSE THE 2002 LOCAL WATERFRONT REVITALIZATION PROGRAM FUND BALANCE TO THE TOWNS OF KENDALL, CARLTON AND YATES**

WHEREAS, in the 1990s, the Town of Yates partnered with the Towns of Carlton and Kendall to create the Kendall-Yates-Carlton Local Waterfront Revitalization Program (KYC LWRP), which was approved by the New York Department of State in 2002, and

WHEREAS, the program has officially completed and the purposes of the LWRP have been fulfilled, and

WHEREAS, funds in the approximate amount of \$2,623 remain on hand in the possession of the Town of Kendall and are available for distribution to the Towns of Yates, Carlton and Kendall, now, therefore be it

RESOLVED, that the KYC LWRP of 2002 is hereby dissolved, and be it further

RRESOLVED, that the funds remaining on hand in the possession of the Town of Kendall shall be disbursed to the Towns of Kendall, Yates and Carlton in equal shares.

Offered by Councilman Riggi, who moved its adoption  
Seconded by Councilman Whipple

Supervisor Simon explained that this is money that is left over from the last LWRP, and authorized by the State but went unspent, so although it cannot be used on the current LWRP, it needs to be dispersed and will be divided amongst the Towns.

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 81-8/18**

**RESOLUTION AUTHORIZING THE YATES TOWN SUPERVISOR TO EXPEND UP TO \$1,800 ON PAID ADVERTISING TO FIGHT THE LIGHTHOUSE WIND LLC PROPOSAL**

WHEREAS, the Town of Yates has communicated via formal letters to the governor and lieutenant governor of NY State as well as the CEO of Apex Clean Energy and received no reply, and

WHEREAS, the Yates Town Board has determined that the lack of responses from said officials should be publicized in prominent news media via paid advertising, be it

RESOLVED, that the Yates Town Board authorizes the Yates Town Supervisor to expend up to \$1,800 of town funds for paid advertising against the Lighthouse Wind LLC proposal.

Offered by Councilman Suhr, who moved its adoption  
Seconded by Councilman Riggi

Councilman Whipple said that he understands the resolution but will be voting against it because he thinks that it would be an ideal thing for a group like SOS to do and pay for, not a Town government.

Councilman Bradley read a prepared statement as printed below.

As of this date, no application has been filed by Apex regarding the Lighthouse Wind Project. In my opinion, moving forward with this letter is premature. More significantly, if this letter is submitted now or after an application, I would not support it because basically this is an attempt at public shaming, by many people called bullying. This is not the image that I want attached to the Town of Yates. The most I would expect this public letter to accomplish would be to make certain members of the Board feel good about themselves and what they did. Bottom line, I would not expect a response from these individuals, especially NY State, and we would have only given them more reason to not be in our corner in the future for any reason.

He also asked that should the resolution pass, what input will the Board have in the advertisement.

Supervisor Simon said that the ad will be circulated and will be a joint coordinated effort with the Town of Somerset. He said that everyone will have the chance to weigh in with regard to the tone and thesis of the ad.

3 Ayes 2 Nays (Whipple, Bradley)

Motion: Carried

**RESOLUTION NO. 82-8-18**

**RESOLUTION CHANGING SEPTEMBER 2018 TOWN BOARD MEETING TO MONDAY, SEPTEMBER 10, 2018, @ 7:00PM.**

WHEREAS, the Yates Town Hall will be used for the September 2018 Primary Elections on the second Thursday of the month, September 13, Noon – 9pm, be it

RESOLVED, that the September 2018 Town Board meeting will be held on Monday, September 10, 2018, @ 7:00pm

Offered by Councilman Suhr, who moved its adoption  
Seconded by Councilman Riggi

5 Ayes 0 Nays

Motion: Carried

**RESOLUTION NO. 83-8/18**

**RESOLUTION TO PAY BILLS**

WHEREAS, bills have been reviewed by the Town Board, be it

RESOLVED to pay bills as follows:

A-Accounts-	\$ 29,689.98
B-Accounts-	\$ 1,254.60
DA-Accounts-	\$ 4,513.11
DB-Accounts-	\$118,150.07
Water 4-	\$ 49,096.12
Water 2-	\$
Youth-	\$ 7,912.05
Fire-	\$

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TOTAL \$210,615.93

Offered by Councilman Suhr, who moved its adoption  
Seconded by Councilman Whipple

5 Ayes 0 Nays

Motion: Carried

**PRIVILEGE OF THE FLOOR**

Linda Fisk, Town of Yates, asked the Board if there were any projects for the future that were planned but not moving forward due to a lack of funds. She also asked where the money is

coming from to pay the new lawyer. She wondered how the Town will pay for future legal expenses if money has not been set aside in the budget.

Councilman Whipple asked if she was talking about Town projects like cleaning up the lakeshore or improving roads.

Supervisor Simon responded that the Town's legal defense has always come from tax dollars and that the new Attorneys have not been used at all yet, so, in turn, have not resulted in any legal expenditures to them because we are waiting for APEX's next move.

Dennis Seekins, Town of Yates, asked when the prior questions will be answered. He said that the Town is talking about spending another \$190,000 and where will that money come from to share attorney's fees.

Supervisor Simon explained the protocol for Privilege of the Floor and said that anyone from the Board is authorized to respond to resident's questions or ask for clarification from the floor, if needed. He said that sometimes the Board may have to get back to people with an answer. He questioned where the \$190,000 number came from. He stressed that the Town has not spent any money, at all, on the new law firm. He explained that money already spent on attorneys by both towns is in the past and that we are agreeing to split the costs moving forward, in the future.

Steve Royce, Town of Appleton, stated that it's a shame that the Lighthouse Wind project will cost both Towns a lot of money in litigation fees. He added that he wished that Paul Williamson was here tonight to answer some questions with regard to a recent statement he made to a television station claiming that the opposition is misinformed about noise and infrasound. He wondered if the farmers were aware of the impact turbines could have on the use of biplane crop dusters and that type of agricultural operation.

Pam Atwater, Town of Somerset, mentioned that at an SOS event attended by over 150 people at Niagara Shores Campground and Conference Center on Route 31 in Appleton, featured their new business that is well suited. She said that when the new owners heard about the Lighthouse Wind project, they were concerned about the impacts it could have on the lakeside tourist region. She said that SOS will be sending a letter to the Governor asking him to reconsider his support of the Lighthouse Wind project and to request that APEX not pursue an Article 10 application.

Paul Lauricella, Town of Yates, said that he has heard good reasons for and against spending money on an advertisement to oppose the Lighthouse Wind project. He worries that if the Town does spend money on the ad, that it will be done for nothing because the Governor's agenda is for renewable energy and that nothing will change his mind and that he will not listen to us. He said that the answer is that he not be reelected.

Susan Campbell, Town of Yates, submitted a letter that outlined some questions about a resolution passed in April where the Town agreed to split the costs of the Lighthouse Wind litigation with the Town of Somerset for the Vacco Law Firm. She stated that thus far, Somerset has spent \$230,000, the Town of Yates budget for legal expenses in 2017 was \$19,000 and currently both Towns have had the same results. She wonders where the money will come from

in the future to pay 50% of the overall bills for litigation and said that the Town of Somerset's taxes went up over 113% last year. She feels that the Board is putting the Town at risk of bankruptcy and being irresponsible and asked the Town to live within its means like we all do.

James Hoffman, Town of Somerset, thanked the Board for last month's open forum and said that it appears that they are going through with the project, regardless. He thinks that the Towns should insist on an outline of the laws that need to be changed or set aside for the project to move forward. He said that we hear all of the supposed benefits of the project but never get any specifics from APEX when asked. He clarified the increase in the Town of Somerset tax rate and said that the taxes did not go up overall by 113%, just the tax rate for the Town.

Mark Crosby, Medina, said that he went to a family reunion in Illinois and when discussing the proposed Orleans County wind projects with a relative from Iowa who is the head of the Energy Committee there, the relative was shocked to hear about the local opposition because 60% of Iowa's electricity comes from wind energy. He said that although there was opposition in the beginning, when the power companies realized how much money they were going to make, they were all for it. He said that he has heard many mistruths tonight mostly from the side that does not want the wind projects and asked the Board to base their decisions on factual information.

MaryEllen Royce, Town of Appleton, thanked the Board for last month's forum and the Town's support in keeping the environment and the local land safe and holy for those that live and enjoy living in the country. She moved into the country to enjoy the birds and bats, not to hear industrial wind turbines "whining at the door".

Dennis Seekins, Town of Yates, said that he is interested in alternative energy like solar and wind and he believes that it is the way to go because of economics and because it's safer. He said one of the alternatives is nuclear which relies upon the fact that we will have stable governments for 10,000 years because that's the length of time it takes for that waste to be taken care of. He asked that in the event of an upheaval, with our opinions, misconceptions and lack of knowledge, will we continue to do a good job in taking care of all of the nuclear waste.

Anne Smith, Town of Yates, wanted to clarify a couple of things said at last month's meeting. As the Secretary of SOS she affirmed that none of their funds come from big oil, gas, or the Koch Brothers. They are also NOT funded by a national anti-wind organization. She stated that she is bothered by the insinuations of Paul Williamson at last month's meeting where he said that APEX has heard the rumors that SOS is funded by the above-mentioned sources but acknowledges their right to collect funds from whomever they want. She stressed that over \$200,000 has been spent by SOS that was raised by "Salt of the earth, real Americans who care deeply about their families and community, not the almighty buck".

Chris Bronson, Town of Somerset, said that advertisements should not be misconstrued as bullying. She said that maybe an ad in the Albany area will reach a dictator like Cuomo even if he doesn't personally notice; it could cause a splash and may get attention. She believes that we need to speak up and be heard even if we are from small Towns like Somerset and Yates.

Georgette Stockman, Town of Yates, said that she supports green energy when it is properly placed. She said that August 7<sup>th</sup> was the 40<sup>th</sup> anniversary of the declaration of Love Canal a Federal emergency. She explained that people in that area still worry about the health hazards of living in that area and who will purchase property there. She said that we share similar concerns with the Lighthouse Wind project and although there are no environmental or health concerns now without a project, there could be in the future.

Kate Kremer, Town of Yates, acknowledged and thanked the Board for consolidating their legal counsel. She also stated that there will be Intervenor Funds available in the future for both Towns to use together for one attorney which, she believes, will result in a cost savings. She briefed the Board about the recent SOS event held at the Niagara Shores Campground & Conference Center and said that the SOS Attorney, Gary Abraham, talked about noise and other negative impacts. He said that in a rural area like this, the general noise is about 20 decibels. This project will be about 45 decibels up to one mile from the project, which could make many people sick. She submitted the document that Mr. Abraham referenced at the event titled: "Assessing and Mitigating Noise Impacts".

Agnes Laporte, Town of Somerset, felt that Resolution No. 81-8/18 is very important because it's amazing how many people have no idea what the project is after 4 years. She said that we have the Niagara Falls Power Plant which is a large source of renewable energy in this area. She said that even with the tax increase in the Town of Somerset, they've still got one of the lowest tax rates around. She said that in the Town of Sheldon the taxes are the highest that they've ever been in spite of a wind project located there. She said not to expect free electric because of this project. She explained that the Governor has ordered that electric companies must buy the electricity generated from wind and solar first, which is more expensive, so our electric bills could triple.

Betty Wolanyk, Town of Somerset, explained that originally she was in favor of industrial wind turbines but after research, became opposed to the project and has tried to share the information she has learned with others. She feels that her statements at Town Board meetings have been "nitpicked" and in doing so, her points has been ignored, like that fact that the Attica School District has lost over 450 students since industrial turbines were sited there and that the amount of money APEX will provide to the school district as outlined in one of their flyers is pitiful. She also stated that originally Wyoming County was supposed to host 3,000 wind turbines and currently there are 269 there, less than 10% of the projected amount. She wonders why they didn't place the other 91% if they are so profitable and well liked.

Councilman Suhr said that his brother-in-law lives in Attica where they fought the last wind project and won. His brother can see the school from his house and at night when he sees the blinking lights and hears the sounds on his small farm, he thinks that they finally got smart and realized that industrial wind turbines are terrible.

Susan Campbell, Town of Yates, stated that her daughter lives in California which has the strictest laws for health and the environment and if the turbines were truly a risk, there wouldn't be a single turbine there.

Kate Kremer, Town of Yates, said that Los Angeles County instituted a moratorium on industrial wind projects. She also said that she is suggesting that these projects should not be near people and that there are places in the country where the nearest residents are 2-3 miles away and they are not in a migratory bird area. These are the areas appropriate for industrial wind turbines.

## **TOWN OFFICERS REMARKS**

Councilman Bradley, asked the audience to take a look at the poster on the front bulletin board announcing the Orleans County Household Hazardous Waste Collection Day on Saturday, August 18, 2018. He stressed that you have to register to drop anything off and their phone number is on the poster. He also said to be prepared to disclose the type of household materials you'll be dropping off when you call to register.

Councilman Suhr said that he has had a business in Lyndonville since 1980 and he has never had clients booking for wedding events ask him to sign a statement saying that in the event that windmills are located here, they can be refunded their money. He also said that his wife loves Lyndonville but if they put up wind turbines, she wants to leave, which he never thought he would hear from her. He said that the Government can be corrupt at every level and is being used to push something like this project through that is subsidized so it isn't a good thing, and you look on your electric bill and see that 2% is for green energy which isn't really green because the carbon footprints on these things are ridiculous and like ethanol, it's a shell game. He said it's really all about politics. Politicians are giving subsidized money to already rich people who turn around and subsidize the same politicians and get them back in office. We're just part of the show. He said that he would not sell his golf course for any amount of money because he loves this community, doesn't want to leave and will not sell out.

Councilman Riggi thanked SOS for having a really good informational session and was happy to see leaseholders in attendance there, which was a good thing. He said he would like to be invited to a leaseholder meeting as a public official. He has asked to be invited before and was told no and knows that there was a meeting in Medina last Tuesday night for leaseholders probably with APEX people in attendance and wondered why they were not in attendance at the meeting tonight so asked that if anyone sees an APEX representative to let them know that he would like to be invited to a leaseholder meeting. He said that he heard chuckling at the mention of double or triple electric rates in the event that an industrial project is sited here. He explained that he has family in Ontario that is dealing with two times their current electric rates due to the turbines that were placed up there. He asked the residents to talk to somebody in Canada to see what they are going through. He stated that because of these problems Ontario has instituted a moratorium on new industrial wind projects. He said that the fire up on Key River was started by blasting for turbine bases and when it jumped the river, it took out 8 properties. He said that considering how much bedrock there is around here and how much blasting will be needed, we could expect fires, especially during a dry summer. He said there is potential for trouble when they are going up.

Supervisor Simon said that when the joint legal representation agreement was signed they did not pay a penny, not even for the drafting of the paperwork or the DPS filing. He has heard comments from both sides saying that the Town has managed to keep their legal expenses low



and questioned why people would think that this approach would change in the future. He says they have done well in the past and will continue to remain vigilant. He explained that the reason the paid advertising idea came up was because it's a way to get the Governor's attention since their prior attempts via letters were not responded to, which was very unprofessional and ridiculous. He said that any kind of response, no matter how short, would have been nice. Unfortunately, they have to resort to this to try and reach him. He said that they have been working on the Comprehensive Plan and responded to some of Paul Lauricella's comments with regard to sustainability. He said that Paul is right that we have to be careful about the way the term is thrown around. Some people take the term too far, even though it is a valid concept and an important idea. He said that he is against sustainability when it becomes dictatorial so that the State decides how we, as two Towns, determine how we will contribute to a more sustainable future. Now it's a problem because we have no say or home rule. So, sustainability can go awry. He asked all of those for or against to keep writing because from the Comprehensive Plan we should be able to derive things like justifying playgrounds in the Town Park. He said that when the LWRP is complete next year, it may justify things like bike paths. He urged everyone to submit comments because it will define how these plans are written.

## **ADJOURNMENT**

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting be adjourned at 8:02PM.

Seconded by Councilman Suhr

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,  
Michele L. Harling  
Yates Town Clerk