

PORTLAND TOWN BOARD MEETING
PORTLAND TOWN HALL
JUNE 12, 2019 – 7:00 P.M.

BOARD MEMBERS PRESENT:

Daniel Schrantz	Supervisor
Jerry Boltz	Council
Gary Miller	Council
Patti Farrell	Council
Rick Manzella	Council

OTHERS PRESENT:

Ken Becker	Highway Superintendent
Joel Seachrist	Attorney
Mark Odell	Chautauqua County Legislator
Two representatives from EWT Direct Drive Wind Turbines	
Approximately 19 residents	
Roxane Sobecki	Clerk

Supervisor Schrantz opened the Board Meeting at 6:30 p.m. with the pledge to the flag.

Eric Holton and Marion Rice of EWT Direct Drive Wind Turbines gave a presentation (recap) to the board regarding the Wind Turbine Project within the Town of Portland:

- EWT-project developer, turbine manufacturer, and operator
- Mid-size/community scale-smaller than nearby existing and proposed turbines
- Up to 10 10MW wind turbines on three sites
- Community Distributed Generation (CDG)-Direct utility bill savings
- Interconnection with existing National Grid infrastructure-no new transmission lines or substations
- Minimal agricultural disturbance

Local Community Benefits:

- Utility bill savings
- Exclusive CBG benefits to local residents
- Revenue (e.g., PILOT) with no additional costs
- Continued agricultural operations
- Local clean energy generation
- Stable rental income to landowners
- Local Economic development from construction & operation
- Local infrastructure investment

Mr. Holton compared EWT's turbines with nearby existing and pending Wind Turbines. EWT DW is 326 Ft. turbine compared to the largest pending Lighthouse project at 591 Ft. The turbine has a direct drive technology, meaning no gearbox with reduced noise. Mr. Holton reviewed with the board the setbacks and requirements which EWT meets. Mr. Holton reviewed the site locations, stating seven turbines are needed to make the project viable. It was noted that Portland is a migration corridor. Mr. Holton said

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they are working with US Fish & Wildlife and NYS Environmental Conservation and have found no adverse effect on these species. It was asked if a State Environmental Quality Review Act (SEQRA) has been filed? Mr. Holton stated that is part of the permit process, a SEQRA is required and they will be preparing that. Members of the public shared their view and asked Mr. Holton questions regarding setbacks, decibel levels, flicker effect, arrow dynamics of the blades and the sound of the machines at certain distances. The town code residential setback is 1200 ft, Mr. Holton said double that with a smaller turbine EWT meets all requirements set forth in the town code. He also noted if there are any issues after the turbines are installed regarding noise, flicker etc. there are several solutions to solve problems after the fact. Mr. Holton told residents there is a sound pressure level, part of the permitting process EWT goes to every home that borders the turbine, ETW simulates what noise pressure the residents would hear from the turbine. The town code decibel level is an L-10 six-minute intervals at 50 decibels. Mr. Twichell noted this would mean that the decibel level can be exceeded every six minutes of every hour. Mr. Holton recommended the new standard which does not use the L-10. Mr. Twichell asked if this includes low frequency noise and infer sound. Mr. Holton was not sure. Mr. Holton stated this is a community project, town residents can sign up for reductions on their utility bills. County Legislator, Mark Odell asked if Village of Brocton residents would have the same benefit. Mr. Holton said Village residents would not receive this benefit since they are on municipal electric. Mr. Odell also noted the Chautauqua County Legislator's requested the IDA no-pilot program for wind energy projects over 5 megawatts.

Supervisor Schrantz thanked EWT and residents for their input.

MINUTES

44-19

On a motion of Council Miller, seconded by Council Farrell the following resolution was

ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella, Miller

Nays 0

RESOLVED The Portland Town Board approves the Minutes from the May 1st, 8th, and 29th 2019 board meetings.

DEPARTMENTAL REPORTS

45-19

On a motion of Council Manzella, seconded by Council Boltz the following resolution was

ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella, Miller

Nays 0

RESOLVED the Portland Town Board approves the Departmental Reports as presented:

Monthly reports received and filed:

- Assessor
- Code Enforcement
- Town Clerk
- Town Justice

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- Dog Control

TREASURY REPORT

46-19

On a motion of Council Boltz, seconded by Council Miller the following resolution was ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

RESOLVED the Portland Town Board approves the Treasury Report for May 2019 as presented by the Supervisor.

CORRESPONDENCE:

Supervisor Schrantz read the following:

- Cable 5-thank you for funding.
- NYMER-seminar on discrimination and harassment.
- Web training on solar/land use lands.

VAN BUREN POINT/GREENCREST:

Supervisor Schrantz told residents he has spoken with Paul Parker of Urban Engineers; Mr. Parker has agreed to review the drainage situation. Discussed having the board meeting at the Point this summer. Supervisor Schrantz discussed with Marty Webster having meetings at the point to review easements for the WD2 Improvement Project. Supervisor Schrantz stated the bid date projected is Spring of 2020, construction would start after the summer season for Van Buren Point.

PUBLIC COMMENT:

Mark Twichell addressed the board about the economic impact of Wind Turbines to the area. He stated we have heard of the economic benefits but not the disadvantages. He discussed the loss of tourism, assessment, property value, bats etc. He also discussed the loss of Health to people and the noise the turbines generate. He told the board the Town could draft a Protected Wind Law; residents of the town could be protected from the turbine noise.

Mary addressed the board stating her family moved to this area for the rural beauty, the turbines going up are taking away the beauty. Putting up turbine's effects everyone. She said this is devastating to a community. She discussed the Light House in Dunkirk turning down a small turbine to monitor the wind along the lake. She told the board there is no price you can put on this.

Karen Engstrom told the board residents expect a quality of life and expect the board to represent us to guard that quality of life. Ms. Engstrom discussed the Arkwright project and the impact the turbines have had on the community. She passed out a film and literature for the board to review. She said this is not going to solve the energy crises in NYS. She passed out examples of Counties that oppose these projects. She told the board we must have backup gas and coal; wind turbines do not produce electricity all the time. Ms. Engstrom read a short statement from the Western New York Public Health

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Alliance (consisting of six county health departments)- “ Our local boards of health home rule ability to take steps to safeguard the health and wellness of our residents and protect the environment within our counties has been put at risk. What is the state’s position and plan to ensure that our residents’ health is protected and the impacts on our local environment have been reviewed and vetted through the standard state assessments for projects of this magnitude? Our membership believes that any project of this nature and magnitude only be considered following a complete and transparent process including all the standard environmental and health impact studies and local input.”

OLD BUSINESS:

VILLAGE/TOWN REPRESENTATIVES:

Supervisor Schrantz told board members he will be scheduling a meeting with the Town and Village boards to discuss the Highway Department’s.

HIGHWAY GARAGE FLOOR

47-19

On a motion of Council Miller, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5 Schrantz, Miller, Farrell, Boltz, Manzella

Nays 0

RESOLVED the Portland Town Board authorizes Urban Engineering to assemble bid documents for the Highway Garage Floor, option 2 with the Town removing the concrete slabs.

CHADWICK BAY/NORTH COUNTY WATER:

Meeting June 20th at the Fireside Restaurant-North County-4:30, Chadwick Bay-5:30.

Chadwick Bay may possible apply for a grant to review preliminary steps for a sewer district along the lake front. Supervisor Schrantz stated he will research the shared cost for the town and report back.

WATER DISTRICT 8:

The project bid has been accepted by J.D. Northrup, Supervisor Schrantz told board members supplies are being ordered. The project will start in September.

WD8 AUDIT

48-19

On a motion of Council Boltz, seconded by Council Manzella the following resolution was

ADOPTED Ayes 5 Schrantz, Miller, Farrell, Boltz, Manzella

Nays 0

RESOLVED the Portland Town Board approves Drescher & Malecki LLP to conduct an independent audit required for Federal Awards, Subpart F of Part 200 for Water District 8 with a do not exceed amount of \$7,500.

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CODE OFFICE:

Supervisor Schrantz told board member he has checked with the accountant, there is an extra \$5,000 if the board wants to increase the hours for the code/zoning office. He also told board members the Village Code Officer will be leaving. Supervisor Schrantz suggested Council Miller and Boltz review the needs of the code/zoning office, pay, and job description if the board were to hire an additional person.

**WESTERN NEW YORK CONSERVANCY RESOLUTION
49-19**

On a motion of Council Miller, seconded by Council Farrell the following resolution was
ADOPTED Ayes 5 Schrantz, Miller, Farrell, Manzella, Boltz

Nays 0

WHEREAS, the Western New York Land Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at the College Lodge with a mailing address of 8067 Rte. 380, Brocton, NY 14716, a site located within the territorial jurisdiction of this Board; and
WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Board of the Town of Portland hereby does approve and endorse the application of the Western New York Land Conservancy for a grant under the Environmental Protection Fund for a park project known as the College Lodge Forest and located within this community.

MUSEUM

50-19

On a motion of Council Farrell, seconded by Council Boltz the following resolution was
ADOPTED Ayes 5 Schrantz, Miller, Farrell, Manzella, Boltz

Nays 0

RESOLVED the Portland Town Board approves the hiring of Robert Pawlak as curator of the Portland Museum at a rate of \$12.65 per hour.

HIGHWAY:

Highway Superintendent Becker told the board the boarder wall around the playground at the park needs to be replaced. He will review cost estimates. The park had a water leak. Two trees at the park need to be taken down, he told the board they have been hit by the Emerald Ash Bore. The 93 Ford 9000 Truck was sold on Auction International for \$5,500. Discussed with the board a quote for a new ten-wheeler truck-\$224,512, for an extra \$5,000 a five-year bumper to bumper warranty. The Board asked the Town Clerk to review grant money for the truck from USDA. Superintendent Becker gave the board the cost of a new pick-up truck-State Bid \$36,789.00 with a trade in of 2015 F-250 with plow \$23,000, total cost of the new truck-\$13,789.00. After some discussion it was decided to first see if CBI Water would like to purchase the truck at \$23,000 or sell the truck on Auction International.

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PURCHASE NEW TRUCK

51-19

On a motion of Council Manzella, seconded by Council Boltz the following resolution was ADOPTED Ayes 5 Schrantz, Miller, Farrell, Manzella, Boltz

Nays 0

RESOLVED the Portland Town Board authorizes the Highway Superintendent to purchase a 2019 Chevrr Silverado 2500 4WDLt DBL Cab State Bid at a cost of \$36,799.

PAY BILLS

52-19

On a motion of Council Boltz, seconded by Council Farrell the following resolution was ADOPTED Ayes 5 Schrantz, Miller, Farrell, Manzella, Boltz

Nays 0

RESOLVED the Portland Town Board approves the bills be paid for June 2019.

GENERAL FUND	\$13,367.86
TOWN OUTSIDE VILLAGE	\$470.26
HIGHWAY TOWNWIDE	\$749.23
HIGHWAY OUTSIDE VILLAGE	\$18,185.27
LIGHT	\$468.53
WATER	\$1,785.00
CAPITAL PROJECTS	\$44,415.39
TRUST & AGENCY	\$40.88

EXECUTIVE SESSION:

On a motion of Council Miller, seconded by Council Manzella the Board moved into Executive Session at 8:56 pm to discuss a safety issues at the Town Hall and pending litigation with the Town Attorney.

On a motion of Council Boltz, seconded by Council Manzella the Board returned to Regular Session at 9:50 p.m.

MORATORIUM ON WIND FARMS

53-19

On a motion of Council Miller, seconded by Council Manzella the following resolution was ADOPTED Ayes 5 Schrantz, Miller, Farrell, Manzella, Boltz

Nays 0

RESOLVED The Portland Town Board will hold a public hearing on June 26, 2019 for Local Law 1 of 2019 entitled "A Local Law Enacting a Moratorium on Commercial Wind Energy Conversion Facilities." This proposed local law would impose a six-month moratorium.

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With no further business, on a motion of Council Farrell, seconded by Council Boltz the meeting adjourned at 10:00 p.m. Carried unanimously.

Respectfully Submitted by,