

TOWN OF PORTLAND PUBLIC HEARING
PROPOSED LOCAL LAW 2-2020/AMENDING THE WIND ENERGY FACILITIES LAW
PORTLAND FIRE HALL, ROUTE 20, PORTLAND
SEPTEMBER 29, 2020 – 6:30 P.M.

BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Joel Seachrist	Attorney
Roxane Sobecki	Town Clerk
Mark Odell	Chautauqua County Legislator

Approximately 26 to 28 members of the public

Supervisor Schrantz opened the Public Hearing at 6:30 p.m. with the pledge to the flag.

Supervisor Schrantz stated two affidavits of publications were posted in the Observer on September 16th and 17th, also the legal notice and proposed Local Law 2 of 2020 is posted on the Town's website at townofportland.org

Supervisor Schrantz opened the Public Hearing thanking everyone for coming for the Wind Law. He stated the board has received many letters, phone calls, emails, some for and some against Wind Turbines within the Town of Portland. He said the Town has listened to everyone and has tried to make a Wind Law that would fit the people of the Town of Portland. Supervisor Schrantz stated the board has heard from a large majority saying they do not think large turbines should be in the lower part of the Town. The proposed law requires an 850-foot elevation, allowing only 15 within the Town on the higher elevation.

County Legislator Mark Odell- Mr. Odell addressed the board saying he is in attendance as a town resident, County Legislator, and representing Senator George Borrallo. Legislator Odell read a statement from Senator Borrallo, which stated he is opposed to Wind Turbines and the negative impact they have. Senator Borrallo's letter listed facts and studies. His letter also noted the County Health Departments recommendation of setbacks for turbines at one- and one-half mile, this proposed law his letter stated falls short of this recommendation. Legislator Odell told the board he is chairman of the Planning & Economic Development Committee, he has brought legislation In Opposition of the Energy Siting Amendment to the New York State Budget. Legislator Odell read the resolution to the board, which was passed by the County Legislators.

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PUBLIC COMMENT:

Supervisor Schrantz opened the floor to the public stating this Public Hearing is only on proposed Law 2-2020 not a specific project. Restriction to speak will be three minutes.

Residents spoke for and against large scale turbines. Questions to the board where the setbacks of 1600 feet in the current law, it was asked several times why the board is not going with the County Health Departments recommendation of one- and one-half mile. It was asked if all 15 turbines could be allowed in one spot. Residents asked why the law is looking at people on the hill separately with the 850 feet elevation. It was asked why does it protect just people on the flats, why do people on the hill have to live with turbines? Doug Walter gave the board a petition signed by 137 residents asking for changes to the proposed law. He also asked that property value guarantee be added. Dale Carlson discussed with the board the current setback of 1600 feet, he said in order to provide safe setbacks to homes he proposed a sliding scale of eleven feet for each foot of tower height. Bill Westin gave the board information on setbacks and property value protection. He also questioned the 1600-foot setback, asked the board how this would be defensible with the county's recommendation of one- and one-half mile setback. He asked the board if they have studied any other town setbacks and asked why the board is so fearful of the state. Residents told the board they moved here for the scenic beauty. Bill Moran mentioned the town's comprehensive plan which emphasizes scenic views. Robert Ciesielski a volunteer with the Sierra Club and Chair of the Atlantic Chapter Energy Committee stated wind turbine projects can be very beneficial financially to towns, counties and school districts, through payments of taxes and host agreements. He stated there are towns in Western New York, such as Sheldon, where residents pay little or no town taxes. He also agrees with several "Finding" of the proposed law, wind power is cost effective, non-polluting source of renewable energy. Carrie McCausland read a statement to the board in favor of Wind Turbines, stating how the proposed law reads it will kill EWT's project. Concerning noise, it was stated these turbines do not have gear boxes so concerns such as noise, hazardous materials, and fire hazard are unheard of in a direct drive turbine. She told the board that she has done a lot of research and has paid attorney fees to make sure that of the property owner and neighbors are protected. She said we already have the noise from the railroad, thruway and highways. Portland could have green energy and sustainable agriculture. Others spoke in favor of turbines asking why only a maximum of 15 turbines with elevation over 850 feet. Mr. Wall told the board the location of the turbine on his property is nothing but brush between the thruway and his backyard. He stated he has seen a lot of business and people leave this area; this would be an opportunity to possibly maintain our schools. Eric Holton of EWT told the board he is disappointed with the proposed law which would kill their project and leave the door open for large industrial projects. He asked the board to use the time left in the moratorium to go back and allow for responsible wind projects. He told the board his company has been working on this project for 3 years and have meant all requirements and concerns under the current wind law. Attorney Seachrist told residents under the New York State budget and renewable energy any project that exceeds 20 to 25 MW the state would oversee, the town has no say. He felt a one- and one-half mile setback is not reasonable, that is saying the town does not want any wind turbines. Supervisor Schrantz told residents the board has heard both sides and felt 1600-foot

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setback was a good compromise. Supervisor Schrantz stated the town has received 50 emails from the Climate Realty Project residents of New York State, all are in support of green energy. He stated they are all very similar and read one of the letters. Supervisor Schrantz stated he has received 13 letters from residents that couldn't attend the public hearing, 2 from attorneys, 1 from the Chautauqua County Planning Board, 39 from previous meetings and a petition from town residents with 31 signatures in favor of EWT's project. All letters will be on file at the clerk's office.

Supervisor Schrantz thanked everyone for coming.
The meeting adjourned at 7:51 p.m.

Respectfully submitted by,

Roxane Sobecki
Town Clerk