

Update Archive 2019

January: Organizers of the 30 mile Gravel Classic have reached out to the town to announce they will be returning in 2019. A representative for AT&T and a consultant from Airosmith Development Inc. attended the meeting on the 17th. AT&T is looking to place a cell tower next to the existing cell tower in town on Williams Rd. Some revisions made to the town of Richmond's solar law were reviewed. Our own solar law will likely be reviewed and revised in the coming year. I'll keep you posted on that. Also, just so you know, the papers of record for the town are the Corning Leader and the Eagle News. Last, our Supervisor, Lenny McConnell expressed a desire to have a community social gathering at the fire hall in the future. I think it's a great idea. Hopefully, we can get that organized relatively soon.

February: Our February meeting had a full agenda and quite a few people attended! We have a couple of events coming up, please help spread the word. On April 20th the Prattsburgh Gravel Classic returns to town. The race features Anthony Clark. Clark represented the United States in the 2016 UCI Cyclo-cross World Championships in Heusden-Zolder, Belgium. When did we last host a world class athlete? There should be about 250 competitors. It's a big deal. Also, a tentative date of May 4th has been set for a community meet and greet to be held at the fire hall. The fire hall barbeque will also be taking place on the 4th, so you can come out and support our local protectives and mingle too.

Our Town Justice, Ruth Chaffee, attended the board meeting to discuss security at the town office building and town court in particular. There should be grant money available to provide screening at the door. The idea of arming our constable/bailiff was also discussed. The town would have to pay for training, but the cost should be minimal. All of the ideas discussed have already been implemented in many of the courtrooms in our area.

The town's sewer project is progressing. An update was provided by J.C. Smith, Community Infrastructure Specialist, Steuben County IDA. A SEQRA review determined no detrimental environmental impact would result from the project. There should also be some funding available to help offset some of the cost of the project. Larson Design Group has been hired on to assist in the project. Larson Design has an updated report for the project. Ed Brockman, who provides legal counsel to the board, offered to send me an outline of the project. I look forward to receiving the outline, and will request a copy of the updated report from Larsen as well.

There will be some propositions on the election ballot this year. The proposals, if passed, will change the terms of town clerk, town highway supervisor and town supervisor from two year terms to four year terms. If passed, the new term lengths would apply to the candidates voted into the positions in November.

Last, a sustainable energy company by the name of Terra-Gen has approached the town about rebooting the Prattsburgh Wind Farm Project. It is my understanding that the company has already had a few conversations with land owners in the area. The effort is in its infancy, an updated project map is not yet available. However, the project is believed to include plans for approximately thirty turbines generating a total of 147 megawatts.

March: We enjoyed good attendance at our March meeting. I saw a couple of new faces at the meeting. Public hearings on the proposals to extend the terms of the town supervisor, town clerk and highway superintendent from two years to four years were held. The consensus from those in attendance was that it is generally a good idea. A community member asked if the town had any

recourse if an elected official was derelict in his or her duty. Legal council advised that removal of elected officials by recall is not contained within the New York State Constitution or any state law. Removal from office due to cause is an option, but not commonly done.

In other news, an environmental emergency monitoring service was discussed. Cost to the town would be \$500 annually. The street light conversion project is slowly proceeding. The town is replacing the old, inefficient mercury bulbs with LED bulbs. The possibility of adding two additional light poles, one on North Main, and the other on Porter Street, was discussed. A payment in lieu of taxes (PILOT) for Empire Telephone is moving forward. Empire recently purchased the library building next to their corporate offices. They generously agreed to lease the lower floor of the building back to the library for an annual fee of \$1. The upper level will be renovated to house a call center. The library is a non-profit institution, and therefore, the building was not on the tax roll. The application was submitted to and approved by the Steuben County Industrial Development Agency. When I can get the details from the Steuben County IDA I'll post those here. Last, the sewer district formation procedure was outlined.

April: Summary of the special meeting held on Thursday, April 4th - The primary purpose of the meeting was to discuss the current land use law. Land use laws are being reviewed primarily in response to a potential wind farm project that Terra-Gen is considering. One aspect of the existing land use law that is being reviewed is setbacks. In land use, a setback is the minimum distance which a building or other structure must be set back from a street or road, a river or other stream, a shore or flood plain, or any other place which is deemed to need protection. No action was taken to change the existing setbacks as there was some concern that more time was required to evaluate the issue. Kevin Sheen, VP of Business Development at Terra-Gen spoke at length about other wind farm projects that have been completed in neighboring areas. The need to develop a new policy addressing the demolition of property was also discussed, and that work is under way.

There was also a lot covered at the regular board meeting held on April 15th. In addition to regular business, a few resolutions were passed. A resolution declaring repair of a highway department trailer an emergency was passed. There are few shops capable of doing the required work, and we were unable to have the required work completed last fall. The trailer is required to complete much needed work scheduled for May. The town also approved the adoption of a sexual harrasment policy. In addition to the policy, two compliance officers were also appointed. A resolution designating the town as lead agency for environmental review of proposed formation of a municipal sewer district was approved. Also in regard to the formation of a municipal sewer district, the board completed a coordinated review of the project and completed a Full Environmental Assessment Form (FEAF). The review determined that no moderate to large negative environmental impacts are likely to occur as a result of the proposed municipal sewer district.

Increases for fees charged for some town services were discussed too. Title cost increases, code permits, water shut-offs and other items aren't currently charged for or haven't seen price increases in a long time. The town is simply looking to cover its costs for providing the services. An energy saver program offered by a company called Lime and funded in part by NYSEG was reviewed. There were several concerns about the program. Chief among the concerns is that the town is required to get competitive bids. The program also lacked specifics regarding the brand of bulbs to be used, and the cost was prohibitive. We could do the work ourselves for much less.

Last, the meeting was well attended. Many folks voiced their support of a wind project for the town, and many folks voiced their concerns. You can always share your thoughts with me concerning a potential wind farm or anything else happening in town by clicking the contact link on this web page. I can also be reached at petescheid@prattsburgh.org. I'd love to hear from you.

May: Another special meeting... The special meeting was called out of concern that the board needed to take action regarding a meteorological tower that Terra-Gen was constructing to gather wind data. My notes from the April meeting indicated that Ed Brockman (legal counsel) stated that no action was required by the board on this matter as we have no law in place regulating meteorological towers and that based on information provided by Terra-Gen, set backs were more than adequate even if we had a law in place. As it turned out, no action regarding the meteorological tower was required. However, a motion was made by Supervisor McConnell and seconded by Councilman Booth to amend the existing setback for wind turbine towers to 1.5 times the maximum height of the blade tip. The motion was approved 4 to 1. I voted against it on the grounds that the motion should be addressed at a regular meeting and that folks should have an opportunity to be heard on the issue. More on this issue in the summary of the May regular meeting that follows.

The regular meeting of the board held on May 20th was held in Ingleside, and was well attended. The board adopted three independent local laws - subject to mandatory referendums this fall, to change the terms of Town Supervisor, Superintendent of Highways, and Town Clerk from two year terms to four year terms. Our town clerk will prepare the individual propositions concerning these local laws so that they will appear on the ballot for this fall's general election. The motion made at the special meeting held on May 2nd to change the existing setbacks for wind towers to 1.5 times the maximum height of the blade tip was nullified. As the town has an existing Wind Energy Facilities Law in place, an amendment of the setbacks will require adoption of a local law. This will require, among other things, that a public hearing be held, and that a Full Environmental Assessment Form be completed and reviewed.

In other business, the board approved a \$200 expenditure from the community beautification fund for the planting of flowers in the baskets located on Main Street. Also, please be aware that the bridge on Lyons Hollow Road will be closed for about ten weeks beginning on May 28th for construction. There will be no traffic between Sick Rd and Rosy Hill Rd during this time. Last, please mark your calendars for a community meet and greet to be held on Saturday June 22nd at the Prattsburgh Fire Hall on 15 Allis Street from 1:00 to 4:00 PM. Local businesses, clubs, groups, organizations, and churches are all encouraged to participate. Please contact Town Clerk Kim Sobolewski at 607-522-3761 for more information.

June: Steuben County Legislator Michael Hanna and two guests attended this month's board meeting. They spoke to the use of drugs and alcohol in Steuben County, particularly among teens. Based on their research and experience, marijuana is much more accessible to teens than is alcohol. Teens are able to obtain marijuana in as little as fifteen minutes with nothing more than a text message sent from their phone. They also reported that vehicle fatalities are up substantially in states that have lessened restrictions on the drug. Any legalization of the drug in New York State would be of no benefit to

counties or towns. Any tax revenue gained by legalization would likely go to the state, while local municipalities would bear the burden of providing additional services that might be required as a result of increased usage of the drug.

Steuben County is apparently contemplating a sublease of a property owned jointly by the town of Cohocton and Prattsburgh. The Town Board will be sending notification that it be involved in any negotiations and decisions with respect to this potential development. A revised cost estimate for the town's sewer district project was provided to the Board by the Larson Design Group. The latest revision put's the project's total cost at \$1,071,000. J.C. Smith of the IDA stated back in February that aid would be available for this project. When I inquired about the status of that aid to our Town Supervisor, he assured me that it was being worked on but could provide no details. Councilman Underhill will be assisting Town Supervisor McConnell with a review of the town's water department policy. Apparently, Steuben Foods has hired an architect and \$300,000 has been budgeted for cleanup of the old milk plant on Mechanic Street. However, no definitive response has been provided to the town, nor has a plan been provided. The town will be looking at ways in which it can improve scheduling for the Rotary Park. The town will also be performing some maintenance and repairs at the Town Hall. Some repairs are necessary for the steps and steel railings. The doors and parking lot are also in need of maintenance. Last, there are some issues at the town's recycling facility that need to be addressed. I'll try to provide more on that issue as things develop.

A special meeting of the board was held on June 20th, and was well attended. The purpose of the special meeting was to complete a Full Environmental Assessment Form in preparation of a local law filing. The completion of the assessment form is required by the state prior to a change of any law. At issue is a motion by Supervisor McConnell to amend the setback distance for turbine towers in the town's existing Wind Energy Facilities Law. The existing formula to determine a wind turbine setback is $2.36 \times (\text{tower height} + \text{rotor diameter})$. The proposal under consideration is $1.5 \times (\text{tower height} + \text{rotor radius})$. I have some thoughts on this, which I'll share on this site before the public hearing on this topic to be held on July 15th at 7:05 PM.

July: A public hearing was held at the July meeting to receive public comment regarding a proposed change in the setback requirements for commercial wind turbines. Many good points were raised during a spirited discussion. Highway Superintendent reported that roads damaged by recent heavy rains had been repaired. The board also passed a motion to enter into a cooperative agreement with Wayne Finger Lakes Board of Cooperative Education Services for the purchase of electricity.

A special meeting was held on July 25th. The stated purpose for the meeting was to discuss entering into an escrow agreement with Terra Gen (wind company). The funds would be used to cover non-article 10 expenses incurred by the town related to the project proposed by Terra Gen. Oddly, Supervisor McConnell is in no hurry to hire an engineering consultant who would be paid for with funds from the escrow account. Special meetings are supposed to be specific in purpose, as are special meeting notifications. However, for the second time this year business other than that stated in the special meeting notice was addressed. In addition to the escrow agreement, water bills were adjusted to

the minimum allowed by the towns policy. Bills were excessively high due to leaks. A declaration was also issued by the board stating the intention not to use eminent domain for any purpose related to private enterprise. Most importantly, a motion was made and passed by a 4 to 1 vote to amend the formula for for determining lot boundary line setbacks in the wind energy facilities law. I votes against it, and I will continue to vote against any motion made at a special meeting that falls outside the stated purpose for the meeting. Many people in attendance, myself included, believe this was the real purpose of the meeting. As someone who values transparency in government, this behavior is disappointing to say the least. The issue could have, and most definitely should have been addressed 25 days later at our regularly scheduled meeting.

August: Special meeting - We had a special meeting of the Town Council on Thursday, July 25th at 7:00 pm. I'll cover that here, as it was held after the July update was published. First it should be stated that special meetings are supposed to be specific in purpose and are supposed to address issues that can't for one reason or another be addressed in a regular session. Likewise, special meeting notices are supposed to state only the specific purpose for which the meeting is to be held. Special meeting notices should not include verbiage such as 'and any business that comes before the board.' The primary topic of the meeting was to be a request for proposal from engineers to represent the Town of Prattsburgh on wind energy issues. The stated purpose for the meeting was briefly discussed. In addition, a declaration was made stating the Board's opposition to the use of eminent domain for any purpose related to private enterprise. Also covered was the adjustment of a couple of water bills per policy to the lowest amount allowed. The bills were excessive due to water leaks. Most importantly, a motion to amend the setbacks for wind turbines in relation to lot boundaries was passed by a 4 to 1 vote. I voted against it, and will continue to vote against any motion made at a special meeting that is outside the stated purpose for the meeting. I've made an inquiry to the State Comptroller's Office asking for guidance on this issue. The practice is unethical, and the polar opposite of the transparency we need at all levels of government. It was the second such incident so far this year.

Summary of the regular meeting held on Monday, August 19th - Might just as well start with the big news. As Kevin Sheen of Terra Gen promised earlier this year, a website is now up and running to provide information on the proposed wind farm. The site can be reached at prattsburghwindfarm.com. Mr Sheen also reported that an avian impact study was still ongoing, and mentioned that eagles were a specific focus. A sound study has also begun. The sound study has two components. One component will capture data while trees are holding their leaves, the second part will be conducted while the trees are bare. He also offered to have an engineer present on the Article 10 process for the benefit of community members. Last, a Public Involvement Program (PIP) will be sent to our public library This document should identify the project stakeholders, the methods by which stakeholders will be notified and consulted throughout the Article 10 process, and activities Terra Gen will engage in to encourage stakeholder participation. To be clear, the stakeholders are everyone in our community. In other news, Highway Superintendent John Perry asked the Board's opinion of using general funds to slurry seal roads in the town proper. Superintendent Perry was concerned he may not have enough money in the highway budget to fully cover the work. The Board advised Mr. Perry that he should include the work in his 2020 budget. Crack sealing will go ahead as planned. In case you're wondering,

a slurry seal is the application of a mixture of water, asphalt emulsion, aggregate (very small crushed rock), and additives to an existing asphalt pavement surface. It can greatly extend the life of paved roads. The escrow agreement proposal submitted by Terra Gen was discussed further. The escrow agreement raised some questions, and Supervisor McConnell will seek clarification on the issues raised. The escrow agreement would be a compliment to intervenor funds. Intervenor funds would be paid to the NYS Department of Public Service. The town would then have to make specific requests to the DPS Examiner for funding to offset costs incurred by the Article 10 process related to the wind farm proposal. Participation in the Wayne Finger Lakes Cooperative Electricity Bid was approved. Steuben County has entered into an agreement with an independent contractor for the purpose of providing controlled substance and alcohol testing services. The Board evaluated an Intermunicipal Cooperation Agreement with Steuben County to take advantage of these services at a reduced cost. The agreement would end in 2025. Last, community member John Servo provided the Board with some research on the financials behind Terra Gen's proposed Prattsburgh wind project. Some serious effort went into the document, and the Board was appreciative of his efforts.

September: Regular Meeting - We had a pretty busy meeting on September 16th. Highway Superintendent, John Perry will be submitting a request for a Ten Wheeler in his 2020 budget. Code Officer, Fred McAllister reported that our fire hydrants were tested, and all were found to have good pressure. Councilman Booth and Supervisor McConnell met with Steuben Foods on October 1st and reported that good progress was being made in regard to the old milk plant cleanup and warehouse. I asked if the soil had been tested at any of the old Steuben Foods sites. Supervisor McConnell replied that the soil had been tested, but it is unclear which parcels the results apply to.

A decision was made to invite engineering firm Labella, and Hunt Engineers, Architects and Surveyors to a special meeting held on September 24th to gain a better understanding of each firm's capabilities in regard to wind projects. More on this, in the summary of the special meeting that follows.

In new business, Katherine Gabriel was re-appointed as Town Assessor. A budget meeting was also scheduled for October 3rd at 6:00 PM.

Kevin Sheen provided an update on the wind project. An open house will be held on Monday, October 7th from 5:00 PM to 7:00 PM at the fire hall. It will be the first of two or three open houses that will be held. He also mentioned that he had discussions with the school administration about the possibility of setting up some youth scholarships. The number of potential turbines has been broadened to 25 – 40. A wetlands evaluation is next. A 'leaves off' sound study will commence in January. Some discussions with the Federal Aviation Administration are also underway.

Summary of the special meeting held on September 24th - Before the interviews began with engineering firms Labella and Hunt, J. C. Smith of the Steuben County Industrial Development Agency (IDA) provided a detailed update of the Sewer Project. Two funding applications have thus far been submitted on our behalf. The first application, made with the U.S. Economic Administration, could fund half of the project.

A second application was made with Appalachian Resource Council (ARC). It could provide as much as \$200,000. If both grants were approved it could cover 70% of the project. There is some debate as to whether or not we should wait for the ARC grant. The ARC is taking some time to process the grant. While we wait, inflation is adding to the cost of the project. Other grants are available. Financing must be in place in order for the town to proceed with the project. J.C. Smith will meet with the town to assess the project again in November.

Both Tim Steed, Principal/Director of Civil Engineering for Hunt, and Kathleen Spencer, Principal Environmental Analyst for Labella, provided strong answers and represented their firms well. In the end, the town board selected Labella as its engineering consultant. The decision was primarily driven by the amount of experience Labella has in dealing with commercial wind projects.

October: Regular Meeting - Leonard Carruthers of Steuben Foods, and Kevin Sheen of Terra-Gen, both provided updates to the Board. There was little to report in regard to the wind project. A leaves off sound study will commence in January, and Terra-Gen is also in discussion with the FAA regarding lighting requirements for towers that would be part of the project. The Board did provisionally approve an escrow agreement with Terra-Gen. The updated document will now be submitted to Terra-Gen for adoption.

Leonard Carruthers, and an engineering architect representing Steuben Foods provided a pretty thorough update on the cleanup efforts at their existing properties. The warehouse suffered severe roof damage. Old asbestos piping that was stored there fell to the floor and broke. The asbestos must be abated. No lead was found in any paint on the structure. A tar like substance found on some walls was tested for polychlorinated biphenyl (PCB), but none was found. There is some fiberglass in the structure that needs to be addressed. It has still not been determined whether the building will be restored or demolished. The general goal for the old creamery site is to restore it to a grassy lot. The concrete on the site will be removed to a depth of four feet. Due the size of the lot, a limited Soil and Water Protection Plan (SWPP) is required. As mentioned in an earlier post, the town needs to replace some piping beneath the site. The town will provide the pipe, and Steuben Foods will work with the town to provide trenching and backfill. Mr. Carruthers stated work will begin in the spring of 2020. The council completed an Environmental Assessment Form to be filed with the State, so that work can commence as planned.

Highway Superintendent John Perry reported that trucks 304 and 104 were in need of some significant repairs totaling about \$20,000.

Special Meetings - A preliminary budget has been approved by the Board. There will be a public hearing to address the budget on Tuesday, October 29th at 7:00PM. The Board also met for the purpose of reviewing Article 10 as it relates to the potential wind project.