

Town of Enfield
Special Town Board Meeting Minutes
Enfield Elementary School
Thursday, December 17, 2015
7:00 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Vera Howe-Strait, Town Councilperson Michael Miles, Town Councilperson Elect Henry Hansteen, Town Clerk Alice Linton.

Supervisor Rider opened the special meeting at 7:15 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Welcome and Meeting Framework - Moderator Jeff Shepardson, of the Community Dispute Resolution Center, introduced himself and stated a planning group was formed consisting of Town Councilperson Elect Henry Hansteen, Town Councilperson Michael Carpenter, Town Supervisor Ann Rider, Black Oak Wind Farm Project Manager Marguerite Wells, and himself. They put together a process and agenda to get the most out of the evening.

Councilperson Bryant, Councilperson Carpenter, Councilperson Miles, Councilperson Howe-Strait, Councilperson Elect Hansteen and Town Clerk Linton introduced themselves.

Moderator Shepardson stated there also was a group of folks present to provide information sharing and answer some questions and concerns that might come up during the evening. Marguerite Wells, Black Oak Wind Farm Project Manager, introduced Ryan Callahan, Acoustic Engineer, Jim Hickman, Environmental Consultant, Tom Amirault, commercial manager at General Electric in Schenectady and Frank Pavia, attorney for the town in wind farm matters of the law firm Harris Beach.

Moderator Shepardson stated the planning group wanted the evening to be one where everyone could be heard and to hear; to share and receive information; and to plan for a community advisory board regarding the wind farm. Those are 3 items that were named as outcomes for the night's special gathering. He stated he was present to make sure everyone was heard and to keep things on track. The town board was present to listen and possibly answer questions. The experts were present to give information and perhaps advice. The public was present to share concerns, share questions and their views. He hoped the discussion would be open, honest, respectful and that comments would be directed to him as moderator.

Moderator Shepardson explained the way the process would be shaped was the planning committee came up with 5 main areas of concern: real estate values, ice throws/setbacks, noise/health, Good Neighbor Agreement, roads/construction. He asked if anyone saw a glaring omission. Resident's feelings was suggested as another topic, as were changes in the project, and effects on animals/birds.

Timeline of the Project: Marguerite Wells gave a brief history of the project. A local resident, John Rancich, started talking with land owners in the Black Oak area, and with the Enfield Town Board about wind power and a tower was put up in December 2006 to measure wind speed. In December 2007 a public hearing was held and the first Town of Enfield wind law was passed. In February 2008 the law was repealed. In March 2008 a public hearing was held on a new wind farm law and the Enfield Planning Board took on development of the new law. In December 2008 Enfield was named lead agency on SEQRA (State Environmental Quality Review Act), in January 2009 a public hearing was held and the new Wind Farm Local Law was adopted. In January 2010 a Developer's Agreement

was approved and in April 2010 the town board approved the SEQRA application for the wind farm as complete. A 30-day public comment period commenced in April 2010 and in August of 2010 a public hearing was held on the SEQRA scope. In January 2012 Black Oak Wind Farm took over the project from Enfield Energy. In June 2013 the DEIS (Draft Environmental Impact Statement) was accepted as complete by the town board, and in November 2014 the FEIS (Final Environmental Impact Statement) was approved. In January 2015 the Enfield Town Board accepted the Final Findings Statement for the project. In July 2015 the town board approved a Host Community Agreement and the Supplemental SEQRA findings were approved for an updated turbine model and modest change of the substation location. In September 2015 Black Oak Wind Farm applied for a building permit for the substation, but in October 2015 the wind farm notified the town board of delays in construction, which would likely require a SEQRA update. The proposals for change now include moving one turbine and moving the substation. Information is being gathered from various sources such as NYSEG and the FFA, in addition to soil samples being taken, before the information can be made public. Once information is obtained, it will be brought back to the town and they can accept it as complete. After that there will be a public comment period, the public will be able to look at revised maps and make comments. Although there are many variables, it may be possible for the project to begin late next year.

Public Comment and Response: Moderator Shepardson explained how the public comment part of the evening would proceed. He asked anyone who had a comment to use the microphone and town board members would note comments on the easel at the front of the room.

Real estate values was the first issue addressed. Questions and comments were taken from the public. If it's your land you should have the right to do what you want on it.

Who will get the electricity that is produced?

Property was purchased before realizing there would be a wind farm in the area. A real estate agent said it would be very difficult to resell the property.

If additional building desired in the future, can it be done with current setbacks?

If property values go down, who will assume the extra tax burden?

How much will real estate values go down?

Marguerite Wells stated the electricity that is produced will go into the grid and get mixed in with all other electricity that is produced. So everyone will get the electricity. Cornell will be paying for the electricity produced. If you want to build another building on your property that is closer than 532' from someone else's turbine, you can do that, knowing there is a turbine close by. The reason there was no real estate agent present, is realtors were asked to come and present as a third party, but they uniformly stated there was not enough local data to give an informed opinion. Ithaca has no experience in this area and realtors can't use research from other places and other times. Regarding taxes, there is a PILOT (Payment in Lieu of Taxes) program in place. The wind farm will be paying taxes, and they have offered \$500 a year to everyone who lives close to the wind farm to profit share. The PILOT payments start at \$133,630 per year, for 15 years, divided between the town, county and Ithaca City School District, with a slight increase each year. The town's share would be about \$45,000 per year. After 15 years, the wind farm would be taxed at full market value. The amount a resident would receive for having a turbine on their property would be approximately \$10,000 per year depending on how much electricity the turbine produced.

Councilperson Carpenter responded to the question of additional building on property and the difference between setback from residence and setback from property lines. He feels the board needs to look into these setback situations. Regarding taxes, if a property value goes down, taxes on that property would go down. That amount would be made up by other town residents.

The second topic discussed was ice throws/setbacks. Questions and comments were taken from the public.

Property close to 3 of the turbines. Setbacks are unsafe. Noise, safety and health, and property rights are concerns. Safety - turbines can throw ice for a long distance. Sometimes they fail and disintegrate and throw fragments of the blade a long distance; they have been known to collapse, or catch on fire. When the towers are put too close to property lines, it puts the lives of residents and their homes in danger. Most literature says the setbacks should be 1,500' from property lines. A moratorium on the project is desired while the town considers the setback issue.

Any future plans for more wind turbines in the area?

What has happened to the height of the wind turbines over the course of the project and where they now stand.

Concern of trees being cut close to property lines. Feels under-handed and people on property asking for signatures when they have been asked to go away.

Home is 920-970' away from the top of a turbine. Side of house faces to NW and will see the turbine over tops of trees - what about the esthetics.

Safety hazard, especially with Enfield's weather conditions.

Setbacks regarding noise are less than other places. These setbacks are less than can be found anywhere else.

References were made to a wind farm in Mars Hill, Maine where residents believe proper setbacks are the only way to provide protection.

Tom Amirault of GE stated there is an industry standard for ice throw and setbacks. In this case the standard is 990'. Wind conditions at the site have been studied. The turbines have been designed to be in complicated wind environments, and they pass all the tests for this site.

Frank Pavia of the Harris Beach Law Firm stated he was retained by the Town of Enfield for the SEQRA review process, after the wind law was adopted. There have been a lot of statements about the setbacks of occupied structures. He felt adequate safety was considered under the law.

In 2008 the Tompkins County Department of Planning commented on the proposed Wind Energy Facilities Local Law with recommendations that setbacks be tied to property lines and public road right-of-ways at a distance of no less than 1.5 times total height including the rotor blade height, unless easements were obtained from property owners. They further recommended that the setback be extended to 2 times total height for residences, schools, churches or public libraries that exist as of the date of approval of the wind energy facility. That recommendation had to be overridden by a supermajority of the town board, and that was done.

The third topic discussed was noise/health. Questions and comments were taken from the public.

Natural order of life.

Deer and turkey population should be considered. Birds are migrating over the area. This will be an invasion of a natural area.

Consider broader picture - be responsible for the energy you use. Learn about energy and where it comes from. Make sure it doesn't hurt people and the environment.

These are industrial wind towers - listen to those who live there - what will this do to area? Yet they are planned for less than 1,300' from residences.

Where do components for wind turbines come from?

Children are home schooled so family would be down-wind from 4 turbines 24/7. Due to acoustic effects has grave concerns that noise levels will have adverse effects on health of family. Many

experts in other locations have noise setbacks that are much more stringent. People in other places are abandoning homes for health problems.

A sacrifice zone is nothing new.

Visited a wind farm and could hear cars passing when close to the turbines.

A 2 megawatt turbine can spin until it falls apart but will never generate as much energy as used to build it.

Fossil fuels are killing our planet. Tours have been taken and gone close to turbines while the blades are turning.

Effects of stress - worry if turbines will have health effects.

Ryan Callahan acoustic engineer stated he has done acoustic studies for Black Oak Wind Farm. The proposed wind turbines are well within noise limits. Wind turbines produce infrasound, or a very low frequency sound. Infrasound is produced by wind blowing past buildings, by tires on cars, waves on the beach, wind through the trees - which is many times greater than that produced by wind turbines. The older technology of turbines used to be down wind. Modern turbines have all but eliminated low frequency sound. On windy days there is not a change in the level of infrasound in wind turbines.

The fourth topic discussed was the Good Neighbor Agreement. Questions and comments were taken from the public.

Questioned why people are knocking on doors trying to get signatures on a piece of paper. It should be a more public process. It felt like bullying.

Investor who volunteered to go around and talk to people about the Good Neighbor Agreement. Wind Farm board felt it was good to offer money - they sent notices out in the mail, but didn't get much response. Decided to go door to door to make sure everyone knew they could have a share.

For 45 years rights would be signed away from side effects.

Just because someone doesn't live in the Black Oak area, doesn't mean they won't be affected. If some taxes go down, others will go up. Everyone should be involved with their town and school so they know what is going on. We are all in this together.

Investor wanted to invest in renewable energy locally.

Wind energy is important, and believes in renewable energy, but feels this wind farm is located in the wrong place. Proposed substation would be for 20 turbines - where are the others going?

Marguerite Wells responded to the question of how many more turbines are there going to be. She stated that whether there would be 1 or 100 turbines, the substation is NYSEG's design. For the life of the project, the turbines have been planned to be about 400'. Part of the SEQRA process has been what are the impacts, what are the setbacks from houses, how can the noise level be successful. They got rid of 13 turbines because specifications didn't make neighbors have a livable quality of life. There has been a lot of communicating to try and make things better for the neighborhood. If more turbines are ever to be added, the same process would have to be followed - the SEQRA process. Another public comment period would be held. This is fundamental to the process - it is state law.

Moderator Shepardson reiterated changes/additions require a great deal of work.

Marguerite Wells continued the Good Neighbor Agreement was proposed with the idea of profit sharing - they were trying to be nice to those who didn't have a turbine on their property. There was no gag order.

Steve Wirth, an investor, stated he was glad the process was taking place so people had a chance to ask questions.

Another question was asked of how far will the turbines be put from property lines?

Marguerite Wells responded the original turbines were 450' and then they went to 475' a couple of years ago. Then they went to 483'. As for setbacks, there is a 450' base minimum and they go up depending on the height of the turbine. The layout may change and there may need to be surveys completed. When changes are proposed, GE will review the documents, layouts and setbacks.

Moderator Shepardson stated he heard 1,000' would alleviate fear and that residents would like the town board to revisit the distance of turbines from property lines and revise the law. The safety mandated by legal requirements of the project doesn't really feel safe - distances need to be increased. Black Oak Wind Farm is operating from the regulated safety guidelines, but some community members feel it's still not enough.

A question was asked what would happen if the Black Oak Wind Farm is sold to another company.

Town Supervisor Ann Rider stated previous members of the town board worked a long time on the law. There is no New York State law particularly pertaining to small size wind farms. If the previous members of the Enfield Town Board had not seen fit to spend a lot of hours creating the law, there would be little regulation in this town regarding small scale wind farms. This is a local law and it stands regardless of who the developer is or who the owner is of the company. They have to follow the local Enfield town law regarding wind farms.

The last segment of the conversation was on roads/construction concerns.

These projects are important, are part of the energy mix, and the folks here are committed to using local labor.

There is a culvert on Rothermich Road that is in need of repairs of at least \$300,000. If trucks involved with the Harvey Hill tower go on Rothermich Road and damage roads, who pays? Will the wind farm leave roads in better condition than when they started?

Marguerite Wells responded there is an existing road use plan and Rothermich Road is not listed as part of the plan. However, if there is damage on a road that will be used, or any culvert is compromised, the wind farm would repair the full portion, not just the portion used, and will share the cost of resurfacing all the roads used so they will be in better condition than when the project started.

What main roads will be used for construction vehicles and how will intersections be prepared?
Where are the turbines made?

Tom Amirault of GE responded the wind turbines are made from components that are manufactured all over the world. The machine head is currently made in Pensacola, most of the blades are made in locations around the United States or Brazil. Large components are not brought in from China. Most parts are made in the United States or South America.

A question was asked if the Good Neighbor Agreement was still good.

Marguerite Wells said it was. She welcomed anyone to take the Agreement to their lawyer for review before they signed it. If a turbine is being relocated so a neighbor would no longer be eligible for the Agreement, but they have already signed the Agreement, the Black Oak Wind Farm will still honor that contract. In response to a question about intersections, in the draft and final environmental

impact statements there are two reports on transportation. They show haul routes and where trucks can come from. It is clear for both town and county highway departments that the only access allowable is from the top, down Route 79 and then Black Oak Road. Trucks cannot come up any other posted dirt road or town road from any direction. So there will be an intersection improvement at the corner of Route 79 and Black Oak Road. In order to get the turbine components in, they will expand the intersections with gravel, compact it down, get the trucks around the corners the best they can; then once construction is over, the radii will be pulled out and the intersection will be returned to the intersection that it was. Throughout construction they will make sure the roads are passable, so if there is a giant pothole that erupts, it is on them to keep it patched. At the end, the whole surface of the road, town and county, the entire surface of the road will be ground and then a fresh topping will be put on so that it is like a new road.

A comment was made that when the Good Neighbor Agreement is signed, you give up all rights to sue the Black Oak Wind Farm for any of the hazards of living near a wind farm.

Marguerite Wells stated that was not her understanding. She believed it was an acknowledgment that there would be a wind farm and it would not waive your right to sue. If you don't want to sign it, you don't have to.

Jude Lemke stated she is a lawyer licensed to practice in the State of New York and signing the Agreement would be waiving your rights to legal action.

Marguerite Wells responded to a question that if you signed a Good Neighbor Agreement and then decided you didn't want to sign it after all, can you get out of the Agreement. She will check into that and see, as she did not know the answer.

Another comment was made that the road use agreement sounded like a very good deal and it sounded like the amount lost in taxes by decreased property value would be made up by taxes paid by the wind farm.

There continued to be questions regarding the Good Neighbor Agreement that will need to be answered in the future.

Wrap-up:

Town Supervisor Ann Rider stated she was pleased with the give and take of the evening. A lot of people would like to know where do we go from here. She entertained a couple of people's ideas on where we should go from here.

Moratorium on development of the wind farm and setbacks.

Keep talking.

Go tour a wind farm and listen to a turbine.

More information on why the Town of Enfield didn't adopt the county's recommendations for setbacks. More scrutiny of how the Town of Enfield can fit into the bigger picture and find better answers for people that live close by, and how the town can implement wind energy at this scale in a way that everyone is comfortable with it.

Think about those people who live in the area.

Surprised by intensity of opposition - keep talking - don't lose sight that renewable infrastructure is what we need to replace the oil and gas industry.

Would like to see a scale model of what the landscape will look like if the wind farm goes up.

Make neighbors investors.
Provide written record of the evening's proceedings.

Supervisor Ann Rider stated an idea was put forth of an advisory committee that would be an official committee appointed by the town board that would act as a sounding board to talk more in-depth with individuals that live near the wind farm.

Moderator Shepardson concluded that thoughts and ideas were shared on how to take the process forward. The final suggestion was the creation of an advisory committee that would serve to inform Marguerite Wells and the board of directors of the wind farm and to work with them. If anyone was interested in that idea, they were asked to let a town board member know. He thanked everyone for their participation.

Adjourned at 9:35 p.m.

Respectfully submitted,

Alice Linton, Enfield Town Clerk