

Town of Enfield
Special Town Board Meeting Minutes
Enfield Community Building
Monday, December 28, 2015
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Mike Carpenter, Town Councilperson Michael Miles, Town Highway Superintendent Buddy Rollins, Town Clerk Alice Linton. Excused: Town Councilperson Virginia Bryant. Absent: Town Councilperson Vera Howe-Strait.

Supervisor Rider opened the special meeting at 6:33 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Privilege of the Floor:

Judy Hyman of 632 Bostwick Road stated she was sad for the anger and fear the Black Oak Wind Farm project has generated. She would like an outline of the history of communications with land owners and what information was available to those who purchased land since the project began.

Nancy Spero of 68 N. VanDorn Road stated she realizes the current wind farm law was enacted before the current board took office, but board members owe it to the wind farm neighbors to look into the setbacks with the current information that is available.

Robert Sesori of 570 Black Oak Road stated he would like to see maps that are to scale of the project. He also questioned whether a building permit could be obtained for building on the back of his property since it would be closer to a turbine than the set back allows.

Jude Lemke of 215 Connecticut Hill Road stated there is a turbine planned for 200' from her property line. She also owns a 5 acre parcel of land that would be too close to a turbine to be safe to build on. She asked if all board members had seen the petition that was signed, mostly by residents of the immediate area of the turbines.

Dawn Drake of 105 Griffen Road stated she was worried about the bird and bat population and felt wind turbines should not be near homes.

Laurie Shaver of 147 Connecticut Hill Road stated she lives directly below the location of one of the planned turbines and wonders how they draw the line for those affected as she is below "the line". She visited an area in Bradford County, PA, that has turbines and talked to people who said their lives were ruined by having turbines close to their homes. She has never been contacted by anyone from the wind farm.

Maria Ortiz of 717 Black Oak Road stated she feels clean energy is wonderful, but doesn't feel people have the information they need about the planned wind farm. She would like the town board to take care of and protect the public.

Marcus Gingerich of 101 Rumsey Hill Road stated he would like the town board to revisit the wind farm law as setback understandings have changed. Although there are no definitive scientific studies showing the sound of turbines is a problem, there is anecdotal evidence that a certain percentage of the population will be affected.

Martha Fischer of 772 Bostwick Road stated the planned wind farm is an emotional topic. It is very important to conserve energy. Global warming and climate change are very real. We are in this together and need to figure out how to go forward.

Sue Shults of 637 Black Oak Road stated she feels the wind farm process had a very limited amount of communication with the public and landowners. She would like to see the setback law changed and beware of how close turbines are to homes.

Councilperson Carpenter stated he really appreciated everyone coming out to express their concerns and assured everyone that he hears what they're saying. He agrees with some and is learning more every day. He would like everyone to work together and hopes everyone can get what they need to make their life work ok.

Budget Amendments:

Supervisor Rider moved, with a second by Councilperson Carpenter to approve Budget Amendment #2015-30.

Budget Amendment #2015-30

WHEREAS, expenses have exceeded the budget in the General Fund line A1910.4 titled "Unallocated Insurance" now therefore be it

RESOLVED, that the General Fund line A1990.4 titled "Contingent Account" be reduced by \$10.00 and line A1910.4 by increased by \$10.00.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye.
Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

Supervisor Rider moved, with a second by Councilperson Carpenter to approve Budget Amendment #2015-31.

Budget Amendment #2015-31

WHEREAS, the Town Board allocated funds for a Code Vehicle Reserve in the 2015 General Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer \$2,000 from line A3010.5 to the Code Vehicle Reserve Savings Account.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye.
Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

Supervisor Rider moved, with a second by Councilperson Carpenter, to approve Budget Amendment #2015-32.

Budget Amendment #2015-32

WHEREAS, the Town Board allocated funds for a New Building Reserve in the 2015 General Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer \$10,000 from line A9950.9 to the GF Town Hall Reserve Savings Account.

Discussion: Supervisor Rider stated there was also \$10,000 in the 2014 budget for the Town Hall Reserves, but it was never transferred to the reserve account. She will contact the Office of the State Comptroller to see if that money can be transferred at this time. The \$10,000 is currently in the general fund savings account, but not tagged for the new building.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye.
Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

Supervisor Rider moved, with a second by Councilperson Carpenter to approve Budget Amendment #2015-33.

Budget Amendment #2015-33

WHEREAS, expenses have exceeded the budget in the Highway Fund line DA5110.14 titled “Personnel Services-Overtime”, now therefore be it

RESOLVED, that the Highway Fund line DA5110.1 titled “General Repairs – Personnel Services” be reduced by \$1,000.00 and line DA5110.14 by increased by \$1,000.00.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye.
Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

Supervisor Rider moved, with a second by Councilperson Carpenter to approve Budget Amendment #2015-34.

Budget Amendment #2015-34

WHEREAS, the Town Board allocated funds for equipment reserve in the 2015 Highway Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer the unused balance of \$11,973.00 from DA9950.9 to the Highway Fund Capital Funds Equipment Reserve Savings Account.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye.
Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

Supervisor Rider moved, with a second by Councilperson Carpenter, to approve Budget Amendment #2015-35.

Budget Amendment #2015-35

WHEREAS, the Town Board allocated funds for bridge reserve in the 2015 Highway Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer the unused balance of \$3,000.00 from DA5120.4 to the Highway Fund Bridge Reserve Savings Account.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

Highway Superintendent Rollins stated the \$40,532 unused CHIPS money will roll over to 2016. The money needs to be spent before it can be reimbursed from New York State.

Audit Claims: Councilperson Carpenter moved, with a second by Councilperson Miles to authorize the supervisor to pay General Fund vouchers #376 to #389 dated December 28, 2015 in the amount of \$5,782.77 and Highway Fund vouchers #244 to #247 dated December 28, 2015 in the amount of \$5,733.41.

Vote: Councilperson Carpenter aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Councilperson Howe-Strait absent. Carried

New Business: Supervisor Rider publically thanked Councilperson Howe-Strait for her 4 years of service as councilperson.

Old Business:

Discussion of Special Town Board Meeting held December 17, 2015: Supervisor Rider stated tonight's special town board meeting was different from the meeting held December 17 at Enfield School. That was a meeting for give and take with the audience. This meeting is a discussion among town board members. She stated an e-mail had been received from the town attorney that she forwarded to town board members that indicated what actions are within the town's power.

Councilperson Miles indicated it is within the board's power to review the local law and look at the status. His understanding of the law is that it can be changed for health and safety issues. Supervisor Rider feels it is problematic to go back and change or amend the wind farm law unless current projects are grandfathered in.

Councilperson Carpenter stated the December 17 open meeting left him wondering what the town board is trying to accomplish. He likes to deal with a process that is cooperative. The town board can gather information and is empowered to make decisions. There is not a lot of room for compromise. The meeting was a starting point, but it is important to resolve the issue so both sides can live with the results.

Supervisor Rider stated there is a law in place. Black Oak Wind Farm has followed the process. Because of turbine relocation, additional papers will be submitted to the town board with studies that have to be done again.

Councilperson Carpenter feels there have been omissions made by Black Oak Wind Farm. There is no provision for monitoring of sound. When he looked at other countries, it is taken for granted that noise needs to be monitored. He doesn't want Black Oak Wind Farm to continue doing more work, only to have the town board say no to the project because of health and safety concerns. It appears the only monitoring currently required is for birds and bats.

Supervisor Rider felt there was one issue that wasn't covered at the December 17 meeting - advantages. For her the meeting did crystallize resident's concerns. The attorney's advice was that

this project is not completely permitted, but we are into the process and there have been substantial investments made.

Councilperson Carpenter feels there is an ethical issue involved. The Black Oak Wind Farm needs to be a good neighbor and talk about mitigating health and safety concerns.

Councilperson Miles feels the law was written years ago and the town has an obligation to review the current law and make sure it's appropriate with current information on setbacks. He is not sure the town is obligated to grandfather in the Black Oak Wind Farm if there is a health and safety issue. He feels setbacks are there for a reason and they should be from the property line. If not, they are taking away potential use of the property.

Councilperson Carpenter stated Black Oak Wind Farm made blanket statements, and used one reference to support each statement, and continued on as if it were true. Opposite information could also be found, so it is wrong to assume that information is correct with one citing.

Both Councilperson Carpenter and Councilperson Miles feel the town law setbacks are not equal to GE's recommendations.

Supervisor Rider asked if the board would like to proceed with a committee. It was suggested the membership would be comprised of 2 town board members, 3 residents with property adjacent to the Black Oak Wind Farm area and 3 supporters of the Black Oak Wind Farm. She asked Councilperson Miles to come up with some names of those who might be willing to serve on the committee. The committee could meet weekly and should have a recommendation to present to the town board within 3 months.

Councilperson Miles feels the committee should be charged with looking at the existing wind farm law and making recommendations based on actual information. He feels the committee should be made up entirely of Enfield residents.

Councilperson Carpenter feels the purpose of the committee should be to find an answer to the conflict. He feels non-residents could be part of the committee.

Supervisor Rider stated a "Petition to Amend the Town of Enfield Wind Energy Law to Provide for Safe Setbacks Prior to Approving Any Further Modifications to the Black Oak Wind Farm Proposal" was received from local residents that is filed with the town clerk.

Adjournment: Supervisor Rider moved, with a second by Councilperson Carpenter to adjourn at 8:27 p.m.

Respectfully submitted,

Alice Linton, Enfield Town Clerk