

Town of Enfield
Special Town Board Meeting and Audit Minutes
Enfield Community Building
Wednesday, January 20, 2016
5:45 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Mike Carpenter, Town Councilperson Henry Hansteen, Town Councilperson Michael Miles, Town Clerk Alice Linton, Town Justice Betty Poole. Excused: Town Councilperson Virginia Bryant

Supervisor Rider opened the special meeting at 5:45 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag. She then asked for a moment of silence for community member Nic Pellegrino, and on the national front Glenn Frey who both recently passed away.

Privilege of the Floor was added to the agenda:

Dawn Drake of 105 Griffen Road asked what benefit Enfield would get from a wind farm except higher taxes.

Ryan Sherry of 87 Griffen Road asked about the location of the substation for the Black Oak Wind Farm. There is paint on trees located on his property and tracks on his property. He is concerned about erosion control - there is a stream on his property that a substation could possibly impact. This could become a storm water nightmare. He urged everyone to walk to the area where the substation would be located. He reminded the board that from the top of Black Oak Road, the center line of the road marks the break in the watershed that cuts the country in half. One side goes to the Chesapeake Bay and the other goes to the Great Lakes.

Melynda Tesori of 570 Black Oak Road asked for confirmation that nothing in the documents has been finalized for the 2.3 megawatt wind turbines proposed for the Black Oak Wind Farm.

Mimi Mehaffey of 115 West Enfield Center Road distributed articles to board members regarding low frequency noise and infrasound.

Tom Fucillo of the Menter, Rudin & Trivelpiece law firm represents a local land owner. He applauded the town board for establishing an advisory committee to review the wind farm local law which is 9 years old. He understands there has been some discussion on whether the law, if changed, would apply to the Black Oak Wind Farm. It is his opinion that unless the Black Oak Wind Farm has undertaken substantial construction and made substantial expenditures prior to the effective date of the amended law, it has no "vested rights" and must comply with the amended law. The Town has every legal right to go in and change their code, especially for health and safety reasons, and make that particular party comply with it. The board also has the right to enact a moratorium. There is a large body of legal precedence on that topic. Because this project has already changed in size with the proposed turbines and the fact that they haven't initiated any construction, the Black Oak Wind Farm would not be grandfathered in. Even if they had initiated construction, if you're talking about health and safety, it's different than a normal business. It is his opinion that there are pretty narrow set backs from property lines in the current law. If people own land, they want the ability to build other structures to improve their property. He suggested the town be concerned about property lines, not just where there is a structure.

Donny Gunning of 68 Weatherby Road stated set backs are an issue with the proposed wind farm. He welcomed anyone to call and set up a time to meet with him and he would show them exactly

where the planned wind turbine would be on his farm. He feels this would make it much easier to visualize as compared to looking at a map.

Audit of Town Justice books: Town Justice Betty Poole's 2015 books were presented for audit. There are two accounts which are maintained at the Tompkins Trust Company. The town justice's annual report is attached and made a part of these minutes.

At this time Justice Poole left the meeting.

Audit of Town Clerk books: Town Clerk Alice Linton's 2015 books were presented for audit. There is one account which is maintained at the Tompkins Trust Company. The town clerk's annual report is attached and made a part of these minutes.

Audit of Town Supervisor books: The Town Bookkeeper, Debby Kelley, was not able to be present at the meeting. Her monthly reports are e-mailed each month to the town board. This year she will be asking all members of the town board to approve her bank statements at the end of each month.

Councilperson Hansteen mentioned that most banks insure funds in an account up to \$250,000. He wanted to make sure all town funds are protected. Supervisor Rider will get the proper paperwork from Tompkins County Trust Company to make sure this is taken care of.

Councilperson Miles moved, with a second by Councilperson Hansteen to table the audit of the Chief Fiscal Officer to the next public meeting and to approve the books of the Town Justice and Town Clerk.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Old Business

Park and Ride Agreement: Supervisor Rider stated there is still site preparation work to be done for the Park and Ride across from town hall. The area needs to be leveled off and the back boundary delineated.

Councilperson Carpenter asked if the town would be reimbursed by TCAT for materials used in preparing the site. Supervisor Rider stated TCAT has agreed to reimburse the town for materials used at the new highway facility for the new turn around area. The reimbursement for materials can be added to the contract for the new Park and Ride area also. She stated the lease is between the town board and TCAT. The town has made a commitment to the Park and Ride. TCAT has agreed to provide a shelter. The town is agreeing to the preparation and maintenance of the site. The mailbox will need to be moved to the front of town hall. In the past there has been a lease for adjoining property, but she let the lease lapse at the end of 2015 as she thought this would be completed by then. The town will also be responsible for moving the bike rack.

Councilperson Miles moved, with a second by Councilperson Carpenter to accept the contract between the Town of Enfield and Tompkins Consolidated Area Transit (TCAT) with the stipulation that TCAT shall reimburse the Town of Enfield for materials used in preparing the site for the Park and Ride.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Supervisor Rider moved, with a second by Councilperson Carpenter to approve Resolution #2016-31.

Resolution #2016-31 Retirement Payment

WHEREAS, the Town's retirement payment is due on or before February 1, 2016, the Supervisor is authorized to send this payment by wire transfer to the NY State Retirement System in the amount of \$20,097.35 from the A fund and \$37,323.65 from the Highway Fund.

Discussion: Councilperson Miles asked if this was a once a year payment. Supervisor Rider stated it was and that it could be pre-paid in December for about a \$500 savings. However, funds would need to be available for that to happen.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Wind Farm Lawyer and Technical Advice: Supervisor Rider stated shortly after the Town of Enfield Wind Farm Law passed the process of permitting the Black Oak Wind Farm began. Because of the technical nature and specific knowledge requirements, in 2009 a lawyer was hired who was particularly suited for wind farm matters. In July, 2009 the Town of Enfield entered into an Agreement with the Harris Beach law firm which would be for the life of the project. Harris Beach recommended LaBella as a technical firm to give advice to the town during the SEQRA process. The town will soon get a proposed supplemental draft environmental impact statement with a change in the substation and wind turbine locations. The Black Oak Wind Farm will do additional studies and send them to LaBella. LaBella will then make comments and perhaps ask for additional studies. This information will then be given to Harris Beach. The information will be reviewed and given to the Town of Enfield.

Appointment of Wind Farm Advisory Committee:

Councilperson Carpenter moved, with a second by Councilperson Hansteen to approve Resolution #2016-32.

**RESOLUTION #2016-32 FORMING AND APPOINTING INITIAL MEMBERS OF
TOWN OF ENFIELD WIND FARM ADVISORY COMMITTEE**

WHEREAS, in 2009 the Town of Enfield adopted a Wind Farming Local Law setting minimum standards for the siting of wind towers within the Town of Enfield and, since such date, the Black Oak Wind Farm Project ("BOWF") has applied for permits for several towers and the Town has undertaken a permit review and a SEQRA review, including an EIS review lasting several years; and

WHEREAS, the science and technology of wind farming, as well as the financial needs and costs of interconnection to the power grid, have changed and the Town has received multiple citizen requests to review the updated scientific and public knowledge on wind towers and their actual and potential impacts; and

WHEREAS, the Town Board desires to form a committee to look into the science of wind towers and make advisory recommendations to the Town Board concerning any potential needed updates to such local law and other town processes and procedures; and

WHEREAS, the Enfield Town Board wishes to gather more information on this subject to try to find common ground among residents, and the Town Board urges this committee to meet intensively during the next few months; and

WHEREAS, to facilitate a prompt and thorough review the Town Board will support this committee by providing a clerk and moderator for its meetings; and

WHEREAS, and after due deliberation upon this matter, and in respect of the potential need to update the local law and in respect of the current permitting process underway, be it now hereby RESOLVED as follows:

1. There is hereby formed the Enfield Wind Farm Advisory Committee (the "Committee"), which shall be a citizen advisory committee. The Committee shall be a standing committee for the calendar year 2016, unless earlier dissolved or hereafter extended by the Town Board. The Committee shall consist of as many members as the Town Board shall periodically and at will appoint or remove, whether based upon vacancies, the needs of the Town or the Committee, or otherwise. Initially, the Committee shall consist of 8 members and one alternate. A minimum of two such positions shall be public officials of the Town of Enfield, and at least one shall be a Town Board Member.

2. The initial appointees to the Committee are as follows: Councilperson Michael Miles, Councilperson Mike Carpenter, Marguerite Wells, Martha Fischer, Charles Elrod, Jude Lemke, Marcus Gingrich, Rob Tesori, and alternate, Mimi Mehaffey.

3. The members of the Committee shall receive no compensation for their services as such.

4. The Committee may request technical assistance or specialized advice from any resource it may deem appropriate including, but not limited to, other local residents, other Town officers or employees, Tompkins County Planning, Tompkins County Soil and Water Conservation, New York State Energy Research and Development Authority (NYSERDA), New York State Department of Environmental Conservation (NYSDEC), and New York State Department of Ag and Markets (NYS DAM). However, as a citizen advisory committee, the Committee may not authorize any expenditure of Town funds or enter into any contract arrangements for the payment of goods or services by, for, on behalf of, or in the name of the Town. Funds necessary for proper Committee operation or technical assistance may be requested by the Committee from the Town Board and, in accordance with customary procedures, the Town Board may authorize such funds and approve the expenditure thereof, or execute contracts in support of approved expenditures.

5. The Town Board hereby appoints a clerk and moderator for meetings of the Committee for up to six months at a cost not to exceed \$1,000.00. The clerk and moderator may be changed or removed by the Town Board at any time, for any or no reason.

6. The purpose of the Committee is to advise the Town Board and other Town agencies on matters pertaining to the siting and placement of wind turbines in the Town, any potential recommended updates or amendments to the existing local law, and to strengthen and improve public understanding of wind turbines generally, including matters as pertain to public health and safety. Thus, the Committee is charged with gathering factual information regarding wind turbine health and safety issues and making this information available to the Town Board after deliberation and considered recommendations thereupon. Towards this end, the Committee should review, recommend, and prioritize strategies as they relate to Town policies and local laws for wind turbines,

and to further become informed about wind farming in the Town and generally, including both their positive and negative potential impacts.

7. The Committee shall undertake such other tasks as requested by the Town Board relating to its above-referenced functions and duties, including making recommendations concerning reasonable and desirable changes to this listing of responsibilities and duties.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Councilperson Miles was asked to schedule the first meeting of the Wind Farm Advisory Committee.

Privilege of the Floor continued:

Laurie Shaver of 147 Connecticut Hill Road asked where copies of the Environmental Impact Statement could be found.

Councilperson Miles stated the document is on the Black Oak Wind Farm website and a copy can also be viewed at the Town Clerk's Office.

Maria Ortiz of 717 Black Oak Road stated there are people asking for food at local pantries, homeless people on the streets, women in need of protection, and animals in need of shelters. She feels this is not the time for a wind farm. Take care of the people and the people will take care of you.

Rob Tesori of 570 Black Oak Road asked how he could obtain or see survey maps for turbine placement. What he has heard, and what he has walked off, don't agree.

Donny Gunning stated all the properties have been surveyed for each turbine.

Tom Fucillo stated the Town of Enfield is entitled to a copy of the surveys if they ask for them.

Laurie Shaver asked who prepared the Environmental Impact Statement and who paid for it.

Supervisor Rider stated edr, the engineering firm for the Black Oak Wind Farm wrote the EIS and Black Oak Wind Farm paid for it.

Cliff Newhart stated the area for the new Park and Ride is the old town dump site.

Adjournment: Supervisor Rider moved, with a second by Councilperson Hansteen to adjourn at 8:35 p.m.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Respectfully submitted,

Alice Linton, Enfield Town Clerk