

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, March 9, 2016
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter (arrived at 6:45), Town Councilperson Henry Hansteen, Town Councilperson Michael Miles, Town Clerk Alice Linton.

Supervisor Rider opened the regular meeting at 6:30 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag. She asked for a moment of silence in memory of Elizabeth Garrett, Cornell University President, who recently passed away.

Privilege of the Floor:

Jude Lemke of 215 Connecticut Hill Road asked the town board to take the time to be sure everything is in the Black Oak Wind Farm Draft Supplemental Environmental Impact Statement that should be. Town law states the town board has 30 days to review the document and accept it as complete.

Dawn Drake of 105 Griffen Road stated at the Wind Farm committee meeting held March 8 there was information presented on the side effects of wind turbines. Putting the turbines close to homes is not acceptable.

Martha Fischer of 772 Bostwick Road urged everyone to make their homes more energy efficient. Cornell Cooperative Extension is hosting training for energy navigators. The goal is to have the trained navigators answer questions from the public and go out in the community to help people make their homes more energy efficient.

Jonathan Comstock of 114 Bald Hill School Road, Brooktondale, urged the town board to accept the Black Oak Wind Farm Draft Supplemental Environmental Impact Statement.

Marcus Gingerich of 101 Rumsey Hill Road stated he is hopeful the town board will take sufficient time to consider if the Black Oak Wind Farm Draft Supplemental Environmental Impact Statement is complete and be sure no parts are missing. He hopes the town doesn't get into a situation where there are more problems. He reminded the town board they represent residents; and residents, especially in that area, have serious concerns.

Ken Donley of 789 Black Oak Road lives across from a proposed turbine site and feels the wind farm is a bad idea for Enfield residents. He feels the wind farm is not a good investment since the wind does not blow as much as it used to in the area where he lives.

Beverly Gingerich of 101 Rumsey Hill Road asked the town board to think about young children and think about their future when considering the wind farm. She would like all town board members to take the time to listen to the presentation by Rick James given at the last wind farm committee meeting.

Councilperson Carpenter arrived at this time.

Supervisor Rider stated she would adjust the agenda so those who traveled from Rochester for the discussion on the Black Oak Wind Farm Draft Supplemental Environmental Impact Statement could get home as early as possible. She moved that Resolution to before the County Legislator's Report.

Consent Agenda: Supervisor Rider asked if anyone would like an item removed from the Consent Agenda for discussion. No request was made.

Councilperson Bryant moved, with a second by Councilperson Carpenter to approve all items on the Consent Agenda as follows:

Approval of Minutes of the Enfield Town Board Regular meeting of February 10, 2016.

Audit Claims: The Town Board authorizes the Supervisor to pay General Fund vouchers #61 to #97 dated March 9, 2016 in the amount of \$29,961.71, Highway Fund vouchers #38 to #51 dated March 9, 2016 in the amount of \$98,120.05 and Fire Department Voucher #98 dated March 9, 2016 in the amount of \$247,664.00.

Resolution #2016-38 Town Clerk's Conference

WHEREAS, the Town Clerk wants to attend the annual Town Clerk's Association conference to be held in Saratoga Springs, NY from April 17 – 20, 2016, and

WHEREAS, this has been budgeted for in the 2016 budget, now therefore be it

RESOLVED, that the Enfield Town Board approves her attendance.

Resolution #2016 -39 Youth Development Program State Aid Funding

WHEREAS, the Enfield Town Board has for many years been a member of the Tompkins County Recreational Partnership and supports youth programming in a variety of ways and

WHEREAS, the Tompkins County Youth Services receives a small amount of money from the State (\$877) to pass on to the Town, which passes it on to the Enfield Community Council to defray summer camp expenses, now therefore be it

RESOLVED, that the Supervisor be authorized to enter into a year contract with the Tompkins County Youth Bureau for this benefit which the Town will pass on the ECC when it is received.

Resolution #2016-40 Town Board Appointments

WHEREAS, several town board appointments were not included in the Organizational Meeting of January 13, 2016, now therefore be it

RESOLVED, the following appointments be made for 2016:

- | | |
|--------------------------------------------|-------------------------------------------------------|
| Community Council Liaison | Councilperson _____ |
| County Youth Board | Barbara Sadovnic, Supervisor Ann Rider-Liaison |
| Recreation Partnership | Carolyn Tschanz, Supervisor Ann Rider-Liaison |
| County Environment Mgt. Council | Poney Carpenter |
| Advisory Board of Assessment Review | Peg Willis, Kim Falstick, David Wailes |

Vote on Consent Agenda: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Correspondence: Letter from Haeefe TV that basic cable rates will increase \$2.50 per month to \$63.45 per month effective April 1, 2016.

Order form for publications, videos and apps from Cornell Local Roads Program.

Notice of elected officials training program "The Financial Responsibilities of Elected Officials: What You Need to Know" to be held Thursday, March 10 in Fairport, NY. Councilperson Hansteen and Councilperson Bryant both plan to attend.

Notice of meeting March 15 at Greenstar regarding solar energy for non-profits and municipalities. Councilperson Bryant and Supervisor Rider plan to attend.

E-mail from Michael Stamm of Tompkins County Area Development regarding the Cayuga Power Plant.

E-mail from Scott Doyle, Senior Planner at the Tompkins County Planning Department regarding hazard mitigation funding availability for 2016. This may be an opportunity for the Enfield Highway Department to obtain a generator.

Presentation by Ed Buglioso and Bill Kapell of the United States Geological Service on the Town of Enfield Aquifer Study

Mr. Buglioso stated Enfield contracted for an aquifer study that is now in its fourth year. He described the approach they are using and explained the work that was completed in 2015. Six wells were drilled at three locations. Two wells were drilled on town land by the new highway facility. The first was a shallow well with good quality water. The second was deeper with poorer quality water. The town can decide what they want to do with those two wells once the study is completed. The proposed work for 2016 will include well drilling at one more site and continuing to collect well information from wells that are being drilled for new homes, along with collecting water quality samples. The field work should be completed in 2016 with the final report completed in 2017.

New Business - Black Oak Wind Farm Draft Supplemental Environmental Impact Statement on the Modified Wind Farm Project

Frank Pavia, Esq. of the Harris Beach Law Firm, attorney for the Town of Enfield in wind farm matters, explained that a resolution is before the board stating the Draft Supplemental Environmental Impact Statement (DSEIS) has been reviewed by LaBella, the engineering firm for the Town of Enfield in wind farm matters, and also by Harris Beach, and it has been determined as adequate and complete to start the public comment period and public hearing. The town board can require further analysis as it deems necessary. The comment period will be from March 12, 2016 to April 12, 2016 with a public hearing scheduled for March 28 at the Enfield Elementary School. The resolution also directs that copies of the draft SEIS be distributed to interested and involved parties, that copies be available at the Enfield Town Hall and the Tompkins County Public Library, in addition to being available digitally at www.blackoakwindny.com. From a legal standpoint, the document is ready and complete for further review and comment.

Councilperson Carpenter asked what areas for comment or information the town can ask the Black Oak Wind Farm to put in if the board feels they are not there now.

Attorney Pavia stated adverse environmental impacts and relevant additional analysis can be asked for.

Councilperson Carpenter feels that during the process of approving the project originally, the board acted to the best of its understanding. Now there is a much better understanding of the impacts, and some areas were not addressed at all in the original document.

Councilperson Miles understands the procedure in the town's wind law gives 30 days to accept the document as complete once it is received by the town clerk. He hasn't had enough time to review the document that was given to board members on February 22 and then updated just prior to the night's meeting. He would like to have a special meeting set up to discuss the document before voting to accept it. He also asked if all of the previous approvals stand as accepted.

Attorney Pavia stated the Final EIS has to meet all the requirements to the satisfaction of the lead agency. Not only the public will have the opportunity to review and comment on it, but all the interested and involved agencies have the opportunity to comment on it. Every comment received regarding the draft version during the process must be responded to by the project sponsor. All modifications made to the project must be listed and shown as a result of the comments made during the comment period. Finally, any mitigation measures must be set forth that they propose to address regarding those impacts beyond what is already contained in the EIS previously approved for the project.

Attorney Pavia further stated the findings statements and the mitigation statements adopted by the town board clearly still apply to those parts of the project that are unmodified. The town board can decide that those mitigation measures would equally apply to those portions of the project that are modified and the town board could adopt additional mitigation measures that apply to those modifications based on a unique circumstance that is associated with those modifications. He feels it would be very difficult for the town board to decide if the modifications meet the same requirements and don't pose different impacts than what was approved previously; to try to say you can't do those additional modifications based upon some undefined new requirement you have. If a new requirement specifically addresses an impact associated with those changes, yes you have the authority to do that. If there is a change in circumstance, there would be a need to address the circumstance.

Councilperson Carpenter stated over time it has been found that sound may be a more significant issue on health and safety than was realized when the wind farm law was passed. He would like to know where in the process this could be brought up legally.

Councilperson Hansteen asked what if the town board asks for sound mitigation and the wind farm says it's not practicable.

Attorney Pavia stated the town would want their expert to weigh in on that. If that expert advises the town board that it is, or isn't, practicable, the town board retains the discretion to decide what is the appropriate way based upon that advice.

Supervisor Rider moved to accept Resolution #2016-41 with a second by Councilperson Hansteen.

Resolution #2016-41 Acceptance of the Draft Supplemental Environmental Impact Statement as complete for the purpose of commencing the necessary public review

WHEREAS, a predecessor-in-interest of Black Oak Wind, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a seven (7) turbine wind-powered generating facility to be located on leased private lands totaling 1,060 acres (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, on June 9, 2010, the Town Board issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on June 12, 2013, a DEIS for the Project was accepted by the Town Board as complete; and

WHEREAS, on November 12, 2014, the Town Board accepted as complete a Final Environmental Impact Statement ("FEIS") for the Project; and

WHEREAS, on December 14, 2015, the Town Board issued a Findings Statement for the Project pursuant to SEQRA; and

WHEREAS, on June 24, 2015, the Town Board received a submission from the Project Sponsor outlining two (2) minor modifications to the Project including: 1) a change in the model of turbine from a GE 1.7-100 model to a GE 2.3-107 model increasing the rated capacity of the Project from 11.9 megawatts (MW) to 16.1 MG, as well as the height of the turbine by eight (8) feet; and 2) a shift in the location of the proposed interconnection substation to the south to avoid "cut and fill" and other earthwork impacts, and minor modifications to the alignment of the electric collection system; and

WHEREAS, on July 8, 2015, the Town Board determined that a supplemental environmental impact statement or modified findings statement was not required for the modifications submitted on June 24, 2015 since they did not represent new, significant potential adverse environmental impacts that had not already been addressed sufficiently in the Findings Statements, or require a substantive modification to the Findings Statement; and

WHEREAS, the Project Sponsor now proposes to potentially re-locate two (2) of the approved wind turbines to 2 of 3 proposed locations, as well as relocate a substation, add a new permanent wind measurement tower just south of Turbine 4, and relocate approximately 8,400 linear feet of buried collection line but, except as noted, the Project would otherwise remain as consisting of seven (7) wind turbines generating 16.1 megawatts (MW) of electricity utilizing the GE 2.3-107 model wind turbines; and

WHEREAS, the Project Sponsor has prepared a Draft Supplemental Environmental Impact Statement (“DSEIS”) assessing the potential significant adverse environmental impacts associated with the proposed modifications to the Project as summarized above.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF ENFIELD AS FOLLOWS:

Section 1. Pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(7) of the SEQRA regulations, the Town Board accepts the DSEIS as complete for the purpose of commencing the necessary public review of the DSEIS, and directs that copies of the DSEIS be provided to all involved and interested agencies, as well as to any individual requesting a copy. The Town Board further directs that copies of the DSEIS be posted on the website located at www.blackoakwindny.com and maintained at the Town Hall offices and the Tompkins County Public Library for public review.

Section 2. The Town Board shall prepare, file, and publish a notice of completion of the DSEIS in accordance with 6 N.Y.C.R.R. § 617.9(a)(3).

Section 3. Pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(3) and (a)(4)(ii) of the SEQRA regulations, a comment period during which the public and involved and interested agencies may submit written comments to the Town Board relating to the DSEIS shall extend from March 12, 2016 to April 12, 2016. In addition, pursuant to 6 N.Y.C.R.R. § 617.9(a)(4) of the SEQRA regulations and Article III, Section 2(F) of the Town of Enfield’s Wind Energy Facilities Local Law, the Town Board shall hold a public hearing at the Enfield Elementary School on March 28, 2016, commencing at 7:00 p.m., and shall duly publish notice of the hearing at least fourteen (14) days prior to the public hearing being conducted. In addition, notice of the public hearing shall be given first class mail to all property owners located within 500 feet of the boundary of each proposed new wind turbine generator location at least seven (7) days in advance of the public hearing.

Section 4. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 5. This Resolution shall take effect immediately upon adoption.

Discussion: Councilperson Miles asked for a delay on the vote as he was not prepared to say the document was complete. He received the revised document right before the night's meeting and owes it to the public to review the document before voting.

Councilperson Hansteen stated he scanned through the pages when he received them, and until the document is approved it would not be open to discussion.

Councilperson Bryant agreed. She has looked at it on-line and wants to open the document to public comment.

Supervisor Rider stated the engineer consultant has deemed the document ready for public comment. A previous town board crafted the town's wind farm law and reviewed documents at that time.

Councilperson Carpenter stated he regrets that for three years on the board he accepted the information given by engineers and did a disservice to residents and the Black Oak Wind Farm by not learning more about the project. He would like the wind farm to know they aren't being careful enough. He is trying to understand the process better.

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

County Legislator Report: Dave McKenna stated the County Legislator authorized an additional \$163,729 for the Pine Tree Road pedestrian path project, has agreed to a study of city and county law enforcement consolidation, and the county has rented a pot hole patcher truck.

Highway Superintendent Report: No report.

Code Enforcement Report: Code Enforcement Officer Alan Teeter reported in February there were 2 building permits issued or renewed bringing the year to date total to 4. He issued 1 certificate of completion, completed 2 final inspections, 9 progress checks and resolved 1 complaint. Construction on a second solar farm on Mecklenburg Road is set to start the middle of March. He will be taking his annual in-service training at the end of the month.

Supervisor's Report: Supervisor Rider reported she attended the annual meeting of the Association of Towns in New York City, attended the monthly TCCOG meeting, submitted a permit application to the NYS Department of Transportation for work on the Park-and-Ride, conferred with LaBella regarding the Black Oak Wind Farm Project, researched policy on U.S. Flag etiquette and proper display, researched USDA funding for a new town hall, researched income scales for low income tax exemption benefits.

Committee Reports:

Wind Farm Advisory Committee: Councilperson Miles stated the committee has two goals: finding common ground for a compromise and making a recommendation on the town's wind farm law. Several technical experts have spoken at meetings. At this time, the two sides are far apart on issues. During the March 1 meeting residents presented a compromise proposal to Black Oak Wind Farm. Black Oak Wind Farm submitted a response at the March 8 meeting. The current wind farm law appears to be deficient in many areas and will take time to fix. The committee will continue to meet, but plans to scale back the number of meetings if they are just working on the law. The first goal is not exhausted yet, but it is hard to say if a compromise will be met regarding setbacks and sound issues. Councilperson Miles feels the town board should comment on the DSEIS in addition to the public. Each board member could speak with their own voice.

Supervisor Rider suggested holding a special meeting devoted to the DSEIS and possible modifications. Comments could be submitted during the public hearing.

Councilperson Carpenter stated he would like the town board to speak with one voice.

Councilperson Bryant feels the town board should meet at least once in a special meeting.

Councilperson Miles stated the advisory committee can be asked if they want to work on comments.

Councilperson Hansteen suggested sharing thoughts via a group e-mail.

Supervisor Rider set a special meeting of the Enfield Town Board for Wednesday, March 16 at 7:00 p.m. at the Enfield Community Building for discussing the DSEIS.

Planning Board: Chair Dan Walker reported the board met last week and approved a second solar farm project that was presented. The project is on a 10 acre site on Mecklenburg Road and is a 2 megawatt system.

Enfield Volunteer Fire Company: President Dennis Hubbell reported there were 18 total calls in February as follows: 12 EMS and rescue calls; 2 motor vehicle accidents; 2 service calls; 1 fire; and 1 missing person search, mutual aid to Newfield. March trainings will include a general meeting, donning drills and fire police trainings, SCBA training, brush and grassfire training, and finishing truck checks and inventory. There will be a chicken BBQ March 13 and a blood drive March 15.

He explained the fire department now has a balloon mortgage with M&T Bank that is coming due in May. The fire department would like to refinance the mortgage and go to a fixed rate mortgage which would mean switching banks. The current building is now 28 years old and needs some upgrades. The department would like to pay off the current mortgage and upgrade the building by borrowing funds. In order to get a low interest rate, the town board needs to approve this refinancing.

Supervisor Rider moved, with a second by Councilperson Bryant to approve Resolution #2016-42.

Resolution #2016-42 Appointment of Hearing Officer

I, Ann Rider, Supervisor of the Town of Enfield in accordance with the provisions of sections 147(f) and 150(c) of the Internal Revenue Code of 1986, as amended, hereby appoint Dennis Hubbell, President of the Enfield Volunteer Fire Company, Inc., as Hearing Officer pursuant to a certain Notice of Public Hearing attached hereto, such public hearing to be held at the Enfield Volunteer Fire Company, 172 Enfield Main Road, Enfield, New York 14850, on March 29, 2016 at 7:00 p.m. I further direct that the Hearing Officer shall within 10 days after the execution of this appointment cause to be published in full in the Ithaca Journal, a newspaper published in or having a general circulation within the Town of Enfield and designated an official newspaper of the Town of Enfield, a notice of public hearing to be held not less than 14 days from the date of publication. The notice is to be published substantially in the form attached hereto.

NOTICE OF PUBLIC HEARING PLEASE TAKE NOTICE that a public hearing will be conducted by an individual to be appointed by the Supervisor of the Town of Enfield (the "Hearing Officer") in the Enfield Volunteer Fire Company, Inc. at 172 Enfield Main Road, Ithaca, New York 14850 on March 29, 2016 at 7:00 p.m. in relation to the proposed borrowing by the Enfield Volunteer Fire Company, Inc. (the "Volunteer Fire Department") to refinance the existing mortgage and finance certain improvements of the fire station facility located at 172 Enfield Main Road, Enfield, New York and the proposed issuance by the Volunteer Fire Department of an obligation to the Bank of Greene County. The proposed refinance of the existing mortgage and finance certain improvements is of the fire station facility located at 172 Enfield Main Road, Enfield, New York, which is used for housing and storage of firefighting apparatus, vehicles and related equipment as well as for training, administrative and related facilities in order to render fire protection service to the Town of Enfield pursuant to a contract for the period January 1, 2013 through December 31, 2017 between the Volunteer Fire Department and the Town of Enfield. The proposed finance and refinance will be in the maximum face amount of \$612,000.00. The Enfield Volunteer Fire Company, Inc. is the owner, operator and manager of the fire station facility described herein. The public hearing and the subsequent approval by the Supervisor of the Town of Enfield of the borrowing and issuance of the obligation are prerequisites to exemption from income taxation of the interest payable under the terms of such obligation, pursuant to section 103 and related sections of, and regulations under, the

Internal Revenue Code. Neither the public hearing nor the subsequent approval by the Supervisor of the Town of Enfield of the borrowing creates any obligation or liability of the Town of Enfield for such obligation. Persons attending the public hearing will be given the opportunity to make brief oral statements in connection with the proposed financing, and written comments may be submitted to the Hearing Officer at or prior to the public hearing.

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

Facilities Manager: Councilperson Carpenter reported he has not received a report from LaBella on the highway building. The inspection has been completed.

Tompkins County Council of Governments: Supervisor Rider reported Councilperson Hansteen attended the meeting with her. The main topic of discussion was Lake Source Cooling.

Old Business:

Update on Broadband: Supervisor Rider stated Chuck Bartosch of Clarity Connect is waiting for reimbursement from New York State before proceeding. Two years ago some residents expressed interest in signing up for broadband, but now that service is available, they aren't contacting him. Supervisor Rider will put an article in the upcoming town newsletter urging residents to sign up.

Solar Farm Law Update: Supervisor Rider will provide town board members with a basic draft law which will include comments.

Town Solar Panel Installation Update: Councilperson Carpenter asked what financing would be available for this possible project. He suggested the project could be included in the town's 2017 budget. Having volunteer workers from the community would reduce the cost of installation.

Update on the Park and Ride: Supervisor Rider stated she has received permission from New York State to work in their right-of-way. She moved to hire Patrick Head to do the actual preparation for the Park and Ride site with a second by Councilperson Carpenter. He would level humps, dig up concrete baskets that held up an old building and put down limestone crusher run.

Discussion: Councilperson Bryant asked what the cost of the project would be. Supervisor Rider stated she didn't have anything in writing, but thought the project would cost about \$7,000. She would like to use logs to delineate where parking would be. She thinks there are some willow and basswood logs at the highway facility. She thought the time frame for work would be between March 15 and 25. The bid was not open to the public. She reminded the board our procurement policy states public works greater than \$20,000 need 3 quotes and between \$5,000 and \$20,000 need 2 quotes. Less than \$5,000 is at the discretion of the purchaser. The town will purchase the materials at state bid price. The cost of the job without materials included would be less than \$5,000. She stated the town was not required to pay prevailing wage for the job. No vote was taken on the motion.

Painting the Town Hall: Supervisor Rider stated bids went out March 3 and are due back March 23. She will check with town attorney Guy Krogh on the flexibility of insurance minimums as the town does not want to limit the pool of candidates. Norm Smith has agreed to do the prep work on the building before painting begins.

New Business:

Setting a Public Hearing on Local Law #1 of 2016 Senior and Disabled Citizens' Real Property Partial Tax Exemptions:

Supervisor Rider moved, with a second by Councilperson Bryant to accept the draft Local Law #1 of 2016 Senior and Disabled Citizens' Real Property Partial Tax Exemptions.

Discussion: Supervisor Rider stated she went with the same income limits the Town of Groton uses. Councilperson Hansteen asked what the cost difference would be for the town. If the income level is raised, it will have an effect on the tax levy - it will raise taxes for others.

Supervisor Rider stated the deadline for applying for exemptions was March 1 of this year, so a new law wouldn't be effective until January 1, 2017. She will ask Jay Franklin of the Tompkins County Assessment Office to attend the April town board meeting. Supervisor Rider pulled her motion.

USDA Grant for New Town Hall: Supervisor Rider stated she looked into a USDA grant for a new town hall that might be available for rural areas. Councilperson Bryant offered to look at the pre-application and see if the Town of Enfield should apply. Dan Walker will check on information for this also.

Adjournment: Councilperson Hansteen moved, with a second by Supervisor Rider to adjourn at 10:00 p.m.

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

Respectfully submitted,

Alice Linton, Enfield Town Clerk