

Town of Enfield  
Special Town Board Meeting Minutes  
Enfield Community Building  
Tuesday, May 18, 2016  
7:00 p.m.

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

Supervisor Rider opened the special town board meeting at 7:00 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

**Policy on Handling FOILS:** Supervisor Rider stated the town's current FOIL procedures are outdated. After discussion it was determined that town attorney, Guy Krogh, will be asked to draft a new FOIL policy that will be in keeping with current regulations and laws.

**Rules on Passing Local Laws:** Supervisor Rider stated she researched if there was a time limit between when a public hearing for a local law was held and when the law needed to be passed. She found no time limits so would like to go ahead with a public hearing for a tax cap override law. If the town does not go over the tax cap, the law can be rescinded.

**Decommissioning Agreement Regarding Black Oak Wind Farm:** Supervisor Rider provided information on how several wind farms handle decommissioning. The board felt it important to make sure the amounts in the Decommissioning Agreement keep up with inflation. They suggested tying increases into federal markers so the town board would not need to remember to check on amounts each year. Supervisor Rider mentioned that if the wind farm has no money to renew the decommissioning bond, the bond company is responsible to notify the holder (the town) and then the town can cash in the bond.

Councilperson Miles felt having an annual review of the Black Oak Wind Farm Decommissioning Agreement would be a good idea. He will look into a formula to tie increases in the Decommissioning Agreement into several national inflation markers.

**Road Use Agreement Regarding Black Oak Wind Farm:** Dan Walker, chair of the Town of Enfield Planning Board, handed out copies of a draft Road Use Agreement he had prepared. Basically, the wind farm would agree to improve roads before construction began; and when construction was completed they would repair and reconstruct the roads to at least the condition that existed immediately prior to the commencement of construction of the wind farm. A bond would be held until the repair and reconstruction was complete.

Councilperson Carpenter asked about road use during the decommissioning process. Something should be added to the Decommissioning Agreement to cover road damage.

Supervisor Rider stated town attorney Guy Krogh does not feel this Road Use Agreement has the basis to be enforced.

Dan Walker stated town attorney Guy Krogh has written a Road Use Agreement that is close to a law. That document has stronger penalties for violations. The road could be shut down if the highway superintendent didn't like the way work was being done.

Supervisor Rider would like Buddy Rollins, Highway Superintendent, to add anything he feels is lacking, and then sign-off on Guy Krogh's document. She would also like the town to have a Road Use Law to protect the roads and add weight limits. Dan Walker agreed to meet with Highway Superintendent Rollins.

**Meeting with LaBella:** Supervisor Rider stated all comments received by the town clerk have been cross-checked with LaBella and an index has been provided.

Councilperson Carpenter asked what the process is for the town board to interface with Black Oak Wind Farm and LaBella. He would like to find out from Kathy Spencer at LaBella what the process is.

Councilperson Miles mentioned that there is a 45 day limit for proceeding to the next step after the last public hearing is held.

Supervisor Rider will ask Frank Pavia of Harris Beach to prepare a resolution for extending the time to produce a final statement. She will talk to Kathy Spencer of LaBella to see how long to extend the period for. Adequate time should be given to do a thorough job of completing the Final Supplemental Environmental Impact Statement.

Another special town board meeting was scheduled for Wednesday, May 25, 2016 at 6:30 p.m. at the Enfield Community Building.

Supervisor Rider moved to adjourn at 8:57 p.m. with a second by Councilperson Hansteen. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk