

Town of Enfield
Special Town Board Meeting Minutes
Enfield Community Building
Tuesday, May 3, 2016
6:30 p.m.

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

Supervisor Rider opened the special town board meeting at 6:34 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Black Oak Wind Farm Final Environmental Impact Study Discussion:

Supervisor Rider stated the public comment period on the Supplemental Draft Environmental Impact Statement (SDEIS) is over and work has begun to get the Supplemental Final Environmental Impact Study (SFEIS) prepared. She felt it a good idea for the town board to meet and share ideas of how the process should go forward, express concerns they may have on certain parts of the final draft and how to be involved with LaBella, and plan ahead for more working meetings. The usual steps for finalizing the Final Environmental Impact Statement are the project technical advisor will do a first draft - they collect public comments and address the concerns. That document is then passed to the town's technical consultant, in this case LaBella, who will go over the document and flesh out their concerns. The final document is then a board document. She asked how board members would like to be involved in the final phase.

Councilperson Carpenter suggested asking LaBella for input on how they would like the town board to become involved. He suggested LaBella might come to a monthly town board meeting to explain when they would be functionally ready for town board input and where in the process they would like the town board to fit in. He felt it might be beneficial to have a few days to look at what is there and then talk with LaBella and go from there. He would like to be involved with the process and make comments.

Councilperson Bryant stated she would like to be a part of the process, but wants to make sure the process is completed correctly.

Supervisor Rider asked for concerns anyone might have.

Councilperson Carpenter stated a lot of good information came in as comments. He has concerns and the more he looks into this the more real his concerns are. He is bothered by the selective information coming from Black Oak Wind Farm - only information that supports their case. He is concerned with the unwillingness of Black Oak Wind Farm to consider any mitigation or changes.

Councilperson Carpenter does not like the idea of residents waiting to see if they will be affected by bad health or not. He is also concerned with economic consequences for residents that develop health issues and have to move from their homes. Article 3, Section 3 of the Town of Enfield Wind Farm Law allows for denial of a permit based on the town board's consideration of the SEQRA review process in its entirety.

Councilperson Bryant expressed the feeling that some people have already made the choice to move since the wind farm project was proposed.

Councilperson Carpenter doesn't want families to sacrifice their lives for the wind farm. He would propose they find a way to deal with future situations and find a way to keep residents from losing financially if they have to leave their homes.

Supervisor Rider stated we have a law in place.

Councilperson Carpenter stated it is not as restrictive as other towns.

Supervisor Rider suggested the town board may need to have a session with the town's lawyer.

Councilperson Miles stated he shares a lot of Councilperson Carpenter's concerns. He feels our wind law needs to be revised, especially regarding setbacks and noise restrictions. There are no teeth in the dispute resolution process - there is no definitive end to the resolution process. The community outreach and communication plan has no teeth. Something more binding is needed for the arbitration process. He feels a health and safety issue is the ice throw. The Black Oak Wind Farm drew a 994 foot circle around each turbine for the ice throw zone. GE standards say that is low. Non-participating properties are being used for mitigation - that is taking land use away from owners. There are models that show potential for ice throw. There is a safety zone for a reason.

Councilperson Hansteen agrees that when turbines go up and people feel they have to move they shouldn't be in a situation where they can't afford to move. Since Black Oak Wind Farm says infrasound isn't a problem, and property values won't be decreased, they should be willing to compromise on a plan for qualified homeowners to be reimbursed. He also stated he was unsure about the stability of the decommissioning fund.

Supervisor Rider stated she had done some research on surety bonds. The bond doesn't end every year - it rolls over and must pay for the next year. If the premium isn't paid and the bond lapses, the town board would have 30 days to collect on the bond.

Councilperson Carpenter feels there would be no recourse if Black Oak Wind Farm did something wrong. The town board can't stop them and would have to pay people to determine issues. There are no penalties included in the law.

Supervisor Rider will look back through the minutes as she feels noise monitoring has been addressed.

Councilperson Hansteen asked about turbine sites that are listed as abandoned in the supplemental plan.

Councilperson Miles feels if the supplemental plan doesn't work, the wind farm will go back to the original locations that have an environmental impact statement already approved.

Councilperson Hansteen feels if a new plan is approved, it should state the old sites are no longer viable so no more than seven turbines can be built.

Councilperson Miles questioned how serious Black Oak Wind Farm would be to go back to the original plan if the supplemental plan doesn't work out.

Councilperson Hansteen asked about the clause that states repair parts could be left on the site. Could a broken turbine be considered "spare parts"?

Councilperson Miles asked if a turbine fails could it be replaced with a different model? Would it need a new permit?

Supervisor Rider stated LaBella is checking to make sure they have copies of all comments received. The verbatim transcript of the March 28 public hearing is to be completed this week and the verbatim transcript of the April 12 public hearing will then be prepared.

Councilperson Miles asked if there was a 45 day time frame for completing the Final Environmental Impact Statement. Did the time start at the close of the comment period?

Councilperson Carpenter asked if the time frame could be extended with cause?

Supervisor Rider asked how the board would like to interface with LaBella - face to face, by internet, or by telephone. She will find out what the time line is and try to arrange for the town board to speak with Kathy Spencer of LaBella at next week's regular town board meeting.

Councilperson Carpenter asked how the town board would proceed once they get responses from Black Oak Wind Farm. He had several suggestions:

1. Have meetings to deal with Black Oak's responses individually and give town's responses to LaBella.
2. Have Kathy Spencer of LaBella attend town board meetings and be part of the process.
3. Assign working groups to respond to Black Oak's responses and bring them back to the town board.
4. Assign someone to respond to Black Oak's responses.
5. Have LaBella give the town board their responses to Black Oak and the town board can give their responses to LaBella's responses.

Supervisor Rider suggested thinking about clumping similar comments together. She will ask Kathy Spencer next week about her feeling on what the best choice would be. Frank Pavia of Harris Beach suggested opinions and guidance should be separated from substantive comments. They should be categorized and grouped by content.

Supervisor Rider moved to adjourn at 8:18 p.m. with a second by Councilperson Carpenter. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk