

Town of Enfield Wind Farm Advisory Committee Meeting –
August 30, 2016 - Enfield Community Building

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PRESENT: Martha Fischer, Marcus Gringerich, Jude Lemke, Mimi Mehaffey,
Councilperson Michael Miles, Julie Schroeder

ABSENT: Councilperson Mike Carpenter, Rob Tesori

Michael Miles called the meeting to order at 7:05 p.m. and lead the assemblage in the Pledge of Allegiance to the Flag.

Old Business

There was a discussion on the fact that the Columbia Law is a “template” law.

A Motion was made to approve the August 9 minutes with the following changes: 2nd page change “Stand” to “Standards”; Columbia Law change to say Columbia “Template” Law. Motion passed to approve minutes unanimously.

Michael Miles reported he had not received any emails through the windadvisory@townofenfield.org. The Committee requested he replace the draft Catlin Wind Law with the “final” law on Trello wind farm advisory site.

New Business

Michael Miles asked if anyone was interested in becoming the Chair of the Committee since he would be leaving in a few months. Jude Lemke volunteered for the Chair position. Members wondered if the Chair should be a Town Board Member. They also wondered if Mike Carpenter was still on the Committee, as he had not attended the last few meetings. Marcus Gringerich asked if the members could help out with more of the “details” for running the committee. It was decided that Michael Miles would still continue to be a “facilitator” for the meetings and others would help with the agenda and additional paper work.

Enfield Wind Energy Law

Michael Miles suggested the Committee go through the Enfield law and pick out the “key” issues and make recommendations for changes and additions to the Town Board. He thought that the Committee did not need to revise the whole law.

There was discussion regarding a rumor that there is a possible new investor for the Black Oak Wind Farm (BOWF). BayWa Renewals has reportedly been talking with BOWF. Onyx has reportedly left BOWF investing.

It was stated that the “lawyers” would deal with concerns if the Enfield Wind Energy Law is changed in regard to if the law would be retroactive for BOWF.

Key Issues

- Operating Permits – are not included in the law now.
- Setbacks – What is the purpose of a setback – health and safety issues. Suggestion of 1500 feet from the property line.
- Sounds/Noise – If setbacks are back far enough does this handle the sound/noise concerns? The noise is considered an “annoyance” and a term used by Audiologist. The DEC say an increase of 20 dBa is intolerable. How much above the ambience sound should be in the law. There should be a measurement of sound for day and night used as a baseline for the project. How much detail is needed in the law? It was felt that the Town should hire the engineers to run the sound level reports. The Town of Freedom, Maine wind law uses an Appendix for details regarding the sound/noise levels (Appendix A – Noise Measurement Standards and Procedures).
 - Infrasound and effects from the noise are being ignored. Some states and countries are now pushing their setback limits up to one mile.
 - Marcus Gingerich referred to an article he sent out to the Committee regarding new research facility in Vermont. It was an abandoned home near a wind facility and they will be researching negative impacts of industrial-scale wind power projects.
 - Enfield Wind Law refers to Noise on page 9 – C. Environmental Studies. 3. Noise Study; page 14 – Section 17 – Sound Levels and WTG Setbacks A. Sound Levels.
- No complaint resolutions are in the law except in regard of the developer. There is no detail, time limits, procedures, fines, etc. regarding complaints and resolutions. Clear dispute resolutions are needed.
- Neighbor/community working relationships – notifications.
 - What is the distance from a turbine site when residents should be notified of the wind turbine project. Should notification be from the edges of the whole site?
 - Who sends out the notifications. Should certified mail be used for the notification.
 - How does the law effect neighboring towns if the distance falls into another town? Enfield Town Law stops at their town line. The Town can give notice outside of the town.
 - Should notification cover all wind energy facilities (include collection lines, voltage transmission lines, etc.).
- Property Value – buyouts
- Flicker – solutions to alleviate flicker problems – time sets where the wind turbines are shut down when the most flicker would occur. Daily limits and yearly limits for shut downs.
- Contracts – leases – Good Neighbor Agreements.
 - These involve definitions of non-participant and participant.
 - Town has an interest in protecting its residents and property values.

- Public meetings where residents can voice their concerns and questions regarding contracts/leases/agreements. Education the residents on the project and their rights.
- Leases are public records.
- In the Columbia “Template” Law non participant and participants are “any dwelling” (page 2 and 3)
- Easements of property have to be on file with the county assessment office.
- Discussion of “buyer remorse” when signing agreements/contracts – NYS Law.
- Catlin Law – reference to non-participating property owner and participating property owner – any property owner who holds a lease contract with the applicant. (page 5 and 6)

Marcus Gingerich and Jude Lemke will write a draft of the changes and additions for the Enfield Energy Law. The draft will be placed on a “Google Doc Site” for the committee to view and make changes.

Michael Miles reported that he talked with Guy Krogh, Enfield Town Lawyer, regarding changes for the wind law. Recommendations were to make a target list of changes and additions. This list would show where in the law changes/additions would be placed. Guy Krogh also warned that some changes might trigger an “Environmental Review” process of the law. He would not be involved in the law changes until the Town Board votes on if they would like these changes. It was stated that the appendices are still part of the law and changes, etc. would be the same process as changing the whole law.

Next Meeting: Tuesday, September 13, 7 pm.

Michael Miles adjourned the meeting at 9:00 p.m.

Respectfully submitted, Sue Thompson, Recording Secretary