

PRESENT: Marcus Gingerich, Jude Lemke, Mimi Mehaffey, Councilperson Michael Miles, Julie Schroeder, Rob Tesori

ABSENT: Councilperson Mike Carpenter

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**

A Motion was made to approve the August 30. Motion passed to approve minutes unanimously.

### **Enfield Wind Energy Law**

There was discussion on the Committee going through the Enfield Energy law to pick out the “key” issues. They would then make recommendations for changes and additions to the Town Board. It was thought that the Committee still needed to revise the whole law.

Michael Miles thanked Jude Lemke for submitting a “rewrite” of the Enfield Energy Law. He asked her to go over the document with the committee.

Jude Lemke stated she added setbacks, noise and flicker, dealing with “good neighbor agreements”, enforcement steps, buyouts, public hearing and who sends notices out.

- Definitions – starting on page 3
  - Good Utility Practice was added from the Freedom, Maine, Wind Ordinance Law.
  - Neighboring Landowner was added, discussion on the distance of 2 miles, this deals with a single parcel of property.
  - Participating Landowner was added, definition of land owner who has entered into a written lease, etc. to permit construction of WTG.
  - Non-Participating definition? *Non-participating Landowner* means any landowner other than a Participating Landowner. (Freedom Law)
  - Residence definition was cleaned up. The wording valid, completed were added in reference to when application is received.
  - Sound pressure level changed to using the American National Standards Institute. Type 1 and 2 reference sound and an expert could explain to the committee what it exactly means. dBA and lower frequency would be covered for measurement in these Standards.
- Complaint Resolution Plan – made small changes “which complies with the requirements of this 2016 Town Law.”
- Public Hearing changes – notice to be given by the Town using registered mail, 2 miles of the boundary of each parcel of property on which each proposed WTG

or wind Energy Facility is located and 15 business days in advance of public hearing for notification. This gives people the opportunity to review all documents along with a list of residences that the notification was given.

- It was noted that the developer creates the list of residences that the town would send notification of public hearings to. Tompkins County Assessor's Office could be asked to double check the list.
- Dates were changed throughout the document to 2016.
- Section 17
  - Changes were made referencing neighboring landowners vs. participating land owners. Article IV Section 18 talks about who can waive their rights (Applicant or Operator or permit holder seeks to have a requirement of this 2016 Local Law not apply to a Site, Person, project, or permit.)
  - Sound Levels numbers of dBA were added. This is based on the World Health Organization recommendations. The numbers for dBA vs dBC should be checked. How these numbers are based, who recommends the numbers should be referenced? Jude will consult the sound expert for an explanation of the recommended numbers.
  - Noise measurement standards in Appendix A should be "red".
  - Setbacks based on Residences, Property Line, Utility Lines, Natural areas, and roadways. Suggested to say "residence property line".
  - Added 2,000 feet or 4 times the Total Height of the WTG whichever is greater.
  - Wet lands set back increased to 1.5 times the Total Height of the WTG so in case a turbine fell or caught on fire it would disturb the wet lands. The current law now allows the wet land to be disturbed then fixed. "Sensitive areas" unique natural areas, such as Connecticut Hill and Treman State Park, have set backs in the original law. Tompkins County has a "unique natural area report" which can be used to reference in law.
  - Discussion on if setback restrictions should be based on height of wind turbine. Freedom Law states "exceeding 80 feet or tree height whichever is greater, must be set back a minimum of 2,500 feet from any Scenic or Special Resource."
  - Substations are included in definition of "WIND ENERGY FACILITY – Any WTG, Small WTG, or Wind Measurement Tower, including all related infrastructure, electrical lines, substations, access roads and accessory structures." Should substation area being used as staging areas for parts, etc. be addressed?
  - There was discussion of voltage and cables buried under ground.
  - D. Infrastructure, Electrical Lines....change "located a minimum of 1,000 feet". Substation location changed to a minimum of 1,000 feet also.
  - Tourist – there could be problems with trespassing on property if people stop to look at wind turbines.
  - Flicker added not in original law. Mitigation was added to control flicker effects. Reference to "from property line" not from house/residence. If the

setback is correct there should be no flicker problem. It was noted that horses are affected by “flicker”.

- G. Noise Violations and Enforcement – definition and referenced to in Appendix. Noise violations were added using the Freedom Maine Law. A serious noise violation is based on 3 verified noise complaints. A “not so serious” violation section was also added. There was discussion on who is qualified to measure the noise complaint. Should the Town Code Enforcement officer be included in investigating complaints? Can he receive training courses for investigation of wind turbine complaints?
- Section 18 - Noise, Setback and Flicker Waivers, discusses all waivers.
  - Written consent states property owners are aware of the Wind Energy Facility and the wind law. There is a provision that can revoke the consent in 30 days, giving them time to think about the document. Any consent is recorded into the land record of the County Clerk’s Office. This document will follow land ownership. D. protects the land owner in reference to distance if wind turbine is set less than 1.5 times the total height of the turbine from the substation from a residence.

There was discussion on the “administrative appeal” of the law. The town lawyer will have to review/change/add wording.

Next Meeting:

Committee members were asked to research why there is a certain number of feet recommended for setbacks regarding property and or residence and how it affects noise. References are needed.

There will be discussion regarding setbacks and enforcement along with noise levels.

Next Meeting: Tuesday, September 27, 7 pm.

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

Respectfully submitted, Sue Thompson, Recording Secretary