

TOWN OF ENFIELD

168 Enfield Main Road
Ithaca, NY 14850
Telephone: 607-273-8256

May 26, 2017

Black Oak Wind Farm
863 Hayts Road
Ithaca, NY 14850

Certified Mail, Return Receipt Requested

Dear Marguerite and Peter:

At the March 8, 2017 Regular Town Board meeting, the Enfield Town Board determined that, as the application for a Wind Energy Permit by Enfield Energy's successor in interest, Black Oak Wind Farm, was initiated in 2009, a timely finalization of the application is now necessary. The items listed herein must be submitted to the Enfield Town Clerk no later than 60 days from the date of this notice in order to comply with an Enfield Town Board motion carried on October 26th, 2016, and the Enfield Wind Energy Facilities Law, and to avoid the risk of a declaration of the expiration of the application for a Wind Energy Permit by Black Oak Wind Farm. If these items are not received by this date, the application for a Wind Energy Permit will be deemed abandoned and the Town Board will, at its next meeting, consider the application abandoned and expired, but without prejudice to re-apply when Black Oak Wind Farm is ready to actually proceed.

Please refer to Article III, Section 1 of the Enfield Wind Energy Facilities Law for the definition of the following, and please submit a completed, current application, which must include the following documents and all other items required by this Section of the Law:

- Project Description
- Parcel Location of each turbine, substation and all other elements of the development as it stands currently
- Parcel Information
- Plot Plans
- Wind Turbine Information for those that will be used on this project
- Construction Information
- Fire Protection Plan w/ County All-Hazard Mitigation Sign Off
- Complaint Resolution Plan
- Landscaping Plan
- Invasive Species Control Plan
- Lighting Plan
- If necessary, a Blasting Safety and Management Plan
- Signed Statement
- Decommissioning Plan and proof of securities in the amount of \$180,000 per turbine
- Property Owner Information and Authorization for each participating land owner
- A copy of all current purchase agreements, leases, easements, and licenses for each participating landowner

Please date and submit all documents required by this notice at the same time, so there is no question of their finality. The Board's carried motion also stated that there may be other documents required, as are deemed necessary.

Black Oak Wind Farm may re-apply for a Wind Energy Permit if this application is or becomes expired, whether by abandonment, declaration, or otherwise.

ESCROW

Further, in October 2016, Black Oak Wind Farm submitted payment of \$34,500 to replenish its designated Town escrow account, bringing it into compliance with the Wind Energy Facilities Law of 2009 and the Developer's Agreement of 2010. As the escrow was in compliance in early December, plans were submitted for further review by our consultant, LaBella.

By January 2017, the escrow was operating with a negative balance. Notification was sent to you on January 6th, 2017 demanding that Black Oak Wind Farm comply with the Developer's Agreement by bringing the escrow account current by January 31st, 2017. As of the date of this letter, no payment has been received.

Subsequently, further review costs have been incurred and paid by the Town of Enfield in February, March and April of 2017. All of these costs are chargeable to Black Oak Wind Farm, per the Developer's Agreement of 2010 between the Town of Enfield and Black Oak Wind Farm.

Due to these charges, the escrow has, once again, become overdrawn. As of April 30, 2017, the past due amount is \$10,946.11.

Per the Developer's Agreement: The escrow must be replenished within 15 days of this notification. If payment is not received by the required date, the Town will commence collection action. If the Town is required to bring suit to collect any Deposit or Review Costs, the Town, if it succeeds in obtaining a judgment, settlement and/or other resolution against the Developer, shall be entitled to recover its reasonable attorneys' and experts' fees and expenses incurred in connection herewith, together with any related court costs and expenses.

By now you have likely heard that the Town of Enfield, along with other municipalities in Tompkins County, is considering a moratorium on commercial wind and solar energy facilities to freeze in place all matters, as well as prevent new application filings and any new approvals or permits from being issued, until the sooner of the expiry of such moratorium or such time as the County and New York State Energy Plans and the current push for solar and wind energy is adequately addressed in the Town's Comprehensive Plan and land use regulations and local laws. Thus, the timeline for submission of all permit review materials will be extended for the same number of days such moratorium is and remains in effect, if it is adopted.

The Enfield Town Board appreciates your immediate attention to these matters.

Sincerely,

Enfield Town Board

Ann S. Rider, Supervisor

Virginia Bryant, Councilperson

Michael Carpenter, Councilperson

Beth McGee, Councilperson

Becky Sims, Councilperson

