

Town of Enfield
Special Town Board Meeting
Enfield Community Building
Wednesday, July 17, 2019
6:30 p.m.

Present: Town Supervisor Beth McGee, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Mimi Mehaffey, Town Councilperson Becky Sims arrived at 6:35 p.m., Town Clerk Alice Linton.

Supervisor McGee called the meeting to order at 6:30 p.m. Town Clerk Linton lead the assemblage in the Pledge of Allegiance to the Flag.

Additions to the Agenda: Supervisor McGee asked to add audit claims and setting a special meeting for July 24, 2019 to the agenda.

Audit Claims: Supervisor McGee moved, with a second by Councilperson Carpenter to authorize the Supervisor to pay General Fund Vouchers #190 to 191 dated July 17, 2019 in the amount of \$1,055.00 and Highway Fund Voucher #130 dated July 17, 2019 in the amount of \$155.00.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Mehaffey aye, Councilperson Sims excused, Supervisor McGee aye. Carried.

Councilperson Sims arrived at this time.

Old Business:

Solar Law: Attorney Guy Krogh has prepared a draft Resolution Adopting and Approving Town of Enfield Site Plan Review Local Law; a draft Resolution Declaring Environmental Significance and making Negative Declaration of Environmental Impacts in Relation to Town of Enfield Solar Amendments to Site Plan Review Local Law; GML 239 Form; Short Environmental Assessment Form Parts 1, 2, and 3; and a draft Notice of Public Hearing and sent these documents to the Town Board for their review. The legal notice for a public hearing on the law scheduled for July 24 at 7:00 p.m. has been published.

Solar RFP: Councilperson Sims was unable to complete a draft prior to this meeting. Councilperson Carpenter suggested purchasing battery storage instead of purchasing a generator for the highway department. There is a new NYSERDA grant program with a rebate of \$2,500 that could be an add-on to the project. The money from Delaware Solar could possibly be used to fund this. Supervisor McGee asked if the battery would be sufficient to run the highway department. Councilperson Carpenter stated that first the solar would charge the battery, and when it starts to discharge and goes down then the battery will charge again when the sun shines. The battery would be able to run at least part of the highway department and could be switched to run different items at different times. The inverter switches over as soon as the power goes out on the grid and switches off when the power comes back on. Councilperson Carpenter suggested this could be a separate RFP. This will be on the agenda for the July 24 special meeting.

Moratorium Extension: Councilperson Mehaffey reported that at the Renewable Energy Committee meeting on Monday they reviewed information for noise decibels. The current law has decibels that would be unbearable and affect the health and safety of residents if something is built in the interim. She felt it best to pull the solar out of the moratorium extension in the hope it will be done by August 31, and the consequences of not having a new law in place would not be as dire as with wind. She feels a November 30 deadline is aggressive, maybe extra meetings would be needed. She appreciates that

several Town Board members are hesitant about extending the moratorium, but she would like to go ahead and propose the law to extend the moratorium. Supervisor McGee interjected that there will be several budget meetings between now and November 30 also.

Councilperson Mehaffey moved, with a second by Councilperson Carpenter to move this local law forward and set a public hearing date and send it to Attorney Guy Krogh for his review.

Discussion: Supervisor McGee asked to remove the word endeavor in Section 2, so wording would be “During the period of this moratorium the Town shall update...” It was also suggested to change the title of the proposed law to “A Local Law Modifying the Moratorium...” and to change Section 4 to read “If any portion of this Local Law...”

Councilperson Mehaffey moved to amend the wording as suggested in the discussion, with a second by Councilperson Carpenter.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Mehaffey aye, Councilperson Sims aye, Supervisor McGee aye. Carried.

Further discussion: Councilperson Mehaffey understands that if the solar law is completed by August 31, that can be released from the moratorium. Supervisor McGee feels this local law would need a county review and a SEQRA process. She would want Attorney Krogh to look at the wording and then have him prepare the necessary documentation.

The vote was then taken to accept the following document which has the changes made:

**TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER ___ OF 2019**

**A LOCAL LAW MODIFYING THE MORATORIUM UPON CERTAIN APPLICATIONS AND
PROCEEDINGS RELATED TO COMMERCIAL SOLAR AND WIND FACILITIES**

Be it enacted by the Town of Enfield as follows:

SECTION 1: This Local Law shall be known as “Local Law Number ___ of 2019.” It is the intent of this Local Law to rescind the moratorium imposed by Local Law #1 of 2017 with respect to Commercial Solar Energy Facilities (as defined in Local Law #1 of 2017) and to extend such moratorium on Commercial Wind Energy Facilities (as defined in Local Law #1 of 2017) until the earlier of (1) 11/30/2019 or (2) the date upon which the Town enacts a law to regulate such Commercial Wind Energy Facilities in place of Local Law #1 of 2009.

SECTION 2: Section 5 of Local Law #1 of 2017 be and hereby is amended to read as follows:
“The moratorium imposed by this Local Law on Commercial Solar Energy Facilities is hereby rescinded, effective August 31st, 2019.

The moratorium imposed by this Local Law on Commercial Wind Energy Facilities shall be extended until the earlier of (1) 11/30/2019 or (2) the date upon which the Town enacts a law to regulate such Commercial Wind Energy Facilities in place of Local Law #1 of 2009 and may be rescinded or removed by local law. During the period of this moratorium the Town shall update existing regulations for the siting, establishment and construction of Commercial Wind Energy Facilities.

SECTION 3: Except as extended and amended hereby, the balance of Local Law #1 of 2017 remains in force and effect as originally enacted.

SECTION 4: If any portion of this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or

unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

SECTION 5: This Local Law shall take effect immediately.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Mehaffey aye, Councilperson Sims nay, Supervisor McGee aye. Carried.

Supervisor McGee will forward information to Attorney Krogh for him to prepare documents. A public hearing date for A LOCAL LAW MODIFYING THE MORATORIUM UPON CERTAIN APPLICATIONS AND PROCEEDINGS RELATED TO COMMERCIAL SOLAR AND WIND FACILITIES was set for August 14, prior to the regular town board meeting, at 6:00 p.m.

A special town board meeting was scheduled for July 24 at 7:15, or as soon as the comment period ends for the public hearing scheduled for the July 24.

Wind Law:

Supervisor McGee has asked for a more robust road agreement, fire protection plan and siting of the substation for the wind law. These recommendations should be ready for the July 24 meeting.

Councilperson Mehaffey questioned at what time does the Board send the draft to an attorney experienced in wind laws – after the above components are added. The attorney should also be able to address questions regarding a host community agreement.

Councilperson Sims asked about changes that were suggested at the last meeting, including setbacks. Setbacks had been changed, while keeping in mind that technology regarding the height of turbines has been changing. Councilperson Mehaffey mentioned issues need to be easily defended in court.

Councilperson Carpenter asked if a table of contents could be added. Once there is a final version with actual page numbers Jude Lemke will work at that.

Councilperson Sims was uncomfortable with the language at Article VI, Section 1, C. (e) regarding contamination of aquifers. She felt 24 hours was not sufficient time to determine if the complaint was due to development impact from the Wind Energy Facility. Jude Lemke explained all this is doing is determining when the Town Board instigates its own investigation and prevents someone from not having water in their house for an extended period – this means the Town Board can start their own investigation. It is about the town making sure there is a response in a timely manner. Supervisor McGee suggested this might be better addressed in a Water Protection Law. Jude Lemke suggested part of the SEQRA requirement could be checking water quality prior to construction. A study could be done on behalf of the town and paid for with the Wind Energy Facility's escrow – those results can be shared with residents. Supervisor McGee mentioned the Board will need to keep track of what should be included in the scoping document.

It was determined the Renewable Energy Committee will work on a road agreement, fire protection plan, and siting of the substation. When complete, the Town Board will talk about having a desk review done. Following that, another review will need to be done by the Town Board once attorney comments are received.

Announcements: None

Adjournment: Supervisor McGee adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Alice M. Linton, RMC
Enfield Town Clerk