

Town of Enfield
Public Hearing and Special Town Board Meeting
Enfield Community Building
Wednesday, July 24, 2019
7:00 p.m.

Present: Town Supervisor Beth McGee, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Mimi Mehaffey, Town Clerk Alice Linton. Town Councilperson Becky Sims excused.

Supervisor McGee called the meeting to order at 7:00 p.m. Town Clerk Linton lead the assemblage in the Pledge of Allegiance to the Flag.

Public Hearing: Supervisor McGee opened the public hearing on the Adoption of Local Law # __ of 2019, Solar Power Siting Amendments to Site Plan Review Law. She asked everyone to follow the Guidelines for Public Comment listed on the back of the agenda, and limit remarks to 3 minutes. She read the public hearing notice that was published in the Ithaca Journal.

Robert Lynch of Enfield submitted written comments. He stated there are provisions he likes, and some he does not like. He urged the Town Board to adopt the law and act expeditiously and concurrently lift the long-over-extended solar moratorium. He feels if solar farm developers accept this law it will be fine, but if they do not, and they avoid Enfield, then the solar law should be relaxed to make Enfield solar friendly. He feels the proposed law respects small owners, but is not friendly to large scale operators. Pass the law now, fix it later.

Councilperson Carpenter responded he hoped anyone interested in the writing of this law would be involved. He questioned where Mr. Lynch was for the last 2 years when the law was being written. This started as a stand-alone local law, but the town attorney recommended making it an amendment to the Site Plan Review Law, so this is one reason the process has taken so long. He stated the committee was more concerned with quality than speed.

Nancy Spero of Enfield thanked the Committee and Town Board for the hard work that went into this proposed law. After reading it over, she feels it does a good job of protecting the rural community from being one big installation, as well as welcoming solar to Enfield.

Joe Dawson of Enfield feels this is a good balance from all angles. A lot of time was put into the draft to make it balanced and fair, and he thanked everyone for all their hard work.

Dan Walker of Enfield stated he felt this law is not extreme on either end. None of the clients he has had in his professional business would have difficulty meeting the standards of this law.

Supervisor McGee closed the public hearing at 7:15 p.m.

Additions to the Agenda: None were requested.

Privilege of the Floor: No one wished to speak.

Old Business:

Solar Law: Attorney Krogh has provided information to the county and the SEQRA documents have been submitted. Supervisor McGee sent the Board a list of questions that need to be answered regarding taxation structure for renewables.

Councilperson Carpenter stated while writing the law, the committee was trying to be protective of residents of the town while being noninvasive. The long-term issues are harder to understand, such as decommissioning, but they are important. He agrees with Dan Walker that everyone on the committee did a good job.

Supervisor McGee mentioned another issue to consider down the road is looking at what percent of the town should be covered with solar panels. An ag exemption is lost if land is converted to solar, and even grazing will not add the ag exemption back. There are also penalties that need to be paid when land is converted – claw back provision. Land owners need to know that they can negotiate these items in their lease. The issues arise just on the portion of the property that has the solar on it, not the entire amount of land owned. The Planning Board would be looking at quality of the land for agriculture.

Councilperson Mehaffey stated it is very important to have a decommissioning plan since once tax credits are gone, facilities are often abandoned. Decommissioning will protect the land owner from foreclosure. The Town Board is trying to protect the residents, not the solar facilities.

Councilperson Carpenter wanted it noted for historical knowledge that the Committee did realize while writing the law that technology is changing all the time. There is the possibility of higher resolution solar coming on the market. Future town boards need to be aware that there may need to be amendments in the future, possibly for storage facilities.

Supervisor McGee stated if Attorney Krogh gets information to the Board in time, there can be further discussion on the meeting agenda for August.

Councilperson Carpenter would like to have a vote on the solar law by the end of August. He suggested having a meeting after August 14, but before the end of the month when the moratorium expires.

Solar RFP: Councilperson Carpenter provided information on invertors. If a battery storage for the solar RFP is added, the extra rebate from NYSEDA would be based on a total system, so all work would need to be done by the same installer that does the panel installation. Batteries are about \$3,000 each. It's a matter of deciding how much storage the Town wants to have, and then decide what they want to be energizing during the period when electric power is out. Terry Carroll of Cooperative Extension may be able to help with this.

A special meeting was scheduled for Wednesday, August 21 at 6:30. At that time a vote on the moratorium extension can be taken and there can be further discussion of the Solar RFP and solar law, if needed.

Moratorium Extension:

Town attorney Guy Krogh has submitted information to the county. No SEQRA is required, but a 239 review is required. The updated draft will be available at town hall for the public, along with a copy of the public hearing notice.

Wind Law:

Councilperson Mehaffey asked to talk about substations. In the proposed new law, the set back is 1,000 feet from any residence or property line.

Dan Walker, Planning Board chair, stated any substations he knows about have a set-back of 50 to 100 feet from property lines. Power companies don't want to buy a lot of acreage for a substation. He suggested 150 to 200 feet might be a reasonable distance from property lines. Councilperson Mehaffey suggested asking the lawyer experienced in wind law that the Town hopes to hire about best practices for this issue.

Councilperson Carpenter provided language from several towns for road upkeep and repair. Basically before, during and after, the towns want the developer to be responsible to all entities involved. What our law doesn't do is get into the issues of process. Jude Lemke really likes the model in laws from other towns that set a standard for repairing the roads – restored to the town or county standards. Supervisor McGee wants not just the Town highway superintendent to be included - would have to be county and state also.

Jude Lemke mentioned the Somerset law goes beyond roads – it includes any property damage. She can easily revise the draft law to the standard similar to the Somerset law and felt it would be useful to add a transportation plan. This would give the highway superintendent authority to shut down the road if unsafe, and stop work on the facility until the road is safe again.

Jude Lemke questioned if there should just be a Road Use Agreement, instead of adding everything in this law. Councilperson Carpenter would like to keep this within the wind law instead of a separate Road Use Agreement. He feels the Town needs a Road Use Agreement separately, and suggested maybe the Planning Board could work at this.

Supervisor McGee would want any discussion and proposal of a Road Use Agreement to have the perspective of the highway superintendent. She suggested looking at possible changes in the law itself and/or a Road Use Agreement that is a stand-alone.

Councilperson Carpenter mentioned cross references and/or a table of contents would be very helpful. Councilperson Mehaffey felt the traffic control standards looked good, but may need to be cross referenced.

Councilperson Mehaffey provided samples of fire protection wording from other towns. Town Board members liked the sample from the Town of Freedom the best. Councilperson Mehaffey noted she would change the language to include that it complies with the Tompkins County All Hazards Mitigation Plan. She also suggested adding that the wind facility pays for all costs of a fire.

Councilperson Mehaffey suggested passing the wording around and making comments at the next meeting. Councilperson Carpenter hoped information could get to everyone before the next Town Board meeting so there could be a preliminary discussion and then send the draft law to the lawyer experienced in wind laws so he can do a desk review and make recommendations.

Authorization to Move Additional Funds for Comprehensive Plan Formatting:

Supervisor McGee stated the Comprehensive Plan Committee received samples from 3 different formatters. The estimates ranged from \$1,500 to \$5,000. The one the Committee liked best overall was the bid of \$1,5000. That person would be available to make changes after the document is revised as part of their bid. The amount budgeted for formatting was \$1,000. Supervisor McGee stated her contractual line has about \$1,100 remaining and she would like to move \$500 over to the Planner line

Supervisor McGee moved, with a second by Councilperson Bryant to approve Budget Amendment #2019-10.

Budget Amendment #2019-10

Move Funds to Format Comprehensive Plan

The Enfield Town Board authorizes the Supervisor to decrease line A1220.41 Supervisor-Contractual by \$500.00 and increase line A8020.1 Planner-Personnel Services by \$500.00.

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

Announcements: None

Adjournment: Supervisor McGee adjourned the meeting at 8:57 p.m.

Respectfully submitted,

Alice M. Linton, RMC
Enfield Town Clerk