

Town of Enfield
Public Hearing and Regular Town Board Meeting
Enfield Community Building
Wednesday, August 14, 2019
6:00 p.m.

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

Public Hearing on Moratorium Extension: Supervisor McGee opened the public hearing on the Adoption of Local Law # __ of 2019, Modifying and Extending the Existing Alternative Energy Facilities Moratorium for Commercial Wind Energy Facilities, at 6:07 p.m. She asked anyone wishing to speak to follow the Guidelines for Public Comment listed on the back of the agenda, address comments to the Board, and limit remarks to 3 minutes. Councilperson Mehaffey read the public hearing notice that was published in the Ithaca Journal.

Jude Lemke of Enfield stated that although Robert Lynch has expressed his concern that the Town Board has not been diligent in getting the solar and wind law completed, he has underestimated the time and issues that must be addressed. Committees have met regularly to address issues that can have consequences to Enfield residents. The wind law is drafted, and has been reviewed by the Town Board. The solar law is ready for public hearing. She believes the Town Board is doing their best to protect the health and safety of residents, as well as provide financial protection to the Town.

Melinda Tesori of Enfield thanked the Town Board for their work. Wind turbines close to homes would have taken away rights of residents. Three more months to work on a new law is not too much.

Rich Teeter of Enfield stated it is very important that the Town takes time to write a wind law that protects residents, since this is an issue that can tear community and neighbors apart. Large companies care about their pocket, not residents. He asked the Town Board to fix the law that was in place before, and make sure it's done right this time.

Teresa Guler of Enfield thanked the entire board for their hard work and hours working on the laws, and for listening to residents' concerns. She supports the extension of the moratorium so there is time to ensure due diligence for the safety of residents. She is concerned about abandonment of turbines and fully supports an extension of the moratorium.

Joe Dawson of Enfield stated the extension was made for a purpose that has not been accomplished yet. Too many good things go away if they are not popular or valuable or delayed too long. Nothing is proposed to be built at this time. The purpose of the Town Board is to serve and protect the people. That is what this extension is designed to do.

Marcus Gingerich of Enfield has been serving on the renewable energy committee. The solar law is getting close to being passed, while the wind law is a little farther off. If the moratorium is not extended, the Town will be operating under the old wind law which has 60 decibels above ambient sound level maximum. The OSHA permissible exposure is limited to 80 decibels, but only allows 16 hours of exposure. Our law would allow more exposure than OSHA would allow in a work place. It has taken a long time to draft these laws, but it's a lot more complicated than anticipated. He fully supports extending the moratorium.

Ron Riddle of Enfield gave a demonstration of the level of sound our current law would allow and how unbearable it is to think of living with that level of noise near a home. This sound would ruin his business. He would like to see the moratorium extended.

Dawn Drake of Enfield stated she has lived in Enfield her entire life. She has many birds around her house and can't imagine 3 towers across from her house. She thanked the Town Board for their work and asked for the moratorium to go through.

Robert Lynch of Enfield stated the moratorium that began in June 2017 was a 12-month moratorium. There was time to get the job done and it didn't get done. He would like to wake up on September 1, 2019 to know we are a moratorium free Enfield. He doesn't feel a developer will come to Enfield again. He feels we can live for 3 months without a moratorium in this Town. He's not sure that what Ron Riddle played tonight is representative of what a wind turbine would sound like.

Beverly Gingerich of Enfield supports extending the existing moratorium. She has not missed the stress for the past year over concerns of a wind turbine being built close to her home. She asked to please make sure the health and safety of Enfield is considered.

Rob Tesori of Enfield spoke of the emotional toll a proposed large-scale wind farm had on residents in the Black Oak area. He doesn't want emotional attachment to his house until he's sure there will be no wind facilities in the area. Watching the news and listening to comments in the past was horrible. He deeply and sincerely thanked the Board for the work that was done. If the Town needs 3 more months to get everything correct, he's in favor of passing the moratorium extension.

Stephanie Redmond of Enfield has had the privilege of running for the Enfield Town Board and has taken time to read through the wind and solar laws that are being developed. She understands these things take time, and the volunteers have taken time out of their lives to work on these laws. She supports extending the moratorium. This will carry through as our Town's identity. Doing adequate research and putting in detail is appreciated.

Carol Woods of Enfield spoke in favor of extending the moratorium. She was asked to put a sign on her property to put up turbines, so she started doing research and attended many meetings. When the moratorium was put in place and Black Oak Wind Farm (BOWF) backed out, she felt the Town dodged a bullet. She appreciates all the effort that has gone into writing the law.

Councilperson Carpenter explained one of the things that happened over the BOWF process was a lot of miscommunication and misunderstandings. There was a lot of information, and most people didn't understand what the law meant and what was going on with wind generators. Sound was one of the big issues. Most wind laws don't allow the level of sound Mr. Riddle played earlier, but our current wind law would have allowed that level. He feels the Town Board is doing their best for a very complicated subject, and didn't realize how much there was to learn, and didn't anticipate how careful the Town needed to be to make sure the law was correct. He doesn't feel anyone is waiting to put in an application at this time, so no one is being hurt by the moratorium at this time.

Councilperson Mehaffey stated that when the committee was formed, it was split into two – one for solar and one for wind. Within a few months it became apparent what a big project it was, so several members dropped out. They felt a solar application was more likely to come in, so they started with the solar law first and then started meeting every week to try and get the wind law done. On August 30, 2019 the moratorium on the solar law will end. The extension would help the wind law move through the proper channels. These things take time and we want to get it right. To let it lapse would not be protecting the people of the Town of Enfield.

Supervisor McGee added that while the solar addendum to the site plan law might be ready to finalize, her preference would be to wait to adopt the solar law until a PILOT Law was in place, but she doesn't want to hold this up in order to request that.

Supervisor McGee closed the public hearing at 6:45 p.m.

Regular Meeting: Supervisor McGee called the regular meeting to order at 6:45 p.m. Town Clerk Linton lead the assemblage in the Pledge of Allegiance to the Flag.

Changes to the Agenda: Councilperson Mehaffey asked to add voting on the moratorium extension to the agenda at the end of Old Business. Supervisor McGee removed the budget amendment from the consent agenda. Councilperson Sims asked to introduce a resolution proclaiming Women's Equality Day at the end of New Business.

Privilege of the Floor:

Ann Rider of Enfield has educated herself on the distressed property at the corner of Enfield Center Road and Enfield Main Road and firmly believes the new owners have been trying to comply with the Town's demands. Events have happened that have made the project more costly than anticipated. She plans to give \$500 to their Go Fund Me campaign and urged other residents to join in support of the owners who recently bought the property.

Beth McGee of Enfield stated in September of 2017 she prepared and proposed a Town of Enfield civility resolution that the Town Board unanimously approved and she has worked hard since then to have thoughtful, productive conversations. Residents have regularly acknowledged their appreciation for the efforts made to raise the level of discourse on the governing board. Since February of this year, she feels Privilege of the Floor has been used as a soap box of misinformation, baseless accusations, personal attacks towards Board members, and shouting at the Board by an individual running for Town Councilperson. She appreciates that Town Board members have called out the inappropriate accusations and inaccurate statements made by this individual. The Town attorney recently notified her that he received a call from a resident who stated they had been advised by the Town Supervisor to call regarding 198 Enfield Main Road. A man's name was given as the Town Supervisor. They stated the attorney was authorized by the male supervisor to work on a ballot initiative for November and further advised he should assist in designating this house as an EPA superfund site. The name of the person given was the same person she referred to previously. Actions such as this serve to confuse and mislead residents who are already facing a difficult predicament. At a recent Town Board meeting, a resident asked the Town Board to act accordingly when someone violates the rules of Privilege of the Floor. Going forward she will commit to enforcing regulations of Privilege of the Floor and appreciates the Board's continued respect for this policy to protect the good work being done in this room.

Robert Lynch of Enfield stated he believes he is the person being attacked in the previous statement. He stated he did not advise anyone to request a balloted issue. He would like a copy of what was just read by the Supervisor, and he will submit it to his attorney.

Correspondence:

The Cayuga Lake Watershed Intermunicipal Organization sent an invoice along with a letter advising what they have been accomplishing. The Town of Enfield will continue to be a member. Cayugawatershed.org has more information.

Enfield Volunteer Fire Company (EVFC) New Member Approval: Dennis Hubbell, President of the EVFC, reported the organization has recently tried to be more transparent in their activities. He introduced new member Savannah Stevens to the Town Board. Savannah is joining as a junior firefighter. Her brother and father are already members, she is a local animal science major at TST BOCES and hopes to get more involved in pet CPR.

Supervisor McGee stated she was proud of Savannah and it is inspiring to see so many young people in the fire company. It's a great mentoring situation and they are looking for more young volunteers. Councilperson Mehaffey seconded how welcoming and safe the atmosphere is in the fire company.

Dennis Hubbell mentioned there is an active junior program for those at least 14 years old who have completed the 8th grade. There are about 6 now in the group.

Supervisor McGee moved, with a second by Councilperson Carpenter to adopt Resolution #2019-40.

Resolution #2019-40 Approval of New Member – Savannah Stevens – Enfield Volunteer Fire Co.

WHEREAS, pursuant to Not-for-Profit Corporation Law §1402, and Town Law §176, only active members of a Volunteer Fire Company are covered by the Volunteer Firefighter Benefit Law if injured or killed while performing services for the Fire Company, and;

WHEREAS, members may only be considered active members if given final approval of the Enfield Town Board, and;

WHEREAS, the Enfield Town Board wishes to honor and approve new volunteer firefighters to serve with the Enfield Volunteer Fire Company and to satisfy legal and insurance requirements for the benefit of our volunteers, and;

WHEREAS, Savannah B. Stevens, of 399 Van Dorn Rd. South, Ithaca, NY 14850, Town of Enfield, has completed all requirements for Junior Membership, and has been approved by vote of the Enfield Volunteer Fire Company membership for a position as an active member;

WHEREAS, Savannah B. Stevens is a resident of the Town of Enfield and a Junior Volunteer, therefore be it

RESOLVED, the Enfield Town Board hereby approves membership of Savannah B. Stevens into the Enfield Volunteer Fire Company, effective immediately.

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

A Letter and Certificate were presented to Amanda B. Stevens.

EVFC Equipment Purchase Authorizations: A letter was received from Attorney Mark Butler regarding replacement of the 1996 tanker. The old tanker has been sold, with proceeds to go towards purchase of a new truck. The balance of the purchase price will be paid through tax-exempt borrowing in the sum of \$375,000 from the Bank of Greene County. To satisfy the requirements of the Internal Revenue Code, a public hearing must be held in order to provide a reasonable opportunity for interested individuals to express their views, both orally and in writing, with regard to the volunteer fire department’s proposed obligation. Previously the Town Board has appointed the President of the Fire Company as Hearing Officer. That appointment allows the Public Hearing to be held in short order. Attorney Butler respectfully requested the Board to appoint Dennis Hubbell, President of Enfield Volunteer Fire Company as Hearing Officer for a public hearing to be held at the Enfield Volunteer Fire Company fire station on September 5, 2019.

Supervisor McGee moved, with a second by Councilperson Carpenter to authorize the Supervisor to sign the Appointment of Hearing Officer as follows:

APPOINTMENT OF HEARING OFFICER

I, Beth McGee, Supervisor of the Town of Enfield in accordance with the provisions of sections 147(f) and 150(c) of the Internal Revenue Code of 1986, as amended, hereby appoint Dennis Hubbell, President of the Enfield Volunteer Fire Company, Inc., as Hearing Officer pursuant to a certain Notice of Public Hearing attached hereto, such public hearing to be held at the Enfield Volunteer Fire Company, 172 Enfield Main Road, Ithaca, New York 14850, on September 5, 2019 at 7:00 p.m.

I further direct that the Hearing Officer shall within 10 days after the execution of this appointment cause to be published in full in the Ithaca Journal, a newspaper published in or having a general circulation within the Town of Enfield and designated an official newspaper of the Town of Enfield, a notice of public hearing to be held not less than 14 days from the date of publication. The notice is to be published substantially in the form attached hereto.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be conducted by an individual to be appointed by the Supervisor of the Town of Enfield (the "Hearing Officer") in the Enfield Volunteer Fire Company, Inc. at 172 Enfield Main Road, Ithaca, New York 14850 on September 5, 2019 at 7:00 p.m. in relation to the proposed borrowing by the Enfield Volunteer Fire Company, Inc. ("the Volunteer Fire Department") to finance the purchase by the Volunteer Fire Department of a certain tanker fire truck and the proposed issuance by the Volunteer Fire Department of an obligation (a promissory note) to the Bank of Greene County.

The proposed purchase is from Toyne, Inc. The obligation is in the maximum principal amount of \$375,000.00. The firefighting equipment is to be used for the provision of fire protection service to the Town of Enfield pursuant to a contract dated as of January 1, 2018 between the Volunteer Fire Department and the Town of Enfield. The firefighting equipment is to be garaged at 172 Enfield Main Road, Ithaca, New York.

The public hearing and the subsequent approval by the Supervisor of the Town of Enfield of the borrowing and issuance of the obligation are prerequisites to exemption from income taxation of the interest payable under the terms of such obligation, pursuant to section 103 and related sections of, and regulations under, the Internal Revenue Code. Neither the public hearing nor the subsequent approval by the Supervisor of the Town of Enfield of the borrowing creates any obligation or liability of the Town of Enfield for such obligation.

Persons attending the public hearing will be given the opportunity to make brief oral statements in connection with the proposed financing, and written comments may be submitted to the Hearing Officer at or prior to the public hearing.

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

Enfield Farmer's Market - Presentation by Amelia Weatherby: Supervisor McGee introduced Amelia Weatherby who presented ideas on forming a Farmer's Community Center which would be a location and resource for the Enfield community to learn and share skills for sustainable living. She envisions a community garden and location for community events to help residents learn about permaculture technics and other methods of food security. The Center could house a Farmer's Market to provide an opportunity for buying and selling produce and products, which would help promote economic growth and stability. Her hope is to have a physical structure built within the next 3 years with funding to come from grants and using sustainable building materials. She is looking for others to join with her to work on this project.

Monthly Reports:

County Legislator: Anne Koreman reported the county legislature voted not to conduct a study on locating the Tompkins County sheriff and local police headquarters at the same location. They may, however, go back now and look at possible properties. Early voting for the general election will be October 26 to November 3, with locations at 72 Brown Road and 215 N. Tioga Street. There was a discussion of area jails. Tompkins County's jail is outdated. Supervisor McGee mentioned a significant portion of the inmate community is on a spectrum of mental illness. The plan was to reduce incarceration rather than build a new facility. The County wants to be sure everyone is counted during the 2020 census so there will be good representation for redistricting and other purposes.

Highway Superintendent: No report.

Planning Board: No report

Code Enforcement Officer: Alan Teeter reported for the month of July he issued 7 permits, which brings the year's total to 43. The permits included 2 for solar, with 3 more expected this week. For the property at 198 Enfield Main Road, he issued a second notice of violation and order to remedy by September 1. He has talked to a contractor who is preparing an estimate to tear down the building. He will follow up with the homeowner. Supervisor McGee mentioned that so far 2 people have said they will donate \$500 to tear down the house. There has been misinformation about a superfund site – Code Officer Teeter has contacted the EPA and they said there is no money available.

Enfield Volunteer Fire Company: Alan Teeter, 2nd Assistant Chief, reported for July there were 25 calls of which 16 were EMS, 2 MVA, 4 service calls and 3 fires (2 Enfield and 1 mutual aid to Newfield). The next officer's meeting will be September 3.

Town Clerk: Alice Linton reported they are selling lots of hunting licenses, possibly due to the notice on the outside sign board. She is working with the Tompkins County Clerk to get code enforcement large house plans scanned to save office space.

Supervisor's Report: Supervisor McGee reported that she worked with Assessor, Jay Franklin, to review options for RPTL 487 status and PILOT laws; researched state laws and developed Renewable Energy PILOT proposal; facilitated the public hearing for Solar Law, and four other Town Board meetings; attended County Shared Services Public Hearing; attended TCCOG; researched grants for capital purchases; began developing 2020 budget; met with bookkeeper regarding fund balance policy needs; met with Joe Dawson to plan town signs; hired a designer for the Comprehensive Plan, negotiated a scoping document for work; worked with County Planning to have maps made for Comp Plan and Town display; researched additional funding options for salt barn; communicated with County Sheriff regarding recent crime issues in Enfield; prepared Fire Co. member approval materials; researched possible grants for fire apparatus; attended Enfield Planning Board meeting; worked with Scott Doyle of County Planning to clarify 239 Review of Solar Site Plan Addendum and Moratorium Extension Law; worked on updating Town website hosting.

TCCOG Report: Supervisor McGee attended the meeting for strategies looking for 300 census workers for after mail in options are completed to start April 1, 2020. There will possibly be a local event to help residents fill out forms. The goal is to get as many in Enfield and Tompkins County residents to fill out the census as possible since it affects our representation.

Facilities Report: Supervisor McGee stated she and Darren McGee worked on installing cabinets and will be working on chairs. She will work with the Grange to make determinations on their kitchen for grant funding. Cleaning is going great in the Community Building. HSC recommended last year that work be done on the highway. She will ask for an estimate.

Consent Agenda: Supervisor McGee moved, with a second by Councilperson Carpenter to approve the Consent Agenda as follows:

Audit Claims: The Town Board authorizes the Supervisor to pay:
General Fund Vouchers #192 to 212 dated August 14, 2019 in the amount of \$13,556.21 and
Highway Fund Vouchers #131 to 148 dated August 14, 2019 in the amount of \$49,040.34.

Approval of Minutes of July 1, 2019 Special, July 9, 2019 Special, July 10, 2019 Regular, July 17, 2019 Special, July 24, 2019 Public Hearing and Special Meetings.

Vote on Consent Agenda: Councilperson Carpenter aye, Councilperson Mehaffey aye, Councilperson Sims abstain, Supervisor McGee aye. Councilperson Bryant excused. Carried

Old Business:

Cemetery Recommendations and Volunteer Approval: Supervisor McGee explained Matt Lincoln helped Alice Linton and Sue Thompson survey Budd and Rolfe cemeteries. They recommend closing Presbyterian Cemetery as there is no room for future sales. They confirmed Budd Cemetery has space for the 6 plots already sold, plus 4 plots that are still available, which they recommended to be set aside and not sold. Rolfe Cemetery has a confirmed space for the donated free plot to Barbara Parker. Christian Cemetery has 62 available lots and it is recommended to set aside 12 and sell 50 at \$300 for both full burials and cremations.

Supervisor McGee recommended putting this on the September agenda to decide how to go forward.

Supervisor McGee notified the Board she received a letter stating volunteers from Unity House are covered under insurance and worker's comp and plan to volunteer this Friday in Christian Cemetery under the supervision of Sue Thompson.

Clean Energy Communities Grant RFP Update: Councilperson Sims made some small updates regarding dollar amounts, size of system and invertors on the previously submitted draft. Councilperson Carpenter has a lot of information on batteries that he will forward to the town board. He asked if the battery part should be separated in terms of dollars. Supervisor McGee will ask Highway Superintendent Rollins what he would need for battery power to keep things going during a power outage. She also mentioned that Terry Carroll of Cornell Cooperative Extension is not able to attend next week's meeting, but he can come to the September meeting.

Councilperson Carpenter noted on the last page there was a statement that proposals may not exceed five pages in total length. He suggested proposals could go over the 5 pages and thought 10 pages would be adequate. He noted the statement regarding evaluation criteria would be based on required qualifications and wondered what would be included in the required qualifications. Councilperson Sims stated she was thinking of the contractor. Councilperson Carpenter questioned if that related to the first bullet point and list of key personnel – he wonders if that needs to be in there and if it would be a required qualification. Some contractors don't have key team members. He also suggested possibly giving anyone interested a date or two to come look at the site.

Solar Law 239 Review from the County: Tompkins County acknowledged the referral and did not have any recommendations about the moratorium.

Tompkins County did have comments on their 239 review of the proposed Site Plan Amendments for Solar Facilities, and sent them in a letter dated August 6, 2019. The Renewable Energy Committee responded with their comments and recommendations to the Town Board on August 13, 2019.

The Committee recommended accommodating the County's comments on the rear and side setbacks to be 30 feet, including fencing. The Committee revised the proposed law to delete the reference to areas of potential sensitivity as identified by Tompkins County Planning Department mapping services since they are not an "official" source of those data for regulatory purposes. To accommodate the County's comment regarding the proposed notification for property owners the Committee recommended changing the proposed notification to be for property owners within 600 feet of the boundary of the parcel on which the proposed site is located. After consultation with the Chairman of the Enfield Planning Board, the Committee recommended rewording in the proposed law to state: "Permit applications shall be deemed unlisted action under SEQRA. In fulfilling the requirements of the SEQRA, the Planning Board may require a Full Environmental Assessment Form for the proposed Large-Scale Solar Energy System. The Committee agreed with the comment from the County that the Planning Board would be the lead agency and not the Town Board.

Enfield Town Board Public Hearing and Regular Meeting, August 14, 2019
Supervisor McGee will reach out to town attorney Guy Krogh to respond to Tompkins County in a formal way. Supervisor McGee was advised these changes are small and won't require another public hearing.

Desk review for Wind Law by Attorney Gary Abraham: Supervisor McGee asked if everyone felt comfortable enough with the draft to send it to Attorney Abraham. The Committee feels it is ready. The desk review will take a couple of weeks, but could be ready for the September regular meeting.

Supervisor McGee moved, with a second by Councilperson Carpenter, to send the draft Wind Law to Attorney Gary Abraham to conduct a desk review at a cost of \$2500, with a donation of \$2,000 from residents and the town will spend \$500 on the desk review.

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

Town sign Update: Joe Dawson and Supervisor McGee met and took comments from the town board to put the town medallion in the center at the top of sign. The letters will cost the most, and would not be carved but applied to the surface. One and a half feet is the measurement for the center medallion. Supervisor McGee will get prices.

Moratorium vote: Supervisor McGee moved, with a second by Councilperson Carpenter to adopt Resolution #2019-41.

Resolution #2019-41 ADOPTING LOCAL LAW #1 of 2019

AMENDING TOWN OF ENFIELD ALTERNATIVE ENERGY FACILITIES MORATORIUM LOCAL LAW, AND EXTENDING MORATORIUM ONLY FOR COMMERCIAL WIND ENERGY FACILITIES

WHEREAS, the Town of Enfield (the "Town"), under the laws of New York State, desires to maintain its long tradition of protecting the health, safety, general welfare, property, and environment within its borders, and the Town Board recognizes that regulations that oversee commercial wind energy developments and facilities are insufficient to provide for the promotion and protection of public health, safety, general welfare, property, and environment in the Town, particularly with all the changes in technology and scientific data generated throughout such industry, and in relation to such facilities, since the Town's original wind energy regulation law was drafted in 2007-2008, and amended and adopted in 2009; and

WHEREAS, this moratoria is a Type II Action under the SEQRA and its regulations at 6 NYCRR section 617.5, and it is hereby determined that this proposed action—the adoption of a local law to amend and extend a land use moratorium concerning certain wind energy facilities—does not require further environmental impact review, a determination of significance, or the preparation of any other SEQRA documents; and

WHEREAS, a proposed final draft of such law was duly presented to the Town Board by Councilperson Mehaffey, on July 10, 2019, and a public hearing for the proposed local law duly was held on August 14, 2019, whereat all comments and evidence were duly received and considered, and the proposed local law has not substantially changed such that no additional public hearings are required; and

WHEREAS, the Tompkins County Department of Planning has reviewed the proposed local law pursuant to General Municipal Law ("GML") § 239-1, *et seq.*, and has noted that they have no issues with regard to the extension of this moratorium, and this Resolution shall suffice as a reply to said § 239 recommendations; and

WHEREAS, upon consideration of all of the foregoing, all of which shall be and be deemed a material part of this resolution, and upon due deliberation hereupon, the Town Board of Enfield adopts the following resolutions; so now therefore it be

RESOLVED: that the Town Board of the Town of Enfield hereby enacts, adopts and approves this local law #1 of 2019 in the form as presented to this meeting and further extends the moratorium through November 30, 2019 as set forth in such local law; and further be it

RESOLVED, in accord with the Municipal Home Rule Law, and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law §27 (said filing may be made by delivery to the NYS Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231).

**TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK
LOCAL LAW #1 OF 2019**

**A LOCAL LAW MODIFYING AND EXTENDING THE EXISTING ALTERNATIVE
ENERGY FACILITIES MORATORIUM FOR COMMERCIAL WIND FACILITIES**

Be it enacted by the Town of Enfield as follows:

SECTION 1: This Local Law shall be known as “Local Law Number 1 of 2019.” It is the intent of this Local Law to partially rescind the moratorium imposed by Local Law #1 of 2017, as extended, but only with respect to Commercial Solar Energy Facilities (as defined in Local Law #1 of 2017), and to amend such existing law and extend such moratorium upon and for Commercial Wind Energy Facilities (as defined in Local Law #1 of 2017) until the earlier of November 30, 2019, or the date upon which the Town of Enfield (“Town”) adopts and enacts a comprehensive update for the regulation and review of Commercial Wind Energy Facilities, thereby superseding and replacing Local Law #1 of 2009.

SECTION 2: Local Law # 1 of 2017 is amended by removing the phrase “AND SOLAR ENERGY” from the title thereof, and the following language and related amendments are also made:

- A. The phrases “and Solar” and “or Solar” and “and Solar” are removed from § 1 of Local Law #1 of 2017, and the definition of “Commercial Solar Energy Facilities” is removed from said § 1.
- B. The title of the defined term “Residential Wind and Solar Energy Installations” is changed to “Residential Wind Energy Installations”, and the comma and phrase “; or any collection of solar panels which are designated to capture sunlight and transform it into electricity, that are” is removed from said definition.
- C. The paragraph starting with the bold-faces text entitled “Residential Wind and Solar Energy Installations shall also include” is amended to read “Residential Wind Energy Installations shall also include”.
- D. Section 2 of Local Law #1 of 2017 is amended to replace the first paragraph therein with the following:

“Pursuant to the authority and provisions of the New York State Constitution, § 10 of the Municipal Home Rule Law, and the statutory powers vested in the Town to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board (the “Board”) of the Town of Enfield hereby declares a twelve (12) month moratorium on applications or proceedings for applications for, the review of applications, or the issuance of approvals or permits for the construction of Commercial Wind Energy Facilities within the Town of Enfield (the “Town”), with a duration, as may be hereafter extended by local law, as set forth in § 5 of this Local Law.”
- E. The last paragraph of said § 2 is removed, and the commas and phrases “and solar”, “and Solar”, “; collections of solar panels”, “and Commercial Solar Energy Facilities”, “or Commercial Solar Energy Facilities”,

and “or any Commercial Solar Energy Facilities”, each as they appear in various places in the balance of said § 2, and in §§ 3 and in 4 of said Local Law #1 of 2017, are hereby removed.

F. Section 5 of Local Law #1 of 2017 is amended to read as follows:

“The moratorium imposed by this Local Law was originally enacted for a period of 12 months, was extended by Local Law #3 of 2018 until August 31, 2019, and hereby is further extended until November 30, 2019. The adoption of updated, comprehensive commercial wind regulations shall terminate this moratorium if adopted prior to November 31, 2019, and this moratorium may be extended, rescinded, or removed by local law. During the period of this moratorium the Town shall endeavor to adopt a comprehensive set of updated regulations for the siting, establishment, and construction of Commercial Wind Energy Facilities, thereby superseding and replacing Local Law #1 of 2009.”

G. The first paragraph of § 8 of Local Law #1 of 2017 is removed, and the phrase “not be grandfathered under this Section and instead shall” is removed from the second paragraph of said § 8.

H. The textual amendments to Local Law #1 of 2017 made by Local Law #3 of 2018 be and hereby are superseded by the above amendments, but no such supersession affects or shall be interpreted or construed to have affected the moratorium, which at all times since adoption of Local Law #1 of 2017 has remained in full force and effect.

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

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.

Discussion: Supervisor McGee stated she preferred to extend the solar law to include a PILOT, but will not hold up passage of the law now. Councilperson Sims commented that moratoriums are a tool and are a temporary action. When she thinks about the amount of time that has passed, and will continue to pass, it doesn't seem temporary. She appreciates the hard work the committee has been doing, but feels there might be a desire for a ban. She feels the draft wind law reads like a ban and suggested the Town might just want to pass a ban. She does want to protect the residents of the Town, and maintain a suitable place for people to live, and feels the current law doesn't do that. She is concerned that this might not be the right tool to accomplish that.

Councilperson Mehaffey responded that it's not a ban and she doesn't support a ban. She feels that in order to put industrial wind in a residential area, a wind farm should have to get buy-in from those residents. The wind law needs to have enough safe guards in place so you're not taking away people's property rights. A law needs to protect residents from the noise also. By not continuing the moratorium, it leaves the Town vulnerable to not have a law in place that protects residents

Supervisor McGee feels the Town does need to have a law in place in case a larger project is proposed that would mean an Article 10. She does not agree with a ban. She questions what the real offset is environmentally for wind and that is becoming more of a relevant question as time goes on. Councilperson Carpenter is not against wind farms, but he is against something that affects the health and safety of residents.

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

It was noted Tompkins County Planning Department found no negative inter-community or county-wide impacts.

New Business:

Tax Cap Override Law: Supervisor McGee read a proposed local law to override the tax levy limit established in General Municipal Law Section 3-C and moved, with a second by Councilperson Mehaffey to hold a public hearing at the September 11, 2019 regular town board meeting at 6:30 on this proposed local law. Supervisor McGee stated the tax cap isn't always exactly 2%, it is often higher or lower. She stated she has sent out budget requests and asked for them to be returned by August 15. She will have the actual tax cap calculation at the next meeting.

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

Proposed Law to Set PILOT Requirements and RPTL 487 Status for Renewable Energy

Development: Supervisor McGee provided two documents to Town Board members for their review. One is to opt out and not require anything. She will provide a list of laws granting authority to Town Board members. She would like Board members to be ready to discuss this at the September meeting. This would be for all renewable energy development and based on megawatt factor and would not apply to residential systems.

NYMIR Recommendations: Supervisor McGee met with the NYS Municipal Insurance representative who went over risks and had recommendations. He suggested highway master disconnect switches to disconnect for risk of electrical fires. Highway Superintendent Rollins will need to give input on this. He also recommended a review of driving records annually to ensure the driver has a valid license. It was suggested the town clerk keep a binder listing any complaints received regarding unsafe conditions in the Town.

Women's Equity Day: Councilperson Sims stated she received an e-mail from Sally Grubb on behalf of the League of Women Voters of Tompkins County to support Women's Equity Day on August 26, 2019. She moved, with a second by Councilperson Carpenter to adopt Resolution #2019-42.

Resolution #2019-42 Proclamation Designating August 26, 2019 as Women's Equity Day

Whereas, the women of the United States have historically been treated as second-class citizens and have often been denied the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States; and

Whereas, the women of the United States have united to assure that these rights and privileges are available to ALL citizens equally; and

Whereas, the women of the United States have designated August 26, the anniversary date of the certification of the Nineteenth Amendment, which culminated a 72-year, non-violent campaign to extend the right to vote to women, as symbol of the continued fight for equal rights; and

Whereas, the women of the United States are to be commended and supported in their organizations and activities, now therefore be it

Resolved, that the Town of Enfield recognizes the commemoration of that day in 1920, on which the women of America were first given their right to vote.

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

Privilege of the Floor:

Robert Lynch of Enfield spoke regarding Tompkins County proposed revisions to the Enfield Solar Law. He urged the Town Board to amend the proposed Solar Law to incorporate Tompkins County's proposed changes, as they are common sense. He suggested working together not just as one Enfield, but also as one Tompkins County. He asked the Town Board to adopt the County's Solar Law recommendations.

Theresa Guler of Enfield stated the emotional part of the wind law has been difficult. She did not want a ban; she just wanted the rules changed. She is appreciative of the Town Board taking time to listen. The community should work together and talk over issues.

Announcements: Supervisor McGee announced there will be a course offered by the National Alliance for Mental Illness for family members dealing with mental illness. The first session will be September 8 and will continue for 12 weeks.

Fall rabies clinics have been scheduled. Information is available on the town's website and at town hall.

Adjournment: Supervisor McGee adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Alice M. Linton, RMC
Enfield Town Clerk