

Town of Enfield
Special Town Board Meeting and Public Hearing
Enfield Community Building
Wednesday, October 16, 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, Town Highway Superintendent Buddy Rollins, Town Clerk Alice Linton.

Public Hearing on Wind Energy Facilities Local Law: Supervisor McGee called the public hearing to order at 6:37 p.m. Clerk Linton read the legal ad that was published in the Ithaca Journal.

The draft law has been available at the Town Clerk's Office and on the Town of Enfield website. The draft law has been submitted to Tompkins County for 239 review and they have 30 days to complete that.

Barbara Sadovnic of Enfield stated the findings in the declarations of Article 1, Section 2, appear to make it clear that the advisory committee has decided no large turbine wind generators should be built in Enfield and the regulations proposed appear to make large turbines impossible without waivers. She doubts there are locations in Enfield that can meet the set-back requirements. She feels Appendix C relies heavily on questionable anti-windpower sites. She referred to articles and why she felt they weren't relevant to this law. She feels sloppiness of Appendix C opens this law to questions and challenges.

Ann Rider of Enfield stated she feels there needs to be an environmental impact statement done on this law to ensure a complete and thorough process.

Jude Lemke of Enfield, member of the Renewable Energy Advisory Committee, stated these are her personal comments. She spent a considerable amount of time on the law and her goals were fivefold:

1. Protect the health and safety of Town residents by providing safe noise levels and adequate setbacks;
2. Protect the Town financially from the cost of any wind energy project, or the application, construction, operation and decommissioning phases;
3. Provide rules for Town and developer;
4. Provide strong enforcement provisions; and
5. Provide maximum safeguards possible in the event Enfield becomes part of an Article 10 proceeding.

She believes this law meets these 5 goals. The law was reviewed by a prominent environmental lawyer who stated the law was well structured, clearly evinces intent by the Town Board, and was stringent but not unreasonable. She hopes the Town Board will support adoption of the law. Regarding setbacks – the point is to get enough people interested in a project to put a bunch of different properties together.

Theresa Guler of Enfield stated she is frustrated with people who won't have turbines in their backyards, but want turbines in Enfield. She sat through many meetings with a gag order. She would never want that to happen to anyone else. This law needs to be put in place to protect the safety of homes and residents. She would never want to live next to a wind turbine that would make her worry about noise, ice, and if they would fall over. The law needs to be put in place for generations in the future.

Robert Lynch of Enfield presented his written comments to Town Board members. A copy of the written comments will be available for public review at the Town Clerk's Office. His comments, in part, state he will not support adoption of this Local Law. He believes its proposed regulations are far too restrictive. He feels the Enfield Wind Energy Facilities Local Law, as presented at this time, strikes the wrong balance between progress and protection; and is not best for Enfield. He asked the Town Board to reject this proposed law and please try again.

Marcus Gingerich of Enfield was a member of the Renewable Energy Advisory Committee, but spoke from a personal standpoint. He did a lot of personal research and read a lot as to effects of noise, infrasound, ice throw and sleep deprivation and some were not at all welcome. In pulling the research together from various places, he concluded that this is a real thing, a real problem. In Enfield we have a disadvantage in that people are spaced out. In Europe people are congregated into towns. If you go out west there are wide open spaces. In some areas, he feels the proposed law doesn't go far enough, but he recognizes there needs to be compromise. He feels this proposed law will help protect the people of Enfield who might be adversely affected by wind turbines.

Ron Riddle of Enfield is in support of the wind law. He feels the ones to be concerned are those in close proximity if wind farms are built. He has businesses that would be affected if they were close to his property. He feels the turbines are dangerous, and will oppose them in any way he can. He thanked the Town Board for all their work.

Elizabeth Allen of Enfield supports the adoption of the new wind law. She feels this has gone on long enough – since 2008. She would like to see money being spent going into a library, or something the whole community can participate in - not a wind farm.

Richard Teeter of Enfield is in support of the wind law. The law is important, and it would not be impossible to have a wind farm in Enfield. It would be unfortunate if you owned property, and suddenly can't build on it because of safety due to a wind turbine. If a group of neighbors wants to have wind turbines, that's great – but where everyone is in agreement.

Michael Carpenter of Enfield, Town Board member, and Wind Energy Committee member, appreciated the people on the committee that did a lot of this work – days, weeks and months. They really did a very thorough job and used their own professionalism and expertise to get information that would have cost the town thousands of dollars if they had to pay for this. He agrees that everything legal needs to be done. They considered Article 10 issues. Some towns have been more restrictive than what is in this law. The committee felt it was important to represent everyone in the town, not just those in the Black Oak area. He does find that people can speak out of ignorance – lack of understanding and knowledge. Most everyone who has talked to him that was in support of the wind farm hadn't delved into the issues, but the committee did. He feels this law is fair and equitable, and protects the health of residents. Don't do something for the benefit of many that would hurt a few.

Supervisor McGee closed the public hearing at 7:05 p.m.

Special Meeting: Supervisor McGee called the special meeting to order at 7:05 p.m. Town Clerk Linton lead the assemblage in the Pledge of Allegiance to the Flag.

Privilege of the Floor – No one wished to speak.

Old Business:

Wind Energy Facilities Law: Supervisor McGee asked Board Members for other comments.

Councilperson Mehaffey asked to discuss the short form vs. the long form of the SEQR. There has been conflicting advice from the environmental lawyer and the town lawyer. She is worried that doing the short version could land us in trouble, and doing the long version would be the safer way to go. The town attorney suggested it doesn't hurt to do the long form.

Councilperson Bryant stated she read some court cases where the long form should have been used. She doesn't want us to get in a situation where the short form is used when the long form was needed.

Supervisor McGee has no problem using either the short form or the long form. The long form is not complicated. Enfield has no zoning. Town Attorney Krogh stated he feels it's arguable that it's a type II action. Supervisor McGee stated she could put together the long form on Friday so the Board can review it and make a negative or positive declaration.

Councilperson Mehaffey stated she would rather err on the side of caution. Councilperson Bryant would prefer the long form. Councilperson Sims believes under SEQR we can err on the side of caution with no complications.

Supervisor McGee moved, with a second by Councilperson Carpenter, to use the environmental action long form.

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

Councilperson Sims asked when the 30 days would be up for the county review. Supervisor McGee stated it was submitted October 2, so it should be completed before the November 6 special meeting.

Budget: Supervisor McGee put together new charts for the capital plan, and will send them to everyone before the meeting on October 22.

Supervisor McGee stated the highway requests were presented to the Board previously. With the highway requests as the superintendent would like to see – if they were to be incorporated, the highway levy would increase 38% in the highway fund and 7% in the general fund, or \$1.48 per thousand. In her view, there are ways to increase some items and start on a path to fund balance stability. She would hate to see this tentative budget cut. She did propose increasing the contractual line in the A fund by \$1,500 for training for the highway superintendent and cutting out the family paid leave for the highway superintendent.

Everyone was very much in agreement about adding training funds for the highway superintendent.

Supervisor McGee feels the computer cost that the highway superintendent talked about for highway will fit in the 2019 budget and that purchase can be made this year.

Superintendent Rollins asked about changing equipment money to meet the Capital Plan. Supervisor McGee stated there would be a \$140,000 expenditure for buying a new mower tractor. Additional funds would come out of equipment reserve. Then there would be no other new equipment for 2020. Any other equipment would need to come out of the reserve fund.

Councilperson Sims asked how the Highway Superintendent would feel about the equipment line being zeroed out after the purchase of a mower. Superintendent Rollins stated he doesn't like using the reserve – we should be saving not spending.

Supervisor McGee explained about the proposed Building and Grounds maintenance person. This position would include mowing the cemeteries and general maintenance around town properties. The salary would be based on a certain number of hours per month. Fewer hours would be used in the winter and still get the cleaning done. She would prefer one person to do all the duties. The position could be created and put all under one line as Buildings and Grounds personnel and not separate it into a cemetery line and cleaning line.

Councilperson Sims suggested putting out a job request for cleaning, building maintenance, and cemetery mowing, and if no applications are received this could be revisited and split into 2 different positions.

Supervisor McGee stated cleaning town hall and highway spaces would be included. If it was all together in one position, she'd look to hire someone to start in January.

Highway Superintendent Rollins mentioned the Town pays seasonal labor \$16 and the budget for the Buildings and Grounds person would pay \$18. Neither would receive benefits.

Supervisor McGee asked how many weeks seasonal laborers work each year. Superintendent Rollins stated what is in the budget determines how long they work. He could go to \$18 per hour and cut back on the time worked. If laborers get \$18 per hour, the MEO would get \$20 per hour. Councilperson Mehaffey stated Superintendent Rollins can decide by January what rate of pay to use.

Supervisor McGee stated she increased the celebrations line so there would be some funding for the Town's anniversary celebration.

Councilperson Sims asked about the JCAP grant. Supervisor McGee stated she found it was not appropriate to be in the budget so it looks like it's levied for. These funds will be in a savings account. She recommended moving \$400 of Black Oak Wind Farm funds left in a savings account into the general fund and then rename the savings as JCAP grant and put funds in there.

Councilperson Sims suggested building security updates related to the Court could be an opportunity to spend some of those funds. Supervisor McGee stated the Board would have to develop a plan, and then bring it to Judge Poole for her approval.

Councilperson Sims stated at the end of September there were 47% of budgeted funds left in the building contractual. She is happy with the tentative budget, and not looking for places to cut, but that may be a place with wiggle room. Supervisor McGee is going to ask the Board, in the spring, to have the outside of the Community Building restuccoed and painted. She'd like money from the fund balance, which would include some of the money from that line.

Councilperson Carpenter stated building maintenance is very important. After the town highway department did work outside the Community Building, the building is in much better shape.

Supervisor McGee stated the ramp needs work and the roof should be looked at. If the goal is to maintain the Community Building until 2026 when the highway building is paid off, any issues that come up could be met and leftover money could be used. She stated 1993 was the last time the roof was repaired at town hall, and there are now some leaks.

Councilperson Mehaffey suggested a study should be done to determine the order of work to be done to prevent deterioration. Councilperson Carpenter stated roofs and energy are usually most important.

Councilperson Mehaffey asked why the deputy clerk's salary was lowered. Supervisor McGee stated she doesn't know what the duties of the new deputy will be. If it makes sense to pay a higher salary, it can be reassessed.

Councilperson Carpenter asked what the next steps were. Supervisor McGee stated there are two meetings coming up to go through the Capital Plan and Fund Balance Policy that are companion documents for this budget. October 30 is the deadline to move the tentative budget to the preliminary budget. Meetings are scheduled for October 22 and 23 at 6:30 p.m.

Highway Superintendent Rollins asked for an explanation of how payroll figures were reached. Supervisor McGee stated hourly figures from this year were taken and 2% was added to the total, except for one employee that gets a \$1 an hour increase this year. This is an increase of \$1,222 in the budget for payroll of what was spent this year, not budgeted. Highway Superintendent Rollins feels there needs to be more in the payroll budget. Last year seasonal money was used to make up the difference in the payroll. Supervisor McGee stated there was a 2% increase in the overtime payroll from last year. Superintendent Rollins doesn't want payroll next year to come from any other lines such as materials if it comes up short. If payroll goes into the minus, he would like money to come out of the A fund.

Supervisor McGee felt it was up to the highway superintendent to use another of his lines, or take money from highway fund savings if more is needed in payroll. Councilperson Mehaffey asked if Superintendent Rollins would like more money for overtime. He stated yes, and the regular payroll line would be fine. Councilperson Mehaffey felt more should be added to the snow removal budget line. Supervisor McGee stated if \$1,500 is added the levy would be 3.94%, and the tax rate would be down 12 cents. Councilperson Mehaffey would be happy with that.

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

Respectfully submitted,

Alice M. Linton, RMC
Enfield Town Clerk