

Town of Enfield
Special Town Board Meeting
Enfield Community Building
Tuesday, November 12, 2019
6:30 p.m.

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

Supervisor McGee called the special meeting to order at 6:40 p.m. Town Clerk Linton led the assemblage in the Pledge of Allegiance to the Flag

Privilege of the Floor: Robert Lynch of Enfield, Enfield Councilperson elect, stated during the next four years he will use one word a lot – compromise. He understands recommendations from the County on how to improve the wind law will be discussed. If he was currently on the Board he would vote against the law, but he feels Tompkins County has crafted a fair compromise. He urged the Town Board to adopt the recommendations and he will comment further at next week's public hearing.

Jude Lemke of Enfield feels the responses drafted to the County respond to the material provisions of the law and speak for themselves. Almost all of Enfield, except a few patches on Connecticut Hill, are treated as poor wind sources. The few areas on Connecticut Hill are rated marginal, at best. The only people that could be impacted are people on Connecticut Hill, and for the past four years they have made it clear they want the Board to protect their health and safety. Virtually all those in favor had an economic interest in the Black Oak Wind Farm, and most were not Enfield residents. She urged the Town Board to protect the health and safety of residents most impacted.

Wind Law – Review and Response for County Recommendations and Comments:

Supervisor McGee stated all Board members have received a copy of the comments and had a chance to review them. The SEQR outline was done by Town Attorney Guy Krogh – mapping and guidance documents Part I, II and III. He provided a guidance document to be walked through.

Supervisor McGee asked for a volunteer to prepare a resolution for the wind law. Councilperson Mehaffey volunteered. The Town Board then went through the County recommendations regarding the draft of the Amended and Restated Town of Enfield Wind Energy Facilities Local Law as follows:

#1 Article II - PERMITS, 1) Page 9, Section 2B, Agriculture Use Exemption. The Committee recommended no change. Councilperson Mehaffey stated smaller turbines can have further ice throw than larger turbines. Smaller blades usually aren't heated as are the larger ones. Supervisor McGee stated she is concerned that if a turbine is sited on an agriculture property, it is likely to be as far from the owner's residence as possible, and closest to someone else, which increases the risk to someone other than the landowner. Councilperson Sims reiterated the County isn't looking at setbacks from property lines, but from residences. Our community wants to utilize their property as they see fit in so far as it's not harming others. The County's recommendation could prevent possible future development. She feels strongly about staying with property lines, not distances from residences. Councilperson Mehaffey feels people in Enfield tend to use all their property and they have a right to continue to use all of their acres.

Supervisor McGee moved, with a second by Councilperson Bryant, to accept the Renewable Energy Advisory Committee's recommendation of no change for their response to Recommendation #1.

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

#2 Article III – PERMITS AND PERMITTING PROCESS 2) Page 13, Section 1A14, Environmental Monitoring Plan. Supervisor McGee feels the information the County is requiring is already included. Councilperson Mehaffey feels who is in power at any given time at the State or Federal level may not be interested in protecting wildlife. If the Town goes with their statutes, there is nothing concrete. The draft law states that “All studies will conform to applicable state and federal agency guidelines.”

Supervisor McGee moved, with a second by Councilperson Sims to address the County’s concerns by adding the following sentence to the end of the section: “Should these guidelines conflict with the geographic extent outlined in this 2019 Local Law, the greatest of the geographic extent of this 2019 Local Law, the applicable federal law or the applicable state law shall apply.”

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

#3 Article III – PERMITS AND PERMITTING PROCESS 3) Page 15, Section 1C, WEF Economic Impact Study. Supervisor McGee stated she would like to see more studies done, and not take an industry’s word on it. How much energy is used to build, transport, build roads, etc. should be considered. Councilperson Bryant added environmental issues when a turbine is scrapped should be considered. Councilperson Mehaffey feels what the effect on a community is if property values go down or up, is important. There are economic impacts going both ways. Any other large-scale building would require this. There is a need to address economic impact, and that can’t be done without an economic study. Councilperson Sims mentioned wind energy development is rapidly changing.

Supervisor McGee moved, with a second by Councilperson Sims to accept the Renewable Energy Advisory Committee’s recommendation of no change for their response to this recommendation as the draft law states there is no prerequisite for submitting the application to do an economic impact statement; and also including that the resource listed in citation #1, National Renewable Energy Laboratory, be included as this source for Class 1, 2 or 3 ratings.

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

#4 Article III – PERMITS AND PERMITTING PROCESS 4) Page 17, Section 1E, Environmental Studies. Supervisor McGee feels the County recommendation would let NYS decide what is looked at. Councilperson Mehaffey stated once the scoping document is approved, there is no chance to change it. Councilperson Sims feels this will provide future Boards with guidance.

Supervisor McGee moved, with a second by Councilperson Bryant to recommend no change in this section.

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

#5 ARTICLE IV – STANDARDS FOR WIND ENERGY FACILITIES 5) Page 26, Section 5, Visual Impact Mitigation. Supervisor McGee stated she agrees with the Committee’s recommendation of no change. Councilperson Mehaffey stated no one has to be on site to turn the turbine off for the minutes at sunrise and sunset – the flicker time is very predictable and the technology to address it is readily available.

5.) Article IV

Councilperson Mehaffey moved, with a second by Supervisor McGee to accept the Renewable Energy Advisory Committee’s recommendation of no change and add that we will put quotes around the definition “as a feeling of discomfort which is related to adverse influencing of an individual or a group by any substances or circumstances. Annoyance expresses itself by malaise, fear, threat, trouble, uncertainty restricted liberty experience, excitability or defenselessness.”

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

#6 ARTICLE IV – STANDARDS FOR WIND ENERGY FACILITIES 6) page 29, Section 17A, Sound Levels. Councilperson Sims questioned why there was a much longer response to this recommendation than to others. Supervisor McGee felt it was the most important for her, and the hardest to mitigate – it is very difficult to handle a resident’s complaint when the level goes over. She would like a noise ordinance looked into for the Town. Councilperson Mehaffey would be happy to give this some thought. Some noise will eventually end, but this noise will not end as long as the turbine is working. She feels there is a long response because this may be the biggest issue. Supervisor McGee stated the noise can have life altering impacts and needs to be as stated.

Councilperson Mehaffey moved, with a second by Supervisor McGee to accept the Renewable Energy Advisor Committee’s recommendation to make no change including justification, but adding the definition of Lden in brackets – (Day/Evening/Night levels).

Supervisor McGee moved, with a second by Councilperson Mehaffey to amend the previous motion to make a change to the first bullet on page 5 so it will read “Noise measurements should be made at the property line – not the residence, especially since many Enfield residents use large portions of their property for various recreational purposes; and the reasons stated in response 2, recommendation #1”.

Vote on amendment to motion: Councilperson Bryant aye, Councilperson Mehaffey aye, Councilperson Sims aye, Supervisor McGee aye. Councilperson Carpenter absent. Carried

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

#7 ARTICLE IV – STANDARDS FOR WIND ENERGY FACILITIES 7) Page 20, Section 17B, Paragraphs 1 and 2, Setbacks. Councilperson Sims stated it is the Board’s responsibility to protect our residents, their well-being, health and safety, and their rights. Supervisor McGee feels people who might be against this make it sound as if wind developers are clamoring to come to our town. There is one area where turbines might be placed, but those residents have been clear about how they feel. Councilperson Mehaffey agrees it’s not the Town’s job to determine if a project is economically viable. People should be able to quietly enjoy their property. Wording can be changed so roads aren’t included. Councilperson Sims asked to specify the town’s priorities are with residents and not developers.

Councilperson Mehaffey moved, with a second by Councilperson Sims to accept the Renewable Energy Committee’s response with the following change: At the top of page 6, in the paragraph that begins “With respect to the County’s comment” at the end of the paragraph change wording to “This may make the project more expensive but does not constitute a ban. The Town has a responsibility to protect its residents’ rights and well-being, not to meet project needs for developers.”

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

#8 ARTICLE IV – STANDARDS FOR WIND ENERGY FACILITIES 8) Page 29, Section 17B, Setbacks. The Board agreed it was appropriate to incorporate this recommendation.

Councilperson Sims moved, with a second by Councilperson Bryant to adopt the County’s recommendation #8.

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

#9 ARTICLE VIII – SMALL WTG 9) Page 51, Section 4A, Setbacks.

Councilperson Mehaffey moved, with a second by Supervisor McGee to respond to the County's recommendation for Article VIII, Page 51, Section 4A with no change.

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

#10 ARTICLE VIII – SMALL WTG 9) Page 51, Section 4B, Noise. Councilperson Mehaffey stated she feels noise studies are not reasonable to small owners. If they have to meet specs, the line about noise can be removed.

Councilperson Mehaffey moved, with a second by Supervisor McGee, to respond to Article VIII Page 51, Section 4B by removing the requirement to conduct a noise study in accordance with Appendix A, but the maximum noise levels still apply.

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

Supervisor McGee moved, with a second by Councilperson Bryant, to accept the Renewable Energy Advisory Committee's comments and recommendations to the Tompkins County Department of Planning and Sustainability for the 239 review with the changes as approved by motion and listed above.

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

Wind Law – Long Form Environmental Assessment:

Supervisor McGee stated information in all sections of the SEQRA have to be completed. Attorney Krogh has done mapping and preliminary wording. He did autofill so after the November 19 public hearing the Town Board can continue working on this. She noted the flood plain map is missing from the packet.

Announcements: There will be a public hearing on the draft Wind Law on November 19, 2019 at 6:30 p.m.

Adjournment: Supervisor McGee adjourned the meeting at 9:24 p.m.

Respectfully submitted,

Alice M. Linton, RMC
Enfield Town Clerk