

Town of Enfield Wind Farm Advisory Committee Meeting –
July 19, 2016 - Enfield Community Building

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PRESENT: Martha Fischer, Marcus Gingerich, Jude Lemke, Mimi Mehaffey,
Councilperson Michael Miles, Julie Schroeder, Rob Tesori

ABSENT: Councilperson Mike Carpenter

Michael Miles called the meeting to order at 7:00 p.m. and lead the assemblage in the Pledge of Allegiance to the Flag.

Next Meeting: August 9 - 7:00 pm

Old Business

Changes to the June 21 minutes: page 2 “The committee decided to have all members compare Article II and II” should read Article II and III.

A Motion was made to approve the June 21 minutes with the above change. Motion passed to approve minutes unanimously.

There was additional discussion regarding if the town needs a wind law or are state laws enough? This was from the discussion of June 9 minutes. It was stated that the state does not have any wind laws. The wind farms/turbines are covered under “Public Service Law Article 10 siting process.

NOTE: NYS - Large wind projects with a capacity to generate 25 megawatts (MW) or more are reviewed according to provisions of the Public Service Law Article 10 siting process (see link in right column leaving DEC website). Article 10 provides a unified review and approval process for major electric generating facilities in New York State by addressing state and local permitting requirements in a single process.

Wind projects with a capacity to generate less than 25 MW do not go through the Article 10 process but are subject to applicable State and local laws or regulations, including the State Environmental Quality Review Act (SEQR).

Michael Miles asked to schedule the next meeting August 9. He also reported that he had not received any e-mails for the committee and there have been no updates to the “Trello” site.

Discussion of comparison for Article II and III of the Enfield wind law to Catlin, Freedom, Somerset, and Columbia wind laws.

Michael Miles and Jude Lemke reported they organized the wind law in a comparison charge using excel. They reported that the laws were very different in their laid outs.

- Freedom Law - article 2 and 3 discuss permitting.
 - Difference between permitting vs application.

- Revisit every 5 years of permit and revisits maintenance. Pass inspection has to produce proof of the inspections.
- Operational license Enfield used permit
- How long is permit good for?
- Failure to comply with local law what happens?
- How long does it take to build refers to renewal of permit?
- Maintenance operational condition. Operates under conditions which permit was issued.
- Schedule should be submitted who is in charge of keeping the people on task
- Proof of any repair work done given to code enforcement.
- Enforcement authorities – look under terms of definition
- Maine Law states professional engineers special to wind turbines
- Who would pay for the inspectors? Section 12.9 states \$250 paid by owner/operator of the project. Needs to clarify who hires the inspector Town? Is the \$250 to cover the inspection?
- Engineer hired by developer to pay and verify. Engineer should be insurance and bonded.
- Section 18.2 Permitting Process – Code enforcer use escrow to cover costs to town? Is the \$250 per wind turbine? Is this over the life of the project? 10-15 years put more money in escrow to cover costs.
- Phases – is there an upgrade phase. Upgrade Permit needed?
- Page 8 – Upgrade to amend permit.
- Does permit cover all of farm or single permit for each turbine?
- 12.7 not operational license automatically transferred?
- 60.9 change of ownership
- Enfield wind law
 - Not clear in the application process
 - SEQRA is part of the application process; it is not clearly laid out.
 - Public hearing applies to application not SEQRA
 - Finding statement and approval process runs together
 - Town purpose to encourage alternative energy or not?
 - SEQRA guidelines are setup for environmental protection
 - Town can decide if they want larger wind turbines or not. Newfield targeted changes in their Wind Energy Law to specifics so larger wind turbines would not be allowed. Other changes were not made in the law because of this.
 - Strict process if wind development is not wanted in town
 - Put Operating permit in law to continue to monitor the project reference to 5 years in town of Freedom law.
 - Sections of the law cover phase's application/permit, construction, decommissioning but not operation phase in law. What section covers what phase?
 - How does timing of permitting and SEQRA process work?
 - Page 10 – Section 2: Application review – should be made clearer when approving SEQRA and applications

- Page 10 – E – Board Receipt of applications – talks about application
- Page 11 – Article 3 –
 - Article 2 – H. SEQRA Review only refers to SEQRA
 - Upon completion of review process is that overall completion which SEQRA is taken in the process?
 - All the items” should be submitted back in Section 1 before any approval.
 - Refers to building permit and wind farm permit is this interpreted?
 - Section 3 permits – Review process should it be completion of review of the application/wind farm permit?
 - Is this wind farm permit or SEQRA?
 - Refers to “all conditions for said Permit”
 - Conditional approval is outside of SEQRA
 - Should it say “Town Clerk” or “Code Enforcement”
 - Upon completion of the review process insert word “before” completion?
 - SEQRA is a separate process
 - Town can deny application but needs real reasons, if all the parts of the law are followed correctly. Denial can be based on health and safety issues.
 - Renewal process of a permit the process has to make the town look at the process itself.
 - One a permit is given its good.
 - No modification without town approval regarding height, color, etc. what does it mean? Needs more detail?
 - Approval does not include code enforcer nor planning board does this make sense?
 - Planning Board would be reviewing, Town Board approves and denies. Town Board has option to give to Planning Board to review.
 - Modification includes a substation.
 - Road Use agreement what happens if replacement occurs of turbine – involving heavy equipment.
 - Operational license transferred by Enfield Board? Page 5 transfer information.
 - Facility term page 4 should be wind energy facilities.
 - Operational and enforcement issues should be made clear.
 - Code enforcement schedule inspection what is needed.
 - Town should be clearly stated as Town Board page 6 says town.
 - Approval should be cleared to Town Board
 - Operational Permit section should be added to new law.
 - Application 1.A.3 owner – 500 ft. needs more specifics
 - What needs to be in the applications

- Plot Plans – in application 500 ft. of the site to 500 foot of the turbine.
 - Who actually sends out the notice needs to tell who sends all notices out. Should be the town. Notices should be sent out to whole town. Formal notification sent out to immediate area residents. Legal requirement is post in newspaper. Time line of notifications Section 2 Part F – page 6. Registered mail? Developer can reimburse town for notification costs.
 - Public Hearing for the application – not done. Somerset uses the SEQRA public hearing for the application their notification distance is 3,000 feet.
 - WECS - Wind energy conversion system – Somerset definition page 6
- Site definition vague
- Plot is not defined
- Boundary definition “actual impact of site”
- WECS definition page 6
- Enforcement should be in a separate section.

The Committee decided to list changes they would like to see in the Wind Energy Law. References to other laws reviewed will be made in the list. This list will go to the Town Board then to have the Town Attorney rewrite the law. It was felt the law should be rewritten because of all the flaws in the law.

Michael Miles will summarize all bulletin points and report back to the Committee. He will also send out excel spread sheet of law he created. Rob Tesori will create a flowchart for the process of the law.

Privilege of the Floor

There was discussion on communication between Enfield Government and residents of the town. It was suggested that perhaps a card could be sent out to residents asking how they would like to be notified of town events.

Michael Miles adjourned the meeting at 8:50 p.m.

Respectfully submitted, Sue Thompson, Recording Secretary