

2006 – October 11 – Town Board Meeting

John Rancich (363 Hines Road): Spoke about being granted permission by the Planning Board to establish a wind test tower on Black Oak Road to test wind speeds. His intentions are to investigate the possibility of putting up a 16-30 mega watt wind farm on those lands that he leases. Passed out some literature to the Town Board on wind farms. Added he would be willing to talk with anyone on what his plans are.

Environmental Management Council: Mr. Miles reported that a couple of weeks ago, Planning Board co-chairs and himself attended a seminar in Geneva on wind farm issues. Councilperson Harvey asked if Mr. Miles was involved in the creation of the 2005 Model Municipal Ordinance for Wind Energy Conversions System prepared by the Tompkins County Environmental Management Council. Mr. Miles responded that he was and added that the Town of Dryden is going through the same process.

2007 – March 28 – Town Board Meeting

Virginia Bryant, co-chair of the Planning Board would like a joint Town Board and Planning Board meeting for the purpose of jointly reviewing the request for the wind farm. Supervisor Owens asked Board members to think about it and she will include it in the April agenda. Councilperson Small brought it to the Board's attention that a lot of municipalities are passing a resolution establishing mandatory training for Planning Boards.

2007 – April 11 – Town Board Meeting

Planning Board: Councilperson Hubbell reported that the Planning Board discussed whether the Planning Board was an advisory board or if it had authority to make decisions and the need for this to be researched. People in attendance spoke on wind energy. Planning Board would like to have a joint meeting with the Town Board to discuss the wind energy proposal. Meeting scheduled for May 2, 2007 at 7:00 p.m. at the Community Building.

2007 – May 9 – Town Board Meeting

John Rancich spoke with respect to the establishment of his wind farm in Enfield and thanked the Town Board for attending the special meeting last week. He urged board members and anyone else interested in wind energy to visit a wind farm and offered to make all the arrangements for such a trip.

Planning Board: Councilperson Peggy Hubbell reported that the Planning Board and the Town Board met to discuss wind mills and felt not much was accomplished.

2007 – June 13 – Town Board Meeting

Kay Callahan who is working with John Rancich on the Enfield Energy Wind Farm Project thanked those who visited the Fenner Wind Farm and asked the board for direction.

Debbie Teeter wanted to encourage the Town Board to go to Town of Caroline and look at the Burliegh project. She had seen the original damage and the new construction and added it was well designed and very strong.

Byron Smith asked if a wind farm proposal had been presented to the Town and, if so, could it be posted on the website for Enfield residents to review. Supervisor Owens said there has been an initial proposal presented to the Planning Board but no action has been taken by the Town Board. Kay Callahan will email Supervisor Owens a copy to be posted on the Town's website

2007 – July 11 Town Board Meeting

Wind Farm SEQR/DEC: Supervisor Owens reported that she had called the Association of Towns to inquire about the SEQR process and was told that Article 10 (which is no longer on the books but is before one of the committees) would basically give the authority for permitting renewable energy resources such as wind farms to the State. She indicated that the Association of Towns should be sending out a letter concerning this issue soon and once she received it, would make copies for Board members. This letter should include a request that the host community have a voice in the process. She did call DEC because it appears that the State is going to assume the role in permitting and being the lead agency. What it means exactly is unclear and poses the question whether or not the Town should begin to approach DEC rather than the Town incurring the expense. Councilperson Harvey added that he believes the Town does not want to incur this expense and asked if the Planning Board was looking at drafting a wind farm ordinance. Ms. Bryant reported that the Planning Board has talked about it but that the process could be taken out of the Planning Board's hand if the State were to have something in place. Councilperson Harvey says that the Town needs to have something in place and that whether or not the State is working on something is not the issue, but the Town should have something in place for protection. Supervisor Owens says if DEC becomes the lead agency any ordinances or local law the Town had would be granted. Supervisor Owens says she will talk again to the permitting department in Albany and will continue with her research. She added that DEC says that if Article 10 stays in its present form it would mean that all wind farms would be considered under the State's authority and if it is modified, they would be looking at the larger wind farms only.

Mr. Rancich spoke and believed it would be the wise if the Town were to allow DEC to be the lead agency in the SEQR process and said that if everyone were to work together, an ordinance could be formulated that would work for him and the Town. He says he does not want to stop what he is doing to wait for the State when he can be working on the SEQR process and his environmental review. He also said he would like some assurance from the Town Board that they are in favor of the idea. Supervisor Owens says that the Association of Towns advises that it is premature at this time for the Town to offer its stamp of approval before the SEQR work is done. However, the process can be in motion. Mr. Rancich reports that he has been working on the SEQR process and it is about 85% completed. He hopes to have a formal application by the August Town Board meeting. Mr. Rancich also reported that he attended the Tompkins County Environmental Council meeting and that board came to a unanimous vote to back his wind farm project. He also had a meeting with the Tompkins County Emergency Communications people because they were concerned that the proposed wind farm might interfere with some of their emergency communications. After sitting

down and reviewing the maps and materials, it was determined there was no interference with his proposed site. Councilperson Harvey asked for that statement to be put into writing and Mr. Rancich said he would follow up. Councilperson Harvey encouraged the Planning Board to work on an ordinance and said it would not stop the DEC process. Supervisor Owens agreed.

2007 - August 8 – Town Board Meeting

Privilege of the Floor:

John Rancich announced he was there to answer any questions on the wind farm.

David Albrecht spoke in favor of the wind farm.

Byron Smith asked if the wind farm proposal was on the website and was answered yes.

Byron Smith commented on the Fire District issue and was surprised that the Board has dragged their feet this long. He thought the Wind Farm project is headed in the right direction, but has not seen anything that will benefit the Town of Enfield.

Planning Board: Virginia Byrant reported that the Planning Board recommended that the Mobile Park Ordinance be repealed. Raising the fee for Special Permits/Mass Gathering Permits were brought before the Planning Board but nothing was resolved. Reviewed Utility-Scale Wind Energy Conversion System Model Ordinance. Proposed that the Planning Board meet with the Town Board to go over the document and discuss any changes.

Ordinance for Utility-Scale Wind Energy Conversion Systems Public Hearing:
Public hearing not set at this time.

2007 – September 12- Town Board Minutes

Privilege of the Floor:

Marguerite Wells spoke in favor of the wind farm proposal and feels the set backs need to be removed from the proposal.

Cliff Newhart stated set backs need to be required. Town Board is making a law to protect the citizens in the Town of Enfield. There are health and safety issues associated with wind farms that are too near to homes. Citizens on Connecticut Hill need to be protected.

It was asked if the Newfield Town Board had been approached. (No answer). Compared with other wind farm locations this is a very unusual site because of its location.

Planning Board: Virginia Bryant reported that the Planning Board met at the usual time. Worked on application for subdivision regulations. Worked on drafting of a wind farm ordinance and decided to recommend it as a local law. Talked about a noise ordinance again.

2007 - October 10 – Town Board Meeting

Privilege of the Floor:

A heated debate for and against the wind farm proposal was held.

Planning Board: The Planning Board's written report was submitted to the Supervisor. Councilperson Hubbell reported that at the last Planning Board meeting a motion was made and carried to hand the proposed wind farm project and local law over to the Town Board.

2007 November 14 – Town Board Meeting

Utility Scale Wind Conversion Systems Local Law (USWCS): Councilperson Small submitted a new draft outlining additions since the Planning Board had turned over the matter to the Town Board. Set backs were discussed. Mr. Rancich reported that his project had been scaled back from 20 to 10 turbines, based on engineers, all in Enfield, Black Oak Road area, approximately 600 acres. Set backs of 1500 feet will eliminate the project. Discussed option of referring draft local law back to Planning Board. Supervisor Owens to confer with Planning Board about a joint meeting to review draft for December 5, 2007.

Privilege of the Floor:

Bruce Varner urged the Town Board to reject the wind farm proposal.

2007 – November 20 – Town Board Meeting

A Special Town Board meeting was held Tuesday, November 20, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York at 7:00 p.m. with Councilperson Hubbell presiding. The purpose of the meeting was to schedule a public hearing on the Enfield Community Council's 2008 Contract and to meet with those from the Planning Board to review, comment, make changes and finalize the proposed Utility Scale Wind Energy Conversion System Local Law for 2007.

Present: Councilperson Peggy Hubbell, Councilperson Sandra Small, Councilperson Robert Harvey, Councilperson Byron Smith and Town Clerk Alice Laue.

Planning Board Members Present: Calvin Rothermich, Doug Willis, Ann Chaffee.

Absent: Supervisor Owens, Richard Neno, Debbie Teeter, Virginia Bryant, Jim McConkey.

Proposed Utility Scale Wind Energy Conversion Systems Local Law

Councilperson Hubbell proceeded by going through the proposed Utility Scale Wind Energy Conversion Systems Local Law page by page. Councilperson Small explained that the proposed local law was a combination of what the Enfield Planning Board had been working on along with excerpts from various local laws offered as examples taken from the Internet and compiled by New York State Energy Research and Development Authority (NYSERDA) and New York Department of State along with a model local law for St. Lawrence County municipalities. Town Board members and Planning Board members offered suggestions and corrections to the document:

- (a) Phrases that referred to Enfield Planning Board as having authority to make changes and/or decisions were changed to say that the Planning Board may make recommendation to the Town Board.
- (b) Proof of liability insurance was reworked to be more specific.
- (c) Two sentences were added to Section 8.L.(c) entitled "Operation" – "The owner of each USWECS shall have it inspected at least every two years for structural and operational integrity by a NYS licensed professional engineer, and shall

submit a copy of the inspection report to the Town. If such report recommends that repairs or maintenance are to be conducted, the owner shall provide to the Town Board a written schedule for the repairs or maintenance.”

- (d) Section 10.B. entitled “Waivers” was deleted and a new section B. was inserted reading: “Waivers involving any setback or noise limitation under this section must meet the requirements of this law under Section 8. I. “Noise and Setback Easements”. Written consents must be received from all affected property owners or a waiver cannot be granted.”
- (e) After a lengthy discussion, Section 8.G. entitled “Setbacks” was modified decreasing 1,500 feet to 1,250 feet and grouping all items into one category by saying that everything “shall be set back a distance of 1,250 feet or 1.5 times the USWECS Total Height, whichever is greater, at all times.”

Motion made by Councilperson Harvey, seconded by Councilperson Hubbell that the proposed Utility Scale Wind Energy Conversion Systems Local Law be submitted to the Attorney for Town for review and comment with a response deadline of December 5, 2007.

Discussion: When to schedule a public hearing on the matter.

Vote: Councilperson Small aye, Councilperson Smith aye, Councilperson Harvey aye, Councilperson Hubbell aye. Motion carried.

2007 – December 5 – Town Board Meeting

A Special Town Board meeting was held Wednesday, December 5, 2007 at the Town Hall, 168 Enfield Main Road, Ithaca, New York at 7:00 p.m. with Councilperson Hubbell presiding. The purpose of the meeting was to schedule a public hearing on the proposed Utility Scale Wind Energy Conversion System Local Law for 2007.

Present: Councilperson Peggy Hubbell, Councilperson Sandra Small, Councilperson Robert Harvey, Councilperson Byron Smith and Town Clerk Alice Laue.

Absent: Supervisor Owens.

Pledge of Allegiance to the Flag: Councilperson Hubbell called the meeting to order and led the assemblage in the Pledge of Allegiance to the Flag.

Utility Scale Wind Energy Conversion System Local Law for 2007

RESOLUTION NUMBER 36 - 2007-
LOCAL LAW #3 FOR THE YEAR 2007
UTILITY SCALE WIND ENERGY CONVERSION SYSTEMS (USWECS)
PUBLIC HEARING TO ADOPT A LOCAL LAW ENTITLED “UTLITY SCALE
WIND ENERGY CONVERSION SYSTEMS LAW OF THE
TOWN OF ENFIELD, ITHACA, NEW YORK”

WHEREAS, the Town of Enfield Town Board wishes to adopt a local law to provide the necessary regulations for the establishment of Utility Scale Wind Energy Conversion Systems (USWECS); and

WHEREAS, these regulations are intended to encourage and promote wind energy development in the locations and under circumstances whereby the use may be established without harming public health and safety, and to avoid jeopardizing the welfare of the residents;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Enfield wishes to schedule a public hearing on the proposed Utility Scale Wind Energy Conversion Systems (USWECS) local law to be held by said Town Board on Monday, December 17, 2007 at 7:00 p.m. to hear all interested parties as it relates to a proposed local law entitled "Utility Scale Wind Energy Conversion Systems Law of the Town of Enfield, Ithaca, New York".

Motion made by Councilperson Hubbell, seconded by Councilperson Harvey that a public hearing be scheduled for December 17, 2007 at 7:00 p.m. to hear public comment and input on the proposed Utility Scale Wind Energy Conversion System Local Law #3 for the Year 2007.

Discussion:

Vote: Councilperson Small aye, Councilperson Smith aye, Councilperson Harvey aye, Councilperson Hubbell aye. Resolution carried.

2007 - December 17 – Town Board Meeting

A public hearing was held Monday, December 17, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York with Town Councilperson Harvey presiding. The public hearing was held to hear public comment on the purposed Utility Scale Wind Energy Conversion Systems Law.

Present: Town councilperson Sandra Small, Town Councilperson Peggy Hubbell, Town Councilperson Robert Harvey, Town Councilperson Byron Smith and Town Clerk Alice Laue. Absent Supervisor Jean Owens.

The public hearing was opened to the public by Councilperson Harvey.

The consensus of the public in attendance and those wishing to speak was that the present town board was moving to fast on this purposed law and that it should be referred to the incoming town board.

After all wishing to speak had spoken the public hearing was closed.

2007 – December 27 – Town Board Meeting
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Resolution #42 Local Law #3 – Entitled “Utility Scale Wind Energy Conversion Systems (USWECS).

Discussed, and made the following changes:

G. Setbacks

Each USWECS, including the closest tip of the rotating blades, shall be set back from the following by a distance of 1.5 times the USWECS Total Height at all times:

- (a) Communication and electrical lines.
- (b) Other USWECS.
- (c) Transmission facilities (sub-stations(s)).
- (d) Inhabited or inhabitable on-site structures, existing at the time of application, measured from the exterior of such residence.
- (e) From any property line (including site boundary line).

Each USWECS, including the closest tip of the rotating blades, shall be set back from the following by 1,250 feet at all times:

- (a) From the nearest neighboring off-site inhabited or inhabitable structures, existing at the time of application, measured from the exterior of such residence, and that of any school, church, hospital or nursing home.
- (b) Public roads (measured from the road right-of-way) including seasonal roads.
- (a) Robert Treman State Park property and Connecticut Hill Wildlife Management Area.
- (d) Neighboring town and county borderlines (unless neighboring town or county grants an easement).

L. Inoperation/Reclamation/Abandonment of Use

- (a) The USWECS which has not been used to produce electricity for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner and/or operator within 120 days after notice from the Town of Enfield Town Board. The property owner and/or operator is to restore the Site to its original condition and foundation removed three (3) feet below final grade, depending on land use, and vegetation restored. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration. Failure to comply with this section or with any and all conditions that may be attached to a Special Use Permit shall constitute grounds for the revocation of the permit by the Town of Enfield, after notice and a hearing before the Town Board. The

Town of Enfield reserves the right of salvage in the event the applicant does not remove any USWECS deemed inoperable

RESOLUTION ADOPTING A LOCAL LAW ENTITLED: "UTILITY SCALE
WIND ENERGY CONVERSION SYSTEMS LAW OF THE
TOWN OF ENFIELD, ITHACA, NEW YORK"

LOCAL LAW NO. 3 OF THE YEAR 2007

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Enfield for a public hearing to be held by said Town Board on December 17, 2007, at 7:00 p.m. to hear all interested parties on a proposed local law entitled "UTILITY SCALE WIND ENERGY CONVERSION SYSTEMS LAW OF THE TOWN OF ENFIELD, ITHACA, NEW YORK"; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on said date and time at the Enfield Community Building and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Town Board finds it is in the best interests of the Town and its citizens to adopt the local law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Enfield hereby adopts said local law entitled: "UTILITY SCALE WIND ENERGY CONVERSION SYSTEMS LAW OF THE TOWN OF ENFIELD, ITHACA, NEW YORK", a copy of which has been supplied to the members of this Board as required by law; and it is further

RESOLVED, that the Town Clerk be and she hereby is directed to make reference to said local law in the minutes of this meeting and to give due notice of the adoption of said local law by filing a copy of said local law with the Secretary of State of the State of New York

Resolution moved by Councilperson Small, seconded by Councilperson Harvey.

Discussion: Present board moving to fast to pass this law and law needs to be referred to the incoming board.

Vote: Councilperson Small aye, Councilperson Smith no, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens no. Three yes voted, two no votes.
Resolution carried.

Present: Supervisor Frank Podufalski
 Councilperson Roy Barriere
 Councilperson Stephanie Gaynor
 Councilperson Herb Masser
 Town Clerk Alice Laue
 Absent: Councilperson Robert Harvey

Privilege of the Floor:

John Rancich welcomed the new board members. He stated that the previous board had passed a law, which may be illegal, pertinent to wind farms in Enfield. Supervisor Podufalski is seeking legal counsel from the Attorney for the Town and will proceed as counsel instructs.

David Dimmick read a statement asking the board to have an open government that represents all of the citizens of this town. Specific issues mentioned were the Enfield Volunteer Fire Company, the Board of Ethics, and wind energy.

A motion was made to revisit the Wind Farm Law and look at the legalities. The Board needs to be sure it was done correctly.

Motioned: Councilperson Barriere
Seconded: Councilperson Gaynor

Discussion:

Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye.
Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson
*Harvey...absent. **Motion carried.***

2008 February 13 – Town Board Meeting
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Resolution 2008 – No. 9

Repeal Local Laws #2 and #3 of 2007

RESOLUTION PRESENTING PROPOSED LOCAL LAW #1 OF 2008 AND SCHEDULING PUBLIC HEARING THEREUPON

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Building on the 13th day of February, 2008, with the following members being present: Frank Podufalski, Supervisor; Robert Harvey, Councilperson; Roy Barriere, Councilperson; Herb Masser, Jr., and the following member being absent: Councilperson Stephanie Gaynor; and the following motion for a Resolution was duly made by motion of Councilperson Herb Masser; and was duly seconded by Supervisor Frank Podufalski; and the vote was as follows: Frank Podufalski - aye; Robert Harvey – no; Roy Barriere – aye, Herb Masser, Jr., aye; and Stephanie

Gaynor – absent; and the following Resolution therefore passed 3-2, and was duly adopted:

WHEREAS, the prior Town Board of the Town of Enfield improperly considered and allegedly passed two Local Laws in December, 2007, such laws being: (1) Local Law #2 of 2007, “a local law to establish standards of conduct for municipal officers and employees of the Town of Enfield – Code of Ethics”, as allegedly adopted by the Town Board of the Town of Enfield upon December 12, 2007 (Resolution 2007-37) and filed with the New York State Attorney General’s Office on or about December 20, 2007 (herein, the “Ethics Local Law”); and (2) Local Law #3 of 2007, “Utility Scale Wind Energy Conversion Systems Law of the Town of Enfield, Ithaca, New York”, as allegedly passed by the Town Board of the Town of Enfield upon December 27, 2007 (Resolution 2007-42) and filed with the New York State Attorney General’s Office on or about December 28, 2007 (herein, the “Wind Tower Local Law”); and

WHEREAS, the Wind Tower Local Law was the subject of two or more improper meetings, one being an improperly called December 5, 2007 Special Meeting of the Town Board, which meeting was not called in accord with Town Law by the Supervisor of the Town; and

WHEREAS, any action taken at such improperly or illegally called Special Meeting is invalid; and

WHEREAS, at such December 5, 2007 meeting, the Town Board purported to schedule a Public Hearing to consider the Wind Tower Local Law; and

WHEREAS, the Town Board held a public meeting for such Wind Tower Local Law upon December 5, 2007, which meeting was held upon December 17, 2007, but which meeting could not, by law, constitute a Public Hearing as is required for the passage of a Local law; and

WHEREAS, the former Town Supervisor (based upon research, attorney input, and conversations with the DEC) and the Planning Board both knew and recognized that an environmental review was mandatory, but the prior Town Board never classified the action under SEQRA, never sent any Notices of Intent to any Interested Agencies or Involved Agencies, and failed to conduct any environmental review; and

WHEREAS, an environmental review of the Wind Tower Local Law was mandatory under law, and the action should have been classified as a Type I Action; and

WHEREAS, at the year's-end Special Meeting where the Wind Tower Local Law was allegedly considered and passed, there were material changes made to the Wind Tower Local Law, which changes required, by law, a further Public Hearing and a further SEQRA review - neither of which occurred; and

WHEREAS, the Town Board is also concerned with the processes and procedures that surrounded the desperate and speedy passage of the Wind Tower Local Law 4 days before several former Town Board members were scheduled to leave office, especially in light of the numerous and voluminous objections of the citizens of the Town; and

WHEREAS, the Town Board is concerned with the liabilities that may or will arise from an improperly passed local law, including, but not limited to, the unenforceability of the Wind Tower Local Law, and the potential claims of the Developer of the proposed site; and

WHEREAS, the Town Board has determined that the Wind Tower Local Law was the subject of improper and illegal meetings and was and is not a legal or enforceable local law of the Town of Enfield; and

WHEREAS, the Ethics Local Law was the subject of properly scheduled and held meetings and a Public Hearing, but material changes were made thereto at the Public Hearing and no further Public Hearing was held, had or scheduled to obtain the input of the public as required by law; and

WHEREAS, the Town Board has determined that the Ethics Local Law was and is not a legal or enforceable local law of the Town of Enfield; and

WHEREAS, the Town Board recognizes that the purposes of such local laws have import and should be re-considered with full public input so that they may, if desired, be properly and lawfully passed, and therefore be and become legally enforceable; and

WHEREAS, Town Counsel, Guy K. Krogh, Esq., has examined these problems and recommended that the Town of Enfield (1) file objections to the recognition of these local laws with the New York State Attorney General's Office, and (2) consider the adoption of Local Law #1 of 2008 to repeal the Wind Tower Local Law and the Ethics Local Law; and

WHEREAS, there is hereby presented to the Town Board a proposed Local Law #1 of 2008, which proposed local law is hereby directed to be filed with the Town Clerk; and

WHEREAS, upon a review and discussion of the foregoing, and in deliberation upon and consideration of such proposed Local Law #1 of 2008, the Town Board of the Town of Enfield has hereby

RESOLVED and DETERMINED, that proposed Local Law #1 of 2008 is materially complete and accurate; and it is further

RESOLVED and DETERMINED, that this action be and is hereby classified as a SEQRA Type II Action such that no SEQRA review is necessary as, among other reasons, this action is administrative in nature and will have no significant environmental impacts; and it is further

RESOLVED and ORDERED, that the Town Clerk maintain a copy of proposed Local Law #1 of 2008 on file at the Town Clerk's Office for public review and access; and it is further

RESOLVED, that a Public Hearing be held at the Enfield Town Hall, 168 Enfield Main Road, being in the Town of Enfield, County of Tompkins and State of New York, on the 12th day of March, 2008, at 7 o'clock P.M., to consider the aforesaid proposed Local Law #1 of 2008, to hear all persons interested in the subject thereof, and to take such action thereupon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Enfield, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Enfield, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law.

Motioned: Masser
Seconded Podufalski

Discussion: Councilperson Harvey asked why the laws were being repealed. Masser stated that the meetings were illegal because they were not called by the supervisor or by court order. Councilperson Harvey stated that he was not contacted about any thing relative to the above resolution.

Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent. Councilperson Masser...aye. Councilperson Harvey...No.

Resolution carried

A motion was made to hold a Public Hearing prior to the March 12th Town Board Meeting regarding the repeal of Local Laws #2 and #3 of 2007.

Motioned: Masser
Seconded: Barriere

Discussion:

Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent. Councilperson Masser...aye. Councilperson Harvey...No.

Motion carried.

Announcements:

Supervisor Podufalski read a resolution he had just received from John Rancich supporting the Enfield Wind Farm. (Enfield Energy)

2008 – March 12 - PUBLIC HEARINGS: – Town Board Meeting

The public hearing in regards to a resolution repealing Local Law #2 of the year 2007 – “To Establish Standards of Conduct for Municipal Officers and Employees of the Town of Enfield Code of Ethics” and Local Law #3 of the year 2007 “Utility Scale Wind Energy

Conversion Systems Law of the Town of Enfield” was opened to the public at 7:00 p.m. Members of the public spoke for and against the repealing of these two laws. It was requested that the minutes note that all wishing to speak at this public hearing were not able to speak. This public hearing was closed at 7:40 p.m.

NEW BUSINESS:

Local Law #1 of the Year 2008 – Repealing Local Law #2 of the Year 2007 and Local Law #3 of the Year 2007. \

Councilperson Masser read and moved the adoption of the following resolution. Resolution was seconded by Supervisor Podufalski.

RESOLUTION NUMBER 13 – 2008

RESOLUTION ADOPTING LOCAL LAW #1 OF 2008

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Building on the 12th day of March, 2008, with the following members being present: Frank Podufalski, Supervisor, Robert Harvey, Councilperson, Roy Barriere, Councilperson, Herb Masser, Jr., Stephanie Gaynor, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of Councilperson Masser, and was duly seconded by Supervisor Podufalski and the vote was as follows: Frank Podufalski – aye; Robert Harvey no; Roy Barriere – aye; Herb Masser, Jr., - aye; and Stephanie Gaynor – aye; and the following Resolution therefore passed – 4-1, and was duly adopted:

WHEREAS, the prior Town Board of the Town of Enfield improperly considered and allegedly passed two Local Laws in December, 2007, such laws being: (1) Local Law #2 of 2007, “a local law to establish standards of conduct for municipal officers and employees of the Town of Enfield – Code of Ethics”, as allegedly adopted by the Town Board of the Town of Enfield upon December 12, 2007 (Resolution 2007-37) and filed with the New York State Attorney General’s Office on or about December 20, 2007 (herein, the “Ethics Local Law”); and (2) Local Law #3 of 2007, “Utility Scale Wind Energy Conversion Systems Law of the Town of Enfield, Ithaca, New York”, as allegedly passed by the Town Board of the Town of Enfield upon December 27, 2007 (Resolution 2007-42) and filed with the New York State Attorney General’s Office on or about December 28, 2007 (herein, the “Wind Tower Local Law”); and

WHEREAS, the Wind Tower Local Law was the subject of two or more improper meetings, one being an improperly called December 5, 2007 Special Meeting of the Town Board, which meeting was not called in accord with Town Law by the Supervisor of the Town; and

WHEREAS, any action taken at such improperly or illegally called Special Meeting is invalid; and

WHEREAS, at such December 5, 2007 meeting, the Town Board purported to schedule a Public Hearing to consider the Wind Tower Local Law; and

WHEREAS, the Town Board held a public meeting for such Wind Tower Local Law upon December 5, 2007, which meeting was held upon December 17, 2007, but which meeting could not, by law, constitute a Public Hearing as is required for the passage of a Local Law; and

WHEREAS, the former Town Supervisor (based upon research, attorney input, and conversations with the DEC) and the Planning Board both knew and recognized that an environmental review was mandatory, but the prior Town Board never classified the action under SEQRA, never sent any Notices of Intent to any interested Agencies or Involved Agencies, and failed to conduct any environmental review; and

WHEREAS, an environmental review of the Wind Tower Local Law was mandatory under law, and the action should have been classified as a Type I Action; and

WHEREAS, at the year's-end Special Meeting where the Wind Tower Local Law was allegedly considered and passed, there were material changes made to the Wind Tower Local Law, which changes required, by law, a further Public Hearing and further SEQRA review – neither of which occurred; and

WHEREAS, the Town Board is also concerned with the processes and procedures that surrounded the desperate and speedy passage of the Wind Tower Local Law 4 days before several former Town Board members were scheduled to leave office, especially in light of the numerous and voluminous objections of the citizens of the Town; and

WHEREAS, the Town Board is concerned with the liabilities that may or will arise from an improperly passed local law, but not limited to, the unenforceability of the Wind Tower Local Law, and the potential claims of the Developer of the proposed site; and

WHEREAS, the Town Board has determined that the Wind Tower Local Law was the subject of improper and illegal meetings and was and is not a legal or enforceable local law of the Town of Enfield; and

WHEREAS, the Ethics Local Law was the subject of properly scheduled and held meetings and a Public Hearing, but material changes were made thereto at the Public Hearing and no further Public Hearings was held, had or scheduled to obtain the input of the public as required by law; and

WHEREAS, the Town Board has determined that the Ethics Local Law was and is not a legal or enforceable local law of the Town of Enfield; and

WHEREAS, the Town Board recognized that the purposes of such local laws have import and should be re-considered with the full public input so that they may, if desired, be properly and lawfully passed, and therefore be and become legally enforceable; and

WHEREAS, Town Counsel recommended the adoption of Local Law #1 of 2008 to repeal the Wind Tower Local Law and the Ethics Local Law, as that would solve the problems of (i) unenforceable Local Laws, (ii) unenforceable Local Laws, and (iii) would permit reconsideration and re-passage of such Local Laws upon such terms and the Town Board deemed appropriate; and

WHEREAS, there was duly presented to the Town Board a proposed Local Law #1 of 2008, which proposed local law was duly filed with the Town Clerk; and

WHEREAS, a Public Hearing was duly noticed and held at the Enfield Community Building 182 Enfield Main Road, being in the Town of Enfield, County of Tompkins and State of New York, on the 12th day of March, 2008, to consider the aforesaid proposed Local Law #1 of 2008, and to hear all persons interested in the subject thereof; and

WHEREAS, after review and discussion of each of the foregoing premises and the proposals set forth or referenced herein, the Town Board of the Town of Enfield hereby

RESOLVED, that the Town Board of the Town of Enfield hereby adopts and enacts Local Law #1 of 2008, reading in entirety as follows:

TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 1 OF 2008

A LOCAL LAW REPEALING
LOCAL LAW #2 OF 2007 AND LOCAL LAW #3 OF 2007

SECTION 1: TITLE and APPLICABILITY – The Town of Enfield hereby adopts this Local Law, to be known as “Local Law Number 1 of 2008”. This Local Law shall apply only within the Town of Enfield, and hereby repeals any prior Town Board declaration, determination or resolution inconsistent herewith.

SECTION 2: PURPOSE – The purpose of Local Law Number 1 of 2008 is to repeal the following Local Laws of the Town of Enfield: (1) Local Law #2 of 2007, “a local law to establish standards of conduct for municipal officers and employees of the Town of Enfield – Code of Ethics”, as allegedly adopted by the Town Board of the Town of Enfield upon December 12, 2007 (Resolution 2007-37) and filed with the New York State Attorney General’s Office on or about December 20, 2007; and (2) Local Law #3 of 2007, “Utility Scale Wind Energy Conversion Systems Law of the Town of Enfield, Ithaca, New York”, as allegedly passed by the Town Board of the Town of Enfield upon

December 27, 2007 (Resolution 2007-42) and filed with the New York State Attorney General's Office on or about December 28, 2007.

SECTION 3: REPEAL OF PRIOR LOCAL LAWS – The following Local Laws of the Town of Enfield be and hereby are repealed in their entirety: (1) Local Law #2 of 2007, “a local law to establish standard of conduct for municipal officers and employees of the Town of Enfield – Code of Ethics”, as allegedly adopted by the Town Board of the Town of Enfield upon December 12, 2007 (Resolution 2007-37) and filed with the New York State Attorney General's Office on or about December 20, 2007; and (2) Local Law #3 of 2007, “Utility Scale Wind Energy Conversion Systems Law of the Town of Enfield, Ithaca, New York”, as allegedly passed by the Town Board of the Town of Enfield upon December 27, 2007 (Resolution 2007-42) and filed with the New York State Attorney General's Office on or about December 28, 2007. Accordingly, such Local Laws shall be and remain unenforceable, and shall have no force or effect in law, equity or admiralty.

SECTION 4: CONSTRUCTION AND SAVINGS CLAUSE – The interpretation and enforcement of this Local Law shall be based upon the purposes sought by, through, and under this Local Law, and not by any date or factual or numerical reference that is technically incorrect and which does not materially affect the import of this Local Law. Thus, in the event of any ambiguity, it is the stated legislative intent of the Town Board of the Town of Enfield that the Local Laws passed in December 2007 and commonly known as the Wind Tower Law (or USWECS Law) and the Ethics Law (or Code of Ethics) be and be deemed repealed and of no force and effect, without regard to whether any date of any meeting or any numerical designation relative to such law is incorrect. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Local Law shall be adjudged invalid or unenforceable by any court of other tribunal of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, paragraph, subdivision or clause of this Local Law. Any such invalidity shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such order or judgment shall have been rendered.

SECTION 5: EFFECTIVE DATE – This Local Law shall be immediately effective.

RESOLVED, that the Ethics Advisory Board, and/or any similarly named or functioning committee or entity formed under, pursuant to, in furtherance of, or in relation to the Ethics Local Law, be and is hereby disbanded; and it is further

RESOLVED, that in accord with #21 of the Municipal Home Rule Law, the final adopted copy of this Local Law shall be presented to the Supervisor for approval; and it is further

RESOLVED, that upon such approval by the Supervisor (or other approval occurring pursuant to said #21 of the Municipal Home Rule Law), and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law,

together with the required Certifications, in the Office of the Town Clerk and 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 State Records and Law Bureau, Department of State, 41 State Street, Albany, New York 12231.

SEQRA: Type II Action

Discussion:

Vote: Councilperson Barriere aye, Councilperson Gaynor aye, Councilperson Harvey no, Councilperson Masser aye, Supervisor Podufalski. Resolution carried – vote four ayes and one no.

2008 – March 19 – Town Board Meeting

A joint Planning Board and Town Board Meeting was held Wednesday, March 19, 2008 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York at 7:00 p.m. with Supervisor Podufalski presiding.

Present: Town Board members: Supervisor Frank Podufalski, Town Councilperson Stephanie Gaynor, Town Councilperson Herb Masser, Jr. and Town Clerk Alice Laue.

Absent Town Councilperson Robert Harvey and Town Councilperson Roy Barriere.

Planning Board members: Co-chairman Virginia Bryant, Co-chairman Jim McConkey, Debbie Teeter, Richard Neno, Ann Chaffee, Calvin Rothermich, Doug Willis.

Supervisor Podufalski and Town Board members present requested that the Planning Board take the repealed Local Law #3 of 2007 “Utility Scale Wind Energy Conversion System Law of the Town of Enfield and other written local laws and write a local law that is for all town residents. It is the Town’s obligation to have a local law for all town residents not one or two.

Areas of concern were set backs, property lines.

The meeting was closed at 7:40 upon unanimous vote of both board members present.

2008 May 14 – Town Board Meeting

Planning Board:

Planning Board Member, Debbie Teeter, says they are working through the Hartsville Wind Ordinance and feel it’s a good report.

2008 June 11 – Town Board Meeting

NEW BUSINESS

John Rancich and Steve Bauman gave a presentation/proposal (in lieu of a law) to the Town Board on the progress of the wind farm. The following motions were then made:

A motion to schedule a public hearing at 7:00 p.m. on July 9th, 2008 on the proposed site plans for the new facilities followed by a public hearing on the environmental assessment forms (EAF) on the proposed locations for the new facilities.

Motioned: Councilperson Gaynor

Seconded: Councilperson Masser

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson Harvey...aye. Supervisor Podufalski...aye.

Carried.

A motion that the Enfield Town Board be named the lead agency in the Environmental Assessment Review of the proposed locations for the new facilities.

Motioned: Councilperson Barriere

Seconded: Councilperson Gaynor

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson Harvey...aye. Supervisor Podufalski...aye.

Carried.

2008 July 9 – Town Board Meeting

Planning Board:

Planning Board member, Calvin Rothermich said there had been a very thorough presentation of the wind farm law a week ago. It's about ready to be passed on.

OLD BUSINESS

An agreement to allow John Ranchic's Black Oak Wind Farm to operate has been put on hold. Objections from Attorney John Krough are to be studied more thoroughly. Still need SEQR and Environmental Impact Review. Supervisor Podufalski turned the proposed project back over to Krough.

2008 – August 13 – Town Board Meeting

Planning Board:

Co-chair, James McConkey, says the Planning Board needs to approve the draft wind farm law.

2008 September 10 – Town Board Meeting

Wind Generation Law:

The Planning Board sent the draft "***Wind Energy Facilities Local Law***" to the Town Board.

Attorney Guy Krough reviewed it. Mr. Krough gave an overview of changes he felt were needed which will

be incorporated into the local law before a public hearing is scheduled.

A motion was made to accept the ***“Wind Energy Facilities Local Law”*** with incorporated changes

suggested by Attorney Krough.

Motioned: Councilperson Barrier

Seconded: Supervisor Podufalski

Discussion:

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.

*Councilperson Harvey...aye. Supervisor Podufalski...aye. **Carried.***

Public Hearing on Wind Law:

A motion was not made at this meeting to hold a public hearing.

2008 October 8 – Town Board Meeting

Wind Energy Facilities Law:

A resolution to name the Town of Enfield as lead agency for SEQRA review and identifying involved agencies re: Local Law #2 of 2008 (Wind Energy Facilities Law), was table because a page was missing from the document.

Public Hearing on Wind Energy Facilities Law:

No motion was made at this meeting to hold a public hearing due the fact that the document was incomplete.

2008 November 12 – Town Board Meeting

Wind Energy Facilities Local law Discussion:

Supervisor Podufalski said the Board would not be voting tonight as originally listed in the Agenda. When asked why, he said he would discuss it “in time.” A memo of “recommendations” from Ed Marx of the Tompkins County Department of Planning was referred to. 1.5 set backs dominated the discussion. “We don’t have to strictly follow those recommendations,” Podufalski said.

Councilperson Masser expressed concerns brought up at the Public Hearing November 6th. The audience participated in discussion about set backs, County recommendations, what happens ten years down the road if the developer doesn’t want to continue, blades, noise, height and very importantly...the cost to obtain a permit from the Town of Enfield for this project.

The question was asked: “Once you get the law to a point that you don’t think you can improve it any more, can you have a referendum?” Attorney Krogh responded: “In the opinion of the Attorney General and the State Comptroller, you can only have a permissive referendum when you’re specifically authorized by law to do it.”

Councilperson Masser was informed by an attorney that NYS will come in and “eminent domain the whole area and will build it where they think it should be and they won’t care about set backs...and they’ll make all the profit while we watch it from a distance.”

Developer, John Rancich, commented that he has had this idea for about six years and approached the previous Town Board about 3-years ago saying he wanted to proceed...with the Town’s cooperation. He said he has bent over backwards for a long time to keep the Town Board informed of all aspects of the project, including attending Board meetings regularly and providing any requested information. He’s hopeful that the Law will pass and he can move on. He regrets that some people are very much against the Wind Farm, others are very much for it...and some just don’t care.

2008 – December 10 – Town Board Meeting
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Wind Energy Facilities Local Law Resolution:

Supervisor Podufalski read the following resolution:

<i>2008 Resolution No 38</i>	<i>Naming the Town as Lead Agency for the SEQRA review of the proposed Wind Energy Facilities Local Law and Scheduling Public hearing thereupon</i>
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Whereas the Town of Enfield Town Board sent out Notices of Intent to all identified Involved and Interested Agencies in regards to Lead Agency status for SEQRA purposes for the proposed Wind Energy Facilities Local Law, Town of Enfield Local Law Number 3 of 2008, and more than 30 days has passed and no parties have objected to the Town’s declaration of intent to be Lead Agency, now

Be It Resolved that the Town of Enfield be and hereby is declared to be Lead Agency to conduct the environmental review of the proposed Wind Energy Facilities Local Law, Town of Enfield Local Law Number 3 of 2008, and it is further determined and re-declared that this action is classified as a Type I Action pursuant to 6 NYCRR Part 617.4; and it is further

Resolved, that a Public Hearing will be held at the Enfield Town Community Building, 182 Enfield Main Road, Ithaca, New York, being in the Town of Enfield, on the 7th day of January, 2009, at 6:30 o’clock P.M., to consider a SEQRA review and the environmental impacts of the proposed project known as the Wind Energy Facilities Local Law, Town of Enfield Local Law Number 3 of 2008, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and it is further

Resolved, that the Town Clerk of the Town of Enfield, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Enfield at least 14 days before such hearing, and also

to post a copy thereof on the Town signboard maintained by the Town Clerk at least 14 days before such hearing, in accord with law; and it is further

Resolved, that the Lead Agency shall promptly prepare Parts I and II of the Long Form Environmental Assessment Form and assure that it is accurate and complete so that the final Long Form Environmental Assessment Form is available for review at the time and place set forth above.

Motioned: Supervisor Podufalski

Seconded: Councilperson Barriere

Discussion:

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson Harvey...aye. Supervisor Podufalski...aye.

Carried.

Wind Energy Facilities Local Law Public Hearing:

A motion was made to schedule a Public Hearing on the full environmental assessment form, Wind Energy Facilities Law on January 7, 2009 at 6:30 p.m.

Motioned: Councilperson Gaynor

Seconded: Councilperson Barriere

Discussion:

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson Harvey...aye. Supervisor Podufalski...aye.

Carried.

2009 January 14 – Town Board Meeting

Resolution #9 – 2009 – Determining and Declaring Environmental Impacts of Proposed Local Law #1 of 2009 (Wind Energy Facilities Local Law) and Making Negative Declaration of Environmental Impacts. (Resolution attached).

SEQR Environmental Assessment reviewed line by line. Need to determine if SEQR will have a negative impact. Things on SEQR review don't apply to local law. Law is regulating land uses. Take comments and discussions of involved interested agencies and discuss them within the context or review of LEAP.

Resolution moved by: Supervisor Podufalski Seconded by: Councilperson Gaynor

Discussion:

Tompkins County Planning Dept. recommended that the setback requirements for any proposed Wind Turbine Generator (WTG) be tied to property lines and public road right of-ways at a distance of no less than 1.5 times total height including the rotor blade

height, unless easements are obtained from property owners. Also, recommended that the setback be extended to 2 times total height of residences, schools, churches or public libraries that exist as of the date of approval of wind energy facility.

Recommended that noise should not exceed 50 DBA measured from the site property line and, audible noise should not exceed 50 DBA measured at any residence, school, church or public library that exists as of the date of the wind energy facility and standard should apply to both small wind turbine generator and WTG proposals.

Recommend that Required Environmental Studies for WTG proposals include pre and post construction studies outlined in DEC's Guidelines for Conducting Bird and Bat Studies at Commercial and Wind Energy Projects.

Visual impacts of WTG's should be a formal visual impact assessment using industry standard methodology be conducted for the placement of any wind energy systems.

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Applicant responsible for bearing the costs of all studies required by the application of any wind energy systems and the Town should also increase the permit fees to allow for the independent technical review of produced studies by consultants hired by the Town.

Town's response –

Set backs: Town setback distances (450 feet) are good, eventually law will address areas where set backs need to be greater. Leave what we have in the current language.

Safety record of machines is impeccable.

Recommendations from County Planning Department and NY State Department of Transportation based on wrong information.

SEQR review not applicable to law.

Need clean energy – Need to look at what's good for this law.

Noise factor – 55-60 DBA well within reason. Provisions built in law to address noise factors.

No large impacts found as far as the law goes. Anything that will be addressed will be addressed by the law further if the project is started.

Law to litigate potential future impacts from a project permitted.

County Planning Department and State recommendations taken under consideration and board feels they are right with the way the law is.

No single authorized standards for setbacks.

As SEQR pertains to the law it is a no. SEQR applies more to a specific project that is in the works, rather than a law. A law is words put together to regulate projects. Once a permit is given than another SEQR is generated and at that point these questions are more specific to the project. A SEQR would have to be done before a permit is issued.

County Planning Department perspective is what is best for the whole county this law is very likely to be used by other towns as a model. County Planning Department perspective is some times what is good for a specific town and some times not good for a specific town. This town and others in the past have taken some of the County Planning Department recommendations and not taken other recommendations. That does not make this town unique or different if this town board were to say from the counties perspective it might be the best thing to do, but for our particular town we think this is what's best.

County Planning Department's jurisdiction under General Municipal Law is to identify county wide or negative inter-municipal impacts. They came up with a few items to

review on a check list and one thing missing from the county review that is significant is their listing these things some of which don't have county wide or inter-municipal community impacts but tell why or in what manner it has an impact.

Vote: Councilperson Barriere aye, Councilperson Gaynor aye, Councilperson Masser aye, Supervisor Podufalski aye, Councilperson Harvey was absent. Resolution carried.

Resolution #10 – 2009 – Adopting Local Law #1 of 2009 – Wind Energy Facilities Law. (Resolution attached).

Resolution moved by: Supervisor Podufalski

Seconded by: Councilperson Barriere

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Discussion: See discussion under Resolution #9.

Vote: Councilperson Barriere aye, Councilperson Gaynor aye, Councilperson Masser aye, Supervisor Podufalski aye, Town Councilperson Harvey was absent. Resolution carried.

2009 June 10 – Town Board Meeting

Hiring of Legal Firm with Expertise in Wind Farm Development: - Supervisor Podufalski John Rancich is to present Site Plan Review at July board meeting.

To protect the Town's interest in legal work needing to be done on the Wind Farm Development as the law states most towns that have gone through this process hire a legal firm or an engineering firm specializing in Wind Farm development procedures to do the paperwork, permits, SEQR, reviews, any testing that needs to be done ahead of time, development agreement, making sure everything is done according to the law. Supervisor has scheduled a meeting with four different firms that specialize in this type of work, LaBella Associates, an engineering firm out of Rochester, Harris Beach, a legal firm and Delaney Group out of Gloversville, N.Y. who not only installs but does prep work also. Supervisor Podufalski asked Councilperson Barriere to accompany him to look at their presentations and after looking at presentations they will come back to the board with their recommendation on who best fits the town's needs. Any costs to the town for all the services will be born by the developer.

Public Hearing: - Proposed Amendment to Town of Enfield Site Plan Review Law.

Proposal amendment concerns amending Section 2.1 of Local Law #1 of the year 1999 which amended Local Law #1 of the year 1998. Attorney for the Town to put together the

public hearing notice for the paper regarding the amendment.

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Motion made by Supervisor Podufalski, seconded by Councilperson Masser that the Town Board hold a public hearing on the Proposed Amendment to Town of Enfield Site Plan Review Law on July 8, 2009 at 6:45 p.m..

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Harvey aye,

Supervisor Podufalski aye, Councilperson Gaynor was absent. Motion carried.

2009 – July 8 –Town Board Meeting

Resolution #19-2009 – To Appoint Council for Wind Farm Development Compliance. (Resolution attached).

After Supervisor Podufalski and Councilperson Barriere met with four firms on counseling municipalities on wind farm development their consensus was to appoint Harris Beach, Attorneys at Law as counselors.

Moved by Supervisor Podufalski, seconded by Councilperson Barriere.

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Councilperson Harvey aye, Supervisor Podufalski aye. Resolution carried.

2009 – December 29 – Town Board Meeting

Presentation of Permit Application by Enfield Energy Wind Project:

John Rancich and Marguerite Wells presented 6 copies of an application to the town for the Black Oak

Wind Farm. The town clerk will review the application and bring it back to the Board within 30 days.

2010 January 6 – Town Board Meeting

In the near future the Board will need to discuss the Developer's Agreement that was put together by Harris Beach, the legal firm representing the Town for the Black Oak Wind Farm Project.

Wind Farm comments have been received from Harris Beach and the Enfield Town Clerk and have been forwarded to the developer. The Wind Farm has asked for a 30 day extension on the review period – until February 3, 2010.

2010 January 13 – Town Board Meeting

Enfield Energy has asked for an extension of the review period of their Site Plan Application for the wind farm to 60 days, extending to February 3, 2010. Frank Pavia, Esq., of Harris Beach, has a copy of the letter and the extension was granted.

Resolution for approval of the Wind Farm Developer's Agreement – Councilperson Teeter read the Resolution as follows:

Resolution of the Town Board of the Town of Enfield Authorizing the Negotiation of a Developer's Agreement with Enfield Energy, LLC

WHEREAS, Enfield Energy LLC (the "Applicant") has submitted an application pursuant to Local Law No. 1 of 2009, entitled "Wind Energy Facilities Local Law" (the "Wind Law"), proposing to develop a commercial site at Black Oak Road and at various other locations within the western portion of the Town of Enfield, for the purpose of constructing a commercial-scale windfarm (the "Project"); and

WHEREAS, the Applicant desires to facilitate a review of the Project pursuant to the Wind Law which will include, but not necessarily be limited to, evaluations of site planning elements, permit reviews, stormwater review, and New York State

Environmental Quality Review Act (“SWQRA”) review of the Project by the Town Board, the Planning Board, and the Town’s engineers, attorneys and consultants hired or retained in connection with the review of the Project; and

WHEREAS, Section 2(B) of the Wind Law states that the Town shall require the Applicant to enter into an escrow agreement or Developer’s Agreement whereby the Applicant agrees to reimburse the Town for any and all costs and expenses incurred as a result of the Project review, including reasonable legal and engineering fees.

NOW, THEREFORE, BE IT RESOLVED, by the members of the Town Board of the Town of Enfield, as follows:

1. The Supervisor of the Town of Enfield shall be authorized to negotiate, to such extent as is deemed necessary and/or applicable, and enter into a Developer’s Agreement with the Applicant, a copy of which is attached hereto as Exhibit “A”.
2. The further review of the Project’s application by the Town Board shall be conditioned upon the Applicant entering into the Developer’s Agreement and providing the Town the required initial deposit as set forth in said agreement.
3. This resolution shall take effect immediately upon adoption.

Councilperson Teeter moved to adopt the Resolution accepting the Developer’s Agreement. Supervisor Barriere seconded the motion.

Discussion: Councilperson Hern questioned why some expenses would be incurred by the town and reimbursed from the escrow account. He felt some of the expenses should be paid directly by the developer. Supervisor Barriere stated that some expenses may or may not be billed to the Town, but if they are, then we have a fallback in the escrow account. Councilperson Hern felt that the document needed to be edited. Supervisor Barriere will bring these questions up to attorneys Guy Krogh and Harris Beach for more explanation. A vote will be tabled to the next meeting.

Resolution determining environmental significance and issuing negative declaration under SEQRA for proposed Town Highway facility – will be handled at a later date once there are at least four members of the Board present and this will also give time to consider the recommendations by the County Planning Board.

2010 February 10 – Town Board Meeting
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Wind Farm Application – Review for completeness with Project Attorney and Engineer

Marguerite Wells of Enfield Energy went over the Response to Completeness Determination document. Frank C. Pavia, Esq. of Harris Beach, environmental special counsel retained by the town and Mark W. Tayrien of LaBella Associates, an

environmental and engineering consulting firm retained by the town to provide technical assistance, were present to answer questions and provide additional information as requested by the town board. Mr. Pavia mentioned that we are in a very preliminary stage in this process and this is going to be a fairly lengthy process. At this time the board can determine if the application is complete and also begin the SEQRA process. The town has been negotiating with the applicant, as required under the local law, for the developer's agreement. The local law states either a developer's agreement or escrow account is necessary. One of the components of the developer's agreement is the establishment of an escrow account with an initial deposit of \$15,000.

Councilperson Teeter moved to require the completion of the developer's agreement before we authorize our law firm and engineer to take any additional action. Councilperson Hern seconded the motion.

Discussion: Three steps will be needed. The developer's agreement will need to be completed, Harris Beach and LaBella Associates will review the agreement and advise it is complete once the deposit is made and the board members could hold a special board meeting to determine if they felt the agreement was complete and ready to move forward.

Councilperson Teeter amended her motion that upon completion of the developer's agreement and deposit of initial payment, the town board would authorize Harris Beach and LaBella Associates to complete the completeness determination process for the application, make a formal recommendation to the town board, and the town board would meet to vote on a final completeness determination for the application. Councilperson Hern seconded the amended motion.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

2010 March 10 – Town Board Meeting

Budget Amendments:

**Resolution #2010-28
2-2010**

Budget Amendment No.

WHEREAS, the Wind Farm Developer's Agreement has been signed and an escrow account has been established, these funds need to be accounted for in the Town's budget, therefore be it

RESOLVED, that General Fund Revenue Account A510 be increased by \$15,000.00, General Fund Appropriations Account A910 be increased by \$15,000.00, General Fund Account A4989, titled "Other Home and Community Services" be increased by \$15,000.00, and General Fund Account A8020.4, titled "Planning Contractual", be increased by \$15,000.00.

Councilperson Teeter moved to accept the proposed Budget Amendment No. 2-2010 with a second by Councilperson Owens.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Developer's Agreement/Escrow Account: An escrow account has been established for the town by the Black Oak Wind Farm.

Supervisor Barriere moved, with a second by Councilperson Teeter, to authorize the attorney and engineers to move forward and complete the determination report of the application and advise us as to what needs to be done to complete the application.

Discussion: Funds can be transferred as of tomorrow.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

2010 – April 14 - Town Board Meeting

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton, Town Attorney for Wind Farm Frank Pavia of Harris Beach

Excused: Town Councilperson Stephanie Gaynor

Supervisor Barriere opened the meeting at 6:45 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Black Oak Wind Farm Application resolution declaring completeness:

Frank Pavia explained the application was originally submitted in December 2009. The application was not determined to be complete at that time. A supplemental submission was made by the applicant that contained additional information and was discussed at the February 10, 2010 town board meeting. The supplemental application was then reviewed. A memorandum was submitted to the board from Harris Beach showing that some studies and information is lacking, but the board has been advised that this information can be submitted at a later date, particularly when a draft Environmental Impact Statement is prepared by the applicant and submitted to the town board for review and assessment. As long as the applicant realizes that more information will be needed at a later date, Harris Beach is prepared to recommend to the town board that the application is substantially complete for purposes of continuing the review under the Wind Law and commencing the SEQRA review process. That recommendation is conditioned upon the fact that those remaining pieces of information would be provided as part of a draft Environmental Impact Statement and as part of the SEQRA review. Once interested and involved parties have been notified of the resolution, they will have 30 days time in which to object to the town board's declaration to act as lead agency. If there is no objection filed during that time frame, it will come back to the board to pass a resolution accepting lead agency status and issuing a determination of environmental

significance under SEQRA which is again either a positive declaration, which is Harris Beach's recommendation; or a negative declaration.

Resolution #2010-33

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ENFIELD
DECLARING ENFIELD ENERGY, LLC APPLICATION COMPLETE
AND COMMENCING SEQRA PROCESS**

WHEREAS, Enfield Energy, LLC (the "Applicant") has submitted an application pursuant to the Town of Enfield's Wind Energy Facilities Law (the "Wind Energy Law") proposing to develop a commercial site at Black Oak Road and at various other locations within the western portion of the Town of Enfield for the purpose of constructing a commercial-scale wind farm (the "Project"); and

WHEREAS, the Applicant desires to facilitate a review of the Project pursuant to the Wind Energy Law which will include, but not necessarily be limited to, an evaluation of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation

Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, in addition to submitting its application, the Applicant also submitted an expanded Full Environmental Assessment Form ("FEAF") as required by SEQRA; and

WHEREAS, pursuant to Article III, Section 2.D of the Wind Law, the Town has concluded its completeness review of the Project's application.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the members of the Town Board of the Town of Enfield, as follows:

1. The Town determines that the Project's application is complete in order to continue its review of the Project pursuant to the Wind Energy Law.
2. The Town declares its intent to act as Lead Agency of a coordinated review of the Project subject to the requirements concerning the establishment of a lead agency as set forth in 6 N.Y.C.R.R. § 617.6 of the SEQRA regulations.
3. The Town preliminarily determines that the Project constitutes a "Type I" action, as that term is defined by 6 N.Y.C.R.R. § 617.4 of the SEQRA regulations.
4. The Supervisor of the Town of Enfield is directed to undertake any and all steps necessary to carry out the Town's obligations as Lead Agency pursuant to SEQRA.
5. This resolution shall take effect immediately.

Supervisor Barriere moved to accept the resolution, with a second by Councilperson Teeter.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Attorney Frank Pavia left the meeting at this time.

2010 – May 12 – Town Board Meeting

Presentation: Deputy Town Supervisor Owens introduced Steve Messmer, Project Manager with Delta Engineers at 6:20 p.m. He spoke about the issue of road preservation that towns have faced for large scale development, wind farms, and natural gas drilling. He stressed his program is not pro or con the drilling industry – this is purely a technical issue about the whole responsibility to protect public assets. There are all opinions on the gas drilling issue, but Delta Engineers is looking at the fact that public roads will be affected by gas drilling activities and we will pay up front or at the end, but either way local roads will be affected and it will be a big issue.

Steve spoke about his program that started in Sullivan County to investigate the potential impacts of gas drilling, and local roads was one of the major impacts, so Sullivan County commissioned a study to try to identify what municipalities can do to protect local roads. Sullivan County is encouraging the proliferation of this program because they feel the more towns that come together using the same methodology, the greater chances New York has of having a unified defensible approach protecting local roads.

The firm has a double professional basis – legal and engineering. The firm has done Road Use Agreements in conjunction with wind farm activity in the past. A Road Use Agreement is the core document of how we interact with a large scale construction activity that is going to impact roads. A Road Use Agreement needs engineering and local law to back up the agreement.

Wind Farm Update – The thirty day period in which interested and involved parties can respond ends May 17. After that time, Frank Pavia will put together the Notice of Positive Declaration and Resolution Issuing the Declaration. We'll have that for the June town board meeting and Parts 2 and 3 of the EAF will need to be completed as well.

Councilperson Teeter asked if Black Oak Road is a town road. John Rancich, wind farm developer, responded Black Oak is a county road up until it hits Connecticut Hill Road where it changes to a town road. It is a town road for about $\frac{3}{4}$ of a mile. It was suggested to Tompkins County that they not redo Black Oak Road until the heavy traffic is done going up and down the road and John Rancich has stated

his intent to work with the Town of Enfield to compensate for any damage to the town road during wind farm development.

2010 – June 9 - Town Board Meeting

Black Oak Wind Farm Project:

At the April 14, 2010 Town of Enfield Board meeting it was determined that the Black Oak Wind Farm Project application was complete. Letters went out to all interested and involved agencies. Some responses were received, none of which stated they didn't want the Town of Enfield to be the lead agency. Councilperson Teeter noticed one inconsistency in the Positive Declaration where it was stated construction will continue for more than 1 year and the Part 2 – Project Impacts and their Magnitude where the box should be checked showing construction that will continue for more than 1 year or involve more than one phase or stage would have an impact. Frank Pavia confirmed that the box should be checked.

Frank Pavia, an attorney from Harris Beach advising the Town of Enfield on the Black Oak Wind Farm proposed project, explained the next step in the process is to make a determination of environmental significance - that is either a negative declaration, meaning an environmental impact statement is not required, or a positive declaration meaning an environmental impact statement is required. In order to make that determination, the town needs to look at Part 2 of the EAF. Harris Beach and LaBella Associates, the Town of Enfield's engineering consultant on the Black Oak Wind Farm proposed project, reviewed the material that the project sponsor submitted and went through all of the potential impacts. There are impacts that are potentially large and cannot be mitigated which are the basis for the recommendation that a positive declaration be issued by the town board. As a result of the review, a resolution has been prepared for a SEQRA Positive Declaration.

Resolution #2010-34

**SEQRA POSITIVE DECLARATION RESOLUTION
FOR
BLACK OAK ROAD WIND FARM PROJECT**

WHEREAS, Enfield Energy, LLC (the "Applicant") has submitted an application pursuant to the Town of Enfield's Wind Energy Facilities Law (the "Wind Energy Law") proposing to develop a commercial site at Black Oak Road and at various other locations within the western portion of the Town of Enfield for the purpose of constructing a commercial-scale wind farm (the "Project"); and

WHEREAS, the Applicant desires to facilitate a review of the Project pursuant to the Wind Energy Law which will include an environmental assessment of the Project pursuant to the New York

State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, in addition to submitting its zoning application, the Applicant submitted an expanded Full Environmental Assessment Form ("FEAF") as required by SEQRA; and

WHEREAS, on or about April 14, 2010, the Town Board of the Town of Enfield (the "Town Board") determined the Application to be substantially complete for the purpose of commencing a SEQRA review; and

WHEREAS, on or about April 14, 2010, the Town Board further declared its intent to act as Lead Agency in order to complete a coordinated review of the Project pursuant to Section 617.6(b)(3) of the SEQRA regulations; and

WHEREAS, thirty (30) calendar days have passed since the Town Board's mailing of its intent to act as Lead Agency for the SEQRA review of the Project, and no objection to the Town Board acting as Lead Agency has been made by any of the involved agencies noticed therein; and

WHEREAS, as required by the SEQRA regulations, the Town Board has thoroughly reviewed the FEAF for the Project; has identified the relevant areas of environmental concern; and has taken a hard look at those concerns, considering both the magnitude and importance of each impact; and

WHEREAS, upon review of the information recorded on the FEAF, it is determined that the Project may result in one or more large and important impacts that may have a potential significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF ENFIELD TOWN BOARD AS FOLLOWS:

Section 1. The Town Board accepts its role as Lead Agency for the SEQRA review of the Project and authorizes the Town Supervisor to undertake any and all steps necessary to carry out the Town Board's obligations as Lead Agency pursuant to SEQRA.

Section 2. The Town Board determines that a Positive Declaration, as that term is defined by the SEQRA regulations, is required for the Project, and that a notice of the Positive Declaration shall be filed in accordance with the requirements of SEQRA and a draft environmental impact statement ("DEIS") be prepared as applicable.

Section 3. The Town Board further directs that a Draft Scoping Document for the DEIS be sent to all applicable involved agencies and interested agencies, and copies of the Draft Scoping Document be made available for the general public to review at locations determined to be appropriate by the Town Supervisor.

Section 4. The Town Board further directs that a public comment period be established wherein written comments on the Draft Scoping Document can be submitted by the general public to the Town Board.

Section 5. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Councilperson Teeter moved to accept the Resolution with a second by Councilperson Owens.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Frank Pavia noted that the next step is to publish the Notice of Positive Declaration in the DEC's publication. Copies of the Part 2 EAF, as corrected, will be sent out, along with the Resolution, to all the interested and involved agencies so they are aware that in fact the town board, as the lead agency, has issued a positive declaration requiring the preparation of an environmental impact statement. The first step toward that process is the preparation of a draft scoping document, which is basically a table of contents of the items that need to be reviewed and analyzed by the project sponsor in the environmental impact statement. A draft scoping document will be prepared by Harris Beach and Labella, shared with the project sponsor for input, and brought before the town board for questions. Then the document will be made available to the public for a 30 day public written comment period. A public meeting can be held, but is not required, within the 30 day period for the public to comment as well. All the comments received from the public during that period will be addressed, and a final scoping document will be prepared for approval by the town board.

Budget Amendment #10-2010

WHEREAS, the balance of the Wind Farm Escrow Account has gone below \$2,000.00, and

WHEREAS, a check in the amount of \$10,000.00 was received from the Wind Farm Developer,
now therefore be it

RESOLVED, that the General Fund Account, line item A4989, titled "Other Home and Community Services", be increased by \$10,000.00 and General Fund Account, line item A8020.41, titled "Home Community Services, Planning Contractual – Escrow Account", be increased by \$10,000.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #10-2010.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Draft Scoping Document for the Black Oak Wind Farm project:

Mark Tayrien gave a brief overview of the SEQR DEIS Draft Scoping Document. The Draft Environmental Impact Statement ("DEIS") will include all elements required by 6 NYCRR 617.9. The statement will be mailed to all interested and involved agencies. Copies of this document can be obtained at the Enfield Town Clerk's Office.

The scoping document is best understood when explained in reverse...from the end process to the beginning.

~~ The last step [3] is the point at which the Board decides to approve or disapprove the SEQR Finding Impact Statement regarding pertinent information that was found as it went through the environmental review process.

~~ The final impact statement [2] is the factual basis on which the Board will make their finding/decision.

~~ The Draft Scoping Document [1] will be produced after determining what goes into the final impact statement.

The majority of the work in the Draft Scoping Document has been prepared by the project sponsor, LaBella Associates P.C., and is routine because of past experience with questions that have already been asked and answered, and questions that may be forthcoming. Mark gave the Board a brief overview of the Document.

Marguerite Wells of the Enfield Energy Wind Farm Project asked about Section 3.4 pertaining to bird/bat species. Mark explained that the project sponsor consults with the DEC who is the lead resource of expertise...and almost always follows their recommendations.

Councilperson Teeter expressed concern about the wording in 3.14 **Socioeconomics** relative to Enfield's decision to "opt out". Enfield is not anticipating a PILOT agreement. Mark agreed that the language was somewhat misleading and will be corrected and incorporated by LaBella Associates. It was unclear at this time which schools were relevant...Enfield students attend Newfield, Ithaca, Odessa and Trumansburg Schools.

Supervisor Barriere moved, with a second by Councilperson Teeter, to accept the SEQR DEIS Draft Scoping Document for the proposed Enfield Energy Wind Farm Project with the discussed changes relative to Enfield's position in the "opt out" language of the PILOT wording in Section 3.14 [Socioeconomics] and allow LaBella Associates to move forward with the document.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

Public Comment Period for the Draft Scoping Document:

Supervisor Barriere moved, with a second by Councilperson Owens to hold the Public Comment period for the Draft Scoping Document at 6 p.m. on August 11, 2010 with the regular Town Board meeting starting immediately afterwards.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye. Carried.

2010 --August 11 - Town Board Meeting

Public comment session on the Draft Scoping Document for the Wind Farm:

Supervisor Barriere opened the public comment session by reading the legal ad that was published in the Ithaca Journal notifying the public of the session and also the opportunity to submit written comments to the town clerk between July 16 and August 15, 2010.

Frank Pavia, attorney for the town in Wind Farm matters, reviewed the background leading up to the public comment period. The town board adopted a resolution passing a positive declaration under SEQRA for the proposed Wind Farm project. As a result of that action, the town board has required that an environmental impact statement be prepared by the project sponsor for the project. The first step towards that is preparing a draft scoping document which is like a proposed table of contents. It lists everything that will be analyzed and examined in the environmental impact statement. Under the SEQRA regulations there is a requirement of a period for the public to comment on the draft scope. After all comments are received, a final scoping document will be prepared. That final document will be adopted and that will basically be the document by which the draft environmental impact statement is prepared.

John Rancich, project developer, asked if he could request removal of the requirement that he provide a survey of avian species within the project area since existing surveys, done by Cornell University's Laboratory of Ornithology, may fulfill the State Department of Environmental Conservations' requirement.

There being no one else who wished to speak, the public comment session was closed at 6:07 by Supervisor Barriere.

Frank Pavia explained that the next step will be to get all comments to LaBella. They will prepare a final scoping document that should be ready for the next town board meeting, September 8, 2010. At that meeting the town board can agree or not agree with the comments and walk through the changes. The board can pass a resolution adopting the final scoping document "as revised", it would be finalized, and the process can begin for preparing the draft environmental impact statement.

At this point Frank Pavia left the meeting.

Letter of Intent for a Long Term Power Purchase Agreement

Marguerite Wells, Black Oak Wind Farm project manager, explained one of the steps to get financing for the project is to show that there is interest in purchasing power from the wind farm. Therefore, they are asking local municipalities to sign a Letter of Intent. The letter would be non-binding and would not include a price for the power. The wind farm has also approached the Tompkins County Council of Governments along with

Ithaca College and Cornell University. Town attorney, Guy Krogh has been asked for comments on the proposed Letter of Intent and has a few concerns that can be worked out.

John Rancich, project developer, would like to be able to present letters to financiers from local community businesses and municipalities showing that there are a lot of people who want this electricity, and this will also help in efforts to have this truly be a community owned project.

Supervisor Barriere suggested changes be made to the Letter of Intent as proposed by Guy Krogh and then bring it to the town board next month for a vote.

2010 --September 8 - Town Board Meeting

Review, revise and approve the Final SEQR Scope for the Wind Farm

Supervisor Barriere summarized that at the August 11, 2010 meeting the draft scoping document was presented. There was a 30 day public comment period where comments could be heard from the public, along with involved and interested agencies. These comments were taken into consideration and LaBella Associates put together a final scoping document.

Mark Tayrien of LaBella Associates explained the purpose of the scoping document is to define and specify the content of the draft environmental impact statement. If the final scoping document is approved tonight, the next step would be preparation of an environmental impact statement which is most commonly prepared by the project sponsor. After the document is compiled and submitted back to the town board, the board will determine whether it is complete and sufficient for public review purposes. Once this is complete, a notice will be filed to begin the public comment process. When the comment period is closed, a final impact statement will be prepared. The project sponsor has the option to prepare the draft impact statement, but the town board has the responsibility to prepare the final statement. Once the final environmental impact statement is done, the very last step in the SEQRA process is called issuance of findings, which is also the town board's responsibility. At that point the project can be approved, disapproved or approved with modifications.

With respect to the final scoping document, seven written comments were received. The draft was then edited to address the points brought up by those agencies.

Councilperson Teeter asked about several items in the final scoping document.

Councilperson Teeter moved to accept the SEQRA DEIS Final Scoping Document with a change on page 11, removing the first three sentences of the first paragraph "The analysis presented in the DEIS will assess, characterize and describe specific visual contrasts. Visibility will be demonstrated through view shed mapping, line of sight analysis and photo simulation. The evaluation of visual impact will be made on the basis of a description of each affected inventoried resource, in order to establish whether or not visibility of the new element in the landscape ((wind turbines and/or other

project components)) would reduce the public's enjoyment of that resource). Motion was seconded by Councilperson Gaynor.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried.

Resolution # 2010-48

SEQRA FINAL SCOPE RESOLUTION FOR BLACK OAK ROAD WIND FARM PROJECT

WHEREAS, Enfield Energy, LLC (the "Applicant") has submitted an application pursuant to the Town of Enfield's Wind Energy Facilities Law (the "Wind Energy Law") proposing to develop a commercial site at Black Oak Road and at various other locations within the western portion of the Town of Enfield for the purpose of constructing a commercial-scale wind farm (the "Project"); and

WHEREAS, the Project is subject to an environmental assessment pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, on or about June 9, 2010, the Town Board of the Town of Enfield (the "Town Board") declared itself Lead Agency in order to complete a coordinated review of the Project pursuant to SEQRA, and issued a Positive Declaration requiring the preparation of an environmental impact statement; and

WHEREAS, the Town Board, pursuant to its June 9, 2010 resolution, further required that a Draft Scoping Document be prepared; be sent to all involved and interested agencies for review and comment; and made available to the public for review and comment for a minimum period of thirty (30) days; and

WHEREAS, the Draft Scoping Document was subject to both a written public comment period and a public meeting held on August 11, 2010 at the Town Hall for purposes of receiving comments from the public on the Draft Scoping Document; and

WHEREAS, a Final Scoping Document has been prepared for adoption by the Town Board which incorporates all of the relevant comments received from the involved and interested agencies, as well as the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF ENFIELD TOWN BOARD AS FOLLOWS:

Section 1. The Town Board accepts the Final Scoping Document and directs that a Draft Environmental Impact Statement be prepared consistent with its requirements.

Section 2. The Town Board further directs that the Final Scoping Document and/or notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Supervisor Barriere moved to accept Resolution #2010-46. Second by Councilperson Teeter.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried.

Letter of Intent for a Long Term Power Purchase Agreement

Councilperson Owens moved, with a second by Councilperson Teeter to authorize Supervisor Barriere to sign a letter of intent with Enfield Energy.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried.

2010 --October 13 - Town Board Meeting

Budget Amendment #22-2010

WHEREAS, the balance of the Wind Farm Escrow Account has gone below \$2,000.00, and

WHEREAS, a check in the amount of \$10,000.00 was received from the Wind Farm Developer, now therefore be it

RESOLVED, that the General Fund Account, line item A4989, titled "Other Home and Community Services", be increased by \$10,000.00 and General Fund Account, line item A8020.4, titled "Home Community Services, Planning Contractual – Escrow Account", be increased by \$10,000.00.

Supervisor Barriere moved, with a second by Councilperson Owens, to approve Budget Amendment #22-2010.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried.

2010 --November 10 -- Town Board Meeting

Budget Amendment #25-2010

WHEREAS, the balance of the Wind Farm Escrow Account has gone below \$2,000.00, and

WHEREAS, a check in the amount of \$10,000.00 was received from the Wind Farm Developer, now therefore be it

RESOLVED, that the General Fund Account, line item A4989, titled "Other Home and Community Services", be increased by \$10,000.00 and General Fund Account, line item

A8020.41, titled "Home Community Services, Planning Contractual – Escrow Account", be increased by \$10,000.00.

Supervisor Barriere moved, with a second by Councilperson Teeter, to approve Budget Amendment #25-2010.

Vote: Councilperson Gaynor aye, Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere aye. Carried.

2011 –June 8 -- Town Board Meeting

Presentation by Enfield Energy: Marguerite Wells gave an update on the Enfield Energy Windfarm project. They are in the midst of their EIS process which is related to the town as lead agency. They are doing studies on birds, bats and plants which need to be done for four seasons. They are working with the grid manager, the New York Independent Systems Operator (NYISO). Enfield Energy will be working with South Dakota Wind Partners, a wind farm that offers stock to community members. Enfield Energy hopes to have a draft Environmental Impact Statement for the town board by late summer or early fall.

2011 –October 12 -- Town Board Meeting

Councilperson Owens mentioned this Road Preservation Plan will be needed before the wind farm project starts.

2012 –January 11-- Town Board Meeting

Assignment and Assumption Agreement for the Wind Farm: Supervisor Barriere reported Enfield Energy Wind Farm has sold their assets to Black Oak Wind Farm. The board needs to recognize this so the developer's agreement will follow on to the new company. The environmental impact statement may be ready for presentation to the town board by next month, along with a presentation.

2012 –December 12 -- Town Board Meeting

Black Oak Wind Farm Presentation: Supervisor Barriere introduced Marguerite Wells of Black Oak Wind Farm and Frank Pavia, an attorney from Harris Beach advising the Town of Enfield on the Black Oak Wind Farm proposed project.

Ms. Wells explained the wind farm project is moving along. Environmental studies are being compiled into a Draft Environmental Impact Statement (DEIS). As a result of the environmental process, some of the layouts have been changed.

Ben Brizell and Jim Pippin of edr Companies, the group overseeing the environmental review of the project, gave a brief overview of what has happened to date and the steps left of the State Environmental Quality Review Act (SEQRA) process with the town being the lead agency. The future steps anticipated are: February, 2013 complete all necessary support studies; March, complete DEIS and issue for public/agency comment; April-May, Public Comment Period on DEIS, will include DEIS public hearing; July, issue Final Environmental Impact Statement (FEIS); August, issue SEQRA Findings Statement.

In 2010 the plan was for 13 turbines and studies began. Detailed analyses revealed a potential adverse impact due to operational noise. Prior to release of the DEIS, an alternative layout was identified which avoids/minimizes potential noise impacts. This 2012 layout includes 7 turbines. Ultimately the DEIS will be based on the 7 turbine layout, will be compliant with SEQRA regulations, will be compliant with the Final Scoping Document and will contain numerous supporting studies and information.

The DEIS content will include supporting studies/information on Acoustic (noise) study, agency correspondence, agricultural protection measures, avian and bat risk assessment, communications studies, cultural resources study, ecological survey, geotechnical analysis, invasive species management plan, preliminary Storm Water Pollution Prevention Plan (SWPPP), preliminary switch yard and substation design, shadow flicker analysis, transportation route evaluation, and visual impact assessment.

County Legislator Jim Dennis asked what the cost would be now that the turbines have been reduced from 13 to 7. Ms. Wells responded it will be a roughly 30 million project. She also mentioned that Enfield Energy sold the project to Black Oak Wind Farm. The hope is to keep this a community owned project. The Town of Enfield, Tompkins County and the Ithaca City School District will be entitled to payment in lieu of taxes once the SEQRA process is finished. Also, returns on the project will go back to investors.

Councilperson Rider asked if the Wind Farm was on track for financing. Ms. Wells responded yes, they are. They are in a no comment period until January 1, so can't discuss financing now.

Attorney Frank Pavia reminded the board the town has a wind ordinance law with specific conditions, factors and criteria. If the project is built, funds will be set aside to take the turbines down when the time comes. The DEIS will analyze potential economic benefits and community benefits and the public will have an opportunity to comment on that as part of the process.

Ms. Wells estimated there will be about 75 construction jobs created during project construction time and 1 or 2 jobs long-term. A road use agreement is being developed

with Tompkins County. There is only about 1/2 mile of Black Oak Road that is owned by the town.

Councilperson Hern asked when the beginning of construction was planned. Ms. Wells responded in the fall of 2013 or spring of 2014 is the plan.

Attorney Pavia stated LaBella, engineer for the project and Harris Beach, will review the DEIS once final, then the information will go to the public for a two month period with a public hearing during which time all comments will be accepted for the final impact statement. If the town board deems findings are complete, a finding statement will be issued. So there will be other opportunities for the public to review, provide comments, and participate.

County Legislator's Report: Jim Dennis reported the Tompkins County Legislature passed their budget with a 3.69% tax levy which was the exact amount of their tax cap. Results of the Southern Tier Regional Grant should be announced in late December. He has been involved in meetings dealing with payment in lieu of taxes regarding the Black Oak Wind Farm. A host agreement would benefit the Town of Enfield as it will cover the town first, and whatever is left over will be divided among the town, school district and county. He thanked Roy for the work he has done as town supervisor for the past three years.

2013 February 13 -- Town Board Meeting

Wind Tower Law Exception: Councilperson Howe-Strait moved, with a second by Councilperson Teeter to approve Resolution #2013-20.

Resolution #2013-20 Wind Tower Law Exception

WHEREAS, The Enfield Town Board passed a Wind Farm Law which controls height and other considerations of wind turbine placement and

WHEREAS, William Bassett of 765 Bostwick Road desires to erect a 126 ft. wind turbine for his personal use and in cooperation with the Sciencenter of Ithaca who will use their live video and data feed to create a renewable energy educational display for the children of Tompkins County and

WHEREAS, the windmill they have chosen is controlled by the Wind Farm Law and

WHEREAS, the Code Enforcement Officer and the Planning Board see no adverse effect of the erection of this windmill on the Town

THEREFORE, the Town approves the erection of said windmill on residential property at 765 Bostwick Road, using recommendations given by the manufacturer and commonly accepted methods of construction in New York State.

Vote: Councilperson Howe-Strait aye, Councilperson Teeter aye, Supervisor Rider aye. Councilperson Hern absent. Carried

Town residents are invited to go on a visit to a wind farm in Howard, New York on March 16. Anyone interested should contact Marguerite Wells of the Black Oak Wind Farm by March 1.

2013 -April 10 - Town Board Meeting

Black Oak Wind Farm Draft Environmental Impact Statement: Supervisor Rider stated the Wind Farm DEIS is almost completed. The Wind Farm engineering firm and town attorney for the Wind Farm Project are reviewing the document and will make recommendations before the document is submitted to the town board. Both the engineering firm and attorney would be able to meet with the town board to go over the document at a special working board meeting to be held May 15 at 6:30 p.m. The DEIS should be in the hands of board members at least a week before May 15.

2013 -May 8 - Town Board Meeting

Update on Road Preservation Plan: Supervisor Rider and Dan Walker met to bring together a Road Preservation Plan similar to the plan the Town of Caroline is enacting. The county has a plan and our plan would need to be in synch with it. Hopefully by the end of this year there will be a working document for perusal and public input. The plan would acknowledge the common and ordinary use of town roads. Large projects that stress the roads, and are not normal use, would need a special permit. The Wind Farm Project will enter into an agreement so the town won't need a Local Road Use Law before construction begins.

Update on Local Law #1 of 2013: Supervisor Rider stated there are still several items to be addressed before this can be enacted. A SEQRA needs to be completed, but there still needs to be follow-up with Mr. Slottje. Also, the draft law needs to be sent to the Tompkins County Planning Department for their comments.

Supervisor Rider moved, with a second by Councilperson Carpenter to forward the revised proposed Local Law #1 of 2013 to the Tompkins County Planning Department for their review and comments; and further to have the SEQRA finalized; and finally to direct the town clerk to send the revised draft law to the Tompkins County Planning Department.

Councilperson Carpenter asked how long it would take for the SEQRA process. Supervisor Rider responded it should not take much time, but she will follow up with Mr. Slottje.

Vote: Councilperson Carpenter aye, Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Teeter aye, Supervisor Rider aye. Carried

Black Oak Wind Farm Draft Environmental Impact Statement: Supervisor Rider stated the Wind Farm DEIS is almost completed. The Wind Farm engineering firm and town attorney for the Wind Farm Project are reviewing the document and will make recommendations before the document is submitted to the town board. Both the engineering firm and attorney would be able to meet with the town board to go over the document at a special working board meeting to be held May 22 at 6:30 p.m.

Councilperson Carpenter asked if any advantages the town would gain from having the wind farm have already been developed and established.

Councilperson Teeter responded if the wind farm agrees to a PILOT (payment in lieu of taxes) agreement with the IDA, the property will come off the tax rolls, then the IDA, or the county, will control the PILOT. So if there is a PILOT agreement, whatever the town does will be null and void, and the town will not see much income for the first ten years.

Supervisor Rider stated she has heard the PILOT will be with the town, not with the county, since we are the lead agency. Usually the PILOT continues with the current split: the school district gets the largest share, and whatever the percentage is between the town and county would continue to be the split.

Councilperson Teeter stated the only way you can be forced into a PILOT agreement is if you have an agreement or your property is not on the tax rolls. So if they don't go with the IDA and get the property off the tax rolls, we can take full taxes. When she spoke with the Tompkins County Assessment Office it appears that the total increase in taxes for the entire project would be about \$250,000 per year. If the town gets 10%, it would be about \$25,000 more in the first year.

2013 -May 22 - Town Board Meeting
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**Special Working Meeting Minutes for Black Oak Wind Farm Project
Enfield Community Building
Wednesday, May 22, 2013
6:30 p.m.**

Present: Town Supervisor Ann Rider, Town Councilperson Chris Hern, Town Councilperson Vera Howe-Strait, Town Clerk Alice Linton. Absent: Town Councilperson Mike Carpenter, Town Councilperson Debbie Teeter.

Town Supervisor Rider opened the meeting at 6:35 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Supervisor Rider explained the purpose of this working meeting was to inform and elicit comments from the town board. No public comment period was scheduled for this

meeting. She introduced Frank Pavia of Harris Beach, the law firm retained by the Town of Enfield for the Black Oak Wind Farm Project; Mark Tayrien of LaBella Associates, the engineering firm retained by the Town of Enfield for the Black Oak Wind Farm Project; and Marguerite Wells, project manager of the Black Oak Wind Farm Project.

Frank Pavia explained the project originally was planned for 13 wind turbines, but has now been reduced to 7. The proposed project has gravel access roads and will include a substation and temporary staging area on approximately 1,000 acres of privately leased lands. The Enfield Town Board has been declared lead agency under New York State Environmental Quality Review Act (SEQRA). A final scoping document was adopted by the town board. The proposed Draft Environmental Statement (DEIS) has been prepared by the project sponsor and presented to Harris Beach, LaBella, and Enfield town board members. If the DEIS can be deemed complete at the June 12, 2013 town board meeting, the time can begin for public comments, including a public hearing. The document will be sent to about a dozen interested and involved agencies so they can comment. The DEIS will be available on a website maintained by the project sponsor and at the Enfield Town Hall. Once the Final Environmental Impact Statement is drafted, it will be presented to the town board.

Mark Tayrien stated if the town board accepts the DEIS as complete, they aren't vouching for everything in it. The DEIS is the project sponsor's document. The town board needs to determine if the DEIS complies with the scoping document. Mr. Tayrien went over the comments LaBella had regarding the document.

Marguerite Wells responded to the comments made by LaBella. It was agreed that about 40 letters would be sent to homeowners in the area stating their property has been identified as being within a certain area and including their tax map number in the letter so they can reference their property.

If town board members have any revisions to the DEIS, they should forward them to the town clerk by May 31 and they will be forwarded to Marguerite Wells. Once revisions have been made by Black Oak Wind Farm, the revisions will be sent to Harris Beach, LaBella and the Town of Enfield by June 7 so there will be time to review same before the June 12, 2013 town board meeting.

Adjournment: Supervisor Rider moved, with a second by Councilperson Howe-Strait, to adjourn at 8:18 p.m. Carried.

2013 - June 12 - Town Board Meeting

Acceptance of Black Oak Wind Farm DEIS: Supervisor Rider stated a working meeting was held regarding the DEIS and the town board had 10 days from the meeting to give comments to the town's engineering consulting firm, LaBella. No comments were received and LaBella worked with Jim Pippin of edr, the engineering firm for the Black Oak Wind Farm, to resolve inconsistencies. All parties have substantially agreed on the findings, and feel there are no issues substantive enough to preclude the board from accepting the DEIS at this time.

Supervisor Rider moved, with a second by Councilperson Hern to accept the Black Oak Wind Farm Draft Environmental Impact Statement with the statement that we will continue working on outstanding items not resolved.

Discussion: Supervisor Rider stated LaBella will prepare the Final Environmental Impact Statement with input from all interested and involved agencies and anyone else wishing to comment on the document.

Jim Pippin of edr stated his firm compiled the information in the DEIS on behalf of Black Oak Wind Farm. He stated edr will be adding details for the final document.

Supervisor Rider moved, with a second by Councilperson Hern to accept the SEQRA DEIS Resolution.

Resolution #2013-25

SEQRA DRAFT ENVIRONMENTAL IMPACT STATEMENT RESOLUTION

WHEREAS, a predecessor-in-interest of Enfield Energy, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a twenty (20) turbine wind-powered generating facility to be located on leased private lands totaling 1,060 acres (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, pursuant to its June 9, 2010 resolution, the Town Board also issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, a Final Scoping Document was accepted by the Town Board on September 8, 2010 for preparation of the DEIS; and

WHEREAS, the Project Sponsor has taken the Final Scoping Document, and pursuant to 6 N.Y.C.R.R. § 617.10, has prepared a DEIS and is now seeking to commence the requisite public comment period in order to receive public input.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF ENFIELD AS FOLLOWS:

Section 1. Pursuant to 6 N.Y.C.R.R. §§ 617.9 and 617.10 of the SEQRA regulations, the Town Board accepts the DEIS; determines that the DEIS is adequate for

public review; and directs that copies of the DEIS be provided to all involved and interested agencies, as well as to any individual requesting a copy. The Town Board further directs that copies of the DEIS be posted on the website located at www.blackoakwindny.com and maintained at the Town Hall offices for public review.

Section 2. The Town Board shall prepare, file, and publish a notice of completion of the DEIS in accordance with 6 N.Y.C.R.R. § 617.9(a)(3).

Section 3. Pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(3) and (a)(4)(ii) of the SEQRA regulations, a comment period during which the public and involved and interested agencies may submit written

comments to the Town Board relating to the DEIS shall extend from June 17, 2013 to July 22, 2013. In addition, pursuant to 6 N.Y.C.R.R. § 617.9(a)(4) of the SEQRA regulations and Article III, Section 2(F) of the Town of Enfield's Wind Energy Facilities Local Law, the Town Board shall hold a public hearing at the Town of Enfield Community Building, 182 Enfield Main Road, on July 10, 2013, commencing at 7:00 p.m., and shall duly publish notice of the hearing at least fourteen (14) days prior to the public hearing being conducted. In addition, notice of the public hearing shall be given first class mail to all property owners located within 500 feet of the boundary of each proposed wind turbine generator at least seven (7) days in advance of the public hearing.

Section 4. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 5. This Resolution shall take effect immediately upon adoption.

Vote: Councilperson Hern aye, Councilperson Howe-Strait aye, Supervisor Rider aye. Councilperson Carpenter absent, Councilperson Teeter absent. Carried

Supervisor Rider stated there will be other opportunities for public comments besides the public hearing. July 22 will be the end of the comment period.

2013 – July 10 - Town Board Minutes

Public Hearing: The public hearing on the Draft Environmental Impact Statement for the Black Oak Wind Farm was opened at 7:00 p.m.

Dave Bock of 109 Porter Hill Road spoke in favor of the Black Oak Wind Farm. Taylor Peck of 6315 State Road, Alpine, spoke in favor of the Black Oak Wind Farm. Gene Tighe of 423 West Enfield Center Road spoke of his concerns regarding wind turbine syndrome.

Nancy Spero of 68 North VanDorn Road stated she supports wind power, but was concerned about effects on wildlife and the health and well being of residents who live close to the turbines.

Cris McConkey of 402 Aiken Road spoke in favor of the Black Oak Wind Farm.

JoAnne Cipolla-Dennis of Dryden spoke in favor of the Black Oak Wind Farm.
 Deborah Cipolla-Dennis of Dryden spoke in favor of the Black Oak Wind Farm.
 Sam Law of 16 Muriel Street, Ithaca, spoke in favor of the Black Oak Wind Farm.

The public hearing was closed at 7:27 p.m. by Supervisor Rider.

2013 – August 14 - Town Board Minutes

Update on Wind Farm Project: Supervisor Rider stated she participated in a conference call with interested parties which included Marguerite Wells, project manager; Frank Pavia, the town's attorney from Harris Beach Law Firm; LaBella Engineering Firm; and project engineer Jim Pippin of edr. The town is now ready to move to the Final Environmental Impact Statement (FEIS) which is the board's document. It takes in all the public comments, the board's concerns, and LaBella's concerns. Our attorney, Frank Pavia, states it is common practice for the project engineers to prepare the FEIS as they have all the information and it would be more expensive to the town for the town's engineers, LaBella, to prepare the document. The document will be subject to LaBella signing off on their concerns and new concerns as a result of the public hearing.

Councilperson Teeter stated that was the process for the original document also. Edr wrote the document, LaBella reviewed it and stated what they felt was missing, edr amended the document and LaBella said the document was ready for the town board to review.

2013 – October 9 – Town Board Minutes

Supervisor's Report: Supervisor Rider reported she attended 2 meetings regarding payment in lieu of taxes for the Black Oak Wind Farm,.

2013 –November 13 – Town Board Minutes

RESOLVED, that the General Fund Account, line item A9710.6, titled "Serial Bond Payment", be decreased by \$3,000.00 and General Fund Account, line item A1420.4, titled "Attorney - Contractual", be increased by \$3,000.00.

Discussion: Supervisor Rider explained due to the Black Oak Wind Farm and a landlord problem, legal fees were more than expected for this year.

Councilperson Teeter stated she felt Black Oak Wind Farm costs were to go through an escrow account and be paid by the Black Oak Wind Farm.

Supervisor Rider stated that is true, but this expense is for our town attorney who on certain occasions during the past 10 months was asked to be present, in addition to our attorney for wind farm matters.

Vote: Councilperson Carpenter aye, Councilperson Hern aye, Councilperson Howe-Strait aye, Councilperson Teeter aye, Supervisor Rider aye. Carried.

Supervisor Rider moved, with a second by Councilperson Teeter to adopt Budget Amendment #2013-11.

Supervisor's Report: Supervisor Rider reported she attended a road use meeting with Black Oak Wind Farm, Dan Walker and Highway Superintendent Rollins and attended the monthly TCCOG meeting. She conferred with the Association of Towns regarding the 2014 town budget, with the State Comptroller's Office regarding the tax levy limit, and spoke with the NYS Retirement System regarding the town's bill for 2014. She attended 2 professional development sessions and a county meeting regarding animal control issues.

2014 – January 8 - Town Board Meeting

Supervisor's Report: Supervisor Rider reported she attended a meeting with the Black Oak Wind Farm

2014 – April 9 - Town Board Meeting

Councilperson McGee asked where the town is with the Road Preservation Law. Supervisor Rider stated it is on her desk in a file. She is getting a sample agreement and will fill it in for the Town of Enfield.

Planning Board Chair Dan Walker stated that unless there are over 1,000 trips with a 30 ton truck, the county law doesn't kick in. This law will kick in when the wind farm is built in Enfield. The most current revision of the information from the engineer for the wind farm is going over 1,000 trips.

County Legislator Jim Dennis asked what the status of the wind farm is. Supervisor Rider stated they have been asked by our consulting firm to do more reporting. Dan Walker stated his understanding was the final environmental impact statement, which is the responsibility of the Town Board to complete, is being drafted but the information has not yet been provided to the Town Board.

2014 – May 14 Town Board Meeting

Town Supervisor's Report: Supervisor Rider stated she met with the Tompkins County Department of Social Services to finalize plans for a satellite office in Enfield to be open the same days as the food pantry - the 2nd and 4th Tuesday of each month - from 1:00 to 4:30 p.m. They will help residents fill out applications for assistance. She met with Marguerite Wells regarding a road use agreement for the Black Oak Wind Farm. Planning Board chair Dan Walker will go over the agreement to help finalize it, then Highway Superintendent Buddy Rollins will look over the agreement, and finally it will go to our lawyers to look at. She continued to orient the new bookkeeper and will be attending a budget school in Rochester this Thursday and Friday for municipal officials.

2014 – July 9 Town Board Meeting

Privilege of the Floor: Marguerite Wells, Project Manager of the Black Oak Wind Farm gave an update on the project. The final Environmental Impact Plan will soon be ready for formal submission. The public investment round will begin in the next

three weeks. Historical consultants have recommended a public good work to mitigate the loss of views. Black Oak Wind Farm is planning to donate \$15,000 to the town for that purpose. The State Historic Preservation Office will have input into what project will be funded. Tompkins County Area Development has received a formal application for Payment in Lieu of Taxes. A public hearing will be held on this in the near future.

2014 – August 13 Town Board Meeting

Audit Claims:

Councilperson Carpenter moved, with a second by Councilperson McGee to authorize the supervisor to pay General Fund vouchers #208 to #234 dated August 13, 2014 in the amount of \$17,110.29 and Highway Fund vouchers #132 to #135 and #137 to #149 dated August 13, 2014 in the amount of \$55,344.54.

Discussion: Councilperson McGee remarked that Voucher #220 would put the Black Oak Wind Farm escrow line item in the red by about \$4,000.00.

Supervisor Rider stated she has given the Black Oak Wind Farm notice that more funds need to be forwarded to the town for that escrow account.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson McGee aye, Supervisor Rider aye. Councilperson Howe-Strait absent. Carried.

Town Supervisor's Report: Supervisor Rider stated she attended a TCCOG meeting, a dog meeting, and a shared services meeting. She opened new accounts at Tompkins Trust Company, wrote to state officials regarding the look-back period for shared services, attended the IDA public hearing on the Black Oak Wind Farm, worked on a road use agreement, met with TCAT and John Rancich about the Park and Ride, completed paperwork for youth services money, attended a cemetery committee meeting, attended a dinner sponsored by NYMIR and asked the Tompkins County Assessment Department to do an up-to-date assessment of certain parcels of town land.

Wind Farm FEIS Progress:

Supervisor Rider stated the Final Environmental Impact Statement should be ready soon so the board can give feedback, hopefully by the September town board meeting. The Black Oak Wind Farm is required to put up a security financial agreement to cover the cost of taking down the towers. A surety bond is the usual way, but it is up to the town board and wind farm to make the agreement. A road use agreement will also be needed, which Supervisor Rider is working on. Her concern is the mechanism to determine road conditions prior to construction starting.

Councilperson Carpenter suggested checking with other towns where wind farms are located to see what they have used.

Councilperson McGee stated her disappointment that the public hearing on the Payment In Lieu of Taxes was held at 4 p.m. when most residents were at work and unable to attend.

2014 –September 10 - Town Board Minutes

Discussion: Councilperson McGee asked if billings by the town attorney for Black Oak Wind Farm fees should be paid from the Black Oak Wind Farm escrow account. Supervisor Rider will look into this. Councilperson McGee also suggested the town utilize the legal counsel for the Association of Towns to answer legal questions, as their services are covered under our annual membership fee.

At this time Councilperson Bryant arrived.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Black Oak Wind Farm Final Environmental Impact Statement Progress: Dan Walker stated the FEIS is going through the chain of command. He has agreed to work on a road use agreement that the Black Oak Wind Farm will voluntarily enter into. Supervisor Rider's concern is that a clear definition of the condition of the one mile of town road be established prior to construction, done by a third party. Then an inspection should be completed after the construction is complete to determine the amount of damage done by the construction.

Dan Walker stated a cost estimate should be obtained to totally rebuild the road and this amount should be put in escrow by the Black Oak Wind Farm. He envisions the road may require some pre-work, it will require maintenance work during the life of the project, and will require reconstruction at the end.

Supervisor Rider stated there will be a Community Host Agreement to benefit the town - one of the benefits has to be a historic component. The town will be reimbursed \$15,000 for the impact the wind farm has on noise and view.

Councilperson McGee feels this is not enough. Over a 20 year period that would be less than \$800 per year.

2014 –November 12 - Town Board Minutes

Supervisor Rider stated she would be adding an item to the agenda at this time, the **Black Oak Wind Farm Final Environmental Impact Statement (FEIS)**.

Kathy Spencer of LaBella, the town engineering firm for the Black Oak Wind Farm, gave an update on the project. She stated there are four purposes of the FEIS. The first is to discuss any changes to the project since the Draft Environmental Impact Statement (DEIS) was written. The second is to talk about additional studies or additional information that has come to light since the DEIS was written. The third is to

list and identify any corrections to the DEIS. The fourth is to respond to comments that were made during the public hearing, or in letters.

In accepting this FEIS tonight, if the board decides to do so, it will complete the environmental impact statement. It will be one step away from completing the State Environmental Quality Review (SEQR) regulated process. The DEIS was authored by the project applicant, Black Oak Wind Farm, LLC. The FEIS is authored by the Enfield Town Board. It was written by LaBella on behalf of the town and should reflect the board's objective analysis of the potential impacts. LaBella believes the FEIS is complete, factually accurate, and a good objective representation of potential impacts. LaBella went through the document with the town's attorney for wind farm matters, Frank Pavia, Esq., of Harris Beach. He reviewed the document, made a few comments, changes were made, and he has now accepted and approved the document before the board.

If the Enfield Town Board approves the FEIS, the last step in the SEQR process is to prepare a Findings Statement. Frank Pavia, Esq. of Harris Beach will prepare this document. The Statement of Findings will be the rationale behind the town's decision to approve or not approve the Black Oak Wind Farm Project.

Councilperson McGee stated she felt comments have been thoughtfully addressed.

Dan Walker, chair of the Planning Board, feels this is a complete analysis, but final details of the actual construction will be in the Findings Statement which will include storm water management plans and a Road Use Agreement.

Acceptance of Final Environmental Impact Statement of the Black Oak Wind Farm

Supervisor Rider moved, with a second by Councilperson Bryant to accept Resolution #2014-46.

Resolution #2014-46 SEQRA FINAL ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, a predecessor-in-interest of Black Oak Wind Farm, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a wind-powered generating facility to be located on leased private lands located within the Town of Enfield (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act, and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, pursuant to its June 9, 2010 resolution, the Town Board issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on June 12, 2013, a DEIS was accepted by the Town Board as complete; and

WHEREAS, the Town Board conducted the requisite public comment period pursuant to the SEQRA regulations in order to receive public input on the DEIS and the Project; and

WHEREAS, upon completing the public comment period for the DEIS, the Town Board authorized the preparation of a Final Environmental Impact Statement ("FEIS") for the Project; and

WHEREAS, a FEIS has been prepared for the Project which has been reviewed and deliberated upon by the Town Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF ENFIELD AS FOLLOWS:

Section 1. Pursuant to 6 N.Y.C.R.R. § 617.9 of the SEQRA regulations, the Town Board accepts the FEIS as complete and directs that copies of the FEIS be provided to all involved and interested agencies, as well as to any individual requesting a copy. The Town Board further directs that copies of the FEIS be posted on the website located at *www.blackoakwindny.com* and maintained at the Town Hall offices for public review.

Section 2. The Town Board shall prepare, file, and publish a notice of completion of the FEIS in accordance with 6 N.Y.C.R.R. §§ 617.9(a)(6) and 617.12 of the SEQRA regulations.

Section 3. Pursuant to 6 N.Y.C.R.R. § 617.11 of the SEQRA regulations, interested and involved agencies, as well as the public, shall be afforded ten (10) calendar days to consider the FEIS prior to the Town Board adopting its SEQRA findings statement for the Project.

Section 4. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 5. This Resolution shall take effect immediately upon adoption.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye. Carried

2014 –December 10 - Town Board Minutes

Discussion: Councilperson McGee asked when escrow funds would be received from the Black Oak Wind Farm to cover expenses incurred. Supervisor Rider will clarify what amount is needed from the Black Oak Wind Farm and notify them.

Vote: Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye. Councilperson Bryant excused.
Carried

Black Oak Wind Farm Community Host Agreement: Councilperson McGee stated she would like more research before moving ahead with an agreement. Councilperson Carpenter questioned if \$15,000 was a fair value. Supervisor Rider reminded everyone that it is not mandatory for the Black Oak Wind Farm to give the town anything. Councilperson McGee will research other communities with wind farms in New York State and see what their Community Host Agreements and annual Payments In Lieu of Taxes (PILOT) are. After the research is done, the town board can discuss what they would like to ask the Black Oak Wind Farm for in terms of a Community Host Agreement.

New Business:

Findings Statement for the Black Oak Wind Farm: Supervisor Rider stated the draft Findings Statement has not been received by the town yet. Cornell University will be the purchaser of power from the Black Oak Wind Farm.

2015 –January 7- Town Board Minutes

Update on Black Oak Wind Farm: Supervisor Rider stated Frank Pavia of Harris Beach, the law firm representing the Town of Enfield in Black Oak Wind Farm matters, will be at the January 14 town board meeting to answer questions regarding the draft Findings Statement which was presented to town board members.

Dan Walker, chair of the Town of Enfield Planning Board, has read the document and noted there are 18 issues with a lot of duplication of mitigating measures. He noted Tompkins County will need to issue a Road Use Permit, and the town can use that document when preparing their own Road Use Agreement. He feels the actual permitting process for the wind farm is beyond the scope of Code Enforcement Alan Teeter's responsibilities and suggested the town would want to hire someone for this permitting process, and also to hire an environmental monitor for the process. This person(s) would be hired by the Town of Enfield, but paid by the Black Oak Wind Farm. He doubted a Host Community Agreement would need to be completed before approving the Findings Statement, but felt it would be a benefit to include the necessity of a Host Community Agreement as a requirement before permits are issued, even though it is not a requirement in the Town of Enfield Wind Farm Law.

Councilperson McGee feels it is the responsibility of the town to negotiate a Community Host Agreement. She has done extensive research and found many towns have received substantial benefits from their agreements and would like to see Enfield receive a fair benefit, most likely over multiple years.

2015 – January 14- Town Board Minutes

Discussion of the SEQRA Final Findings from the Black Oak Wind Farm: Frank Pavia, Esq. of the Harris Beach Law Firm, legal counsel to the Town of Enfield on Black Oak Wind Farm matters, explained the Final Findings is the final step in the SEQRA process for the Black Oak Wind Farm Project. The developer made many changes to the original footprint of the project, such as reducing the number of turbines from the original construction plan, which reduced the impact to the community and the environment. This has been a comprehensive review process with feedback from the public and involved agencies. The proposed Final Findings Statement is essentially the findings that the Enfield Town Board, as lead agency under SEQRA, would adopt concluding and summarizing all the analysis that was done as a potential impact associated with the project, as well as setting forth specific mitigation conditions that the project sponsor needs to comply with during the construction and the operation of the wind farm. The Final Findings Statement will conclude the SEQRA process. If and when the board adopts it, it will be maintained in the town hall for the public to review and will be distributed to all involved agencies, then permits will be issued pursuant to the Town of Enfield Wind Farm Law. There are still conditions in the Findings Statement to be met before the permits are issued, which include the decommissioning plan, a Road Use Agreement and negotiating a Host Community Agreement.

At this time Councilperson Virginia Bryant arrived.

Frank Pavia stated the document requires the hiring of an environmental monitor that will be paid for by the project sponsor but will report to and act at the direction of the town board. That monitor will be hired to ensure that the project sponsor adheres to all the requirements set forth in the environmental statement, make sure all the plans are working, the environmental compliance requirements are being adhered to and that environmental monitor, coupled with his or her reporting requirements to the town board, is a common tool by which communities are ensuring the project sponsor will be meeting and satisfying the requirements set forth in documents like this.

Supervisor Rider moved, with a second by Councilperson Bryant to adopt Resolution #2015-3.

Resolution #2015-3 Acceptance of Findings Statement for Black Oak Wind Farm

WHEREAS, a predecessor-in-interest of Black Oak Wind Farm, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a wind-powered generating facility to be located on leased private lands located within the Town of Enfield (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act,

and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, pursuant to its June 9, 2010 resolution, the Town Board issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on June 12, 2013, a DEIS for the Project was accepted by the Town Board as complete; and

WHEREAS, the Town Board conducted the requisite public comment period pursuant to the SEQRA regulations in order to receive public input on the DEIS and the Project; and

WHEREAS, on November 12, 2014, the Town Board accepted as complete a Final Environmental Impact Statement ("FEIS") for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF ENFIELD AS FOLLOWS:

Section 1. The Town Board accepts the Findings Statement for the Project as submitted pursuant to 6 N.Y.C.R.R. § 617.11 of the SEQRA regulations.

Section 2. The Town Board further directs that the Findings Statement for the Project and notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 3. This Resolution shall take effect immediately upon adoption.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye. Carried

2015 – March 11- Town Board Minutes

County Planning Department Comments on Black Oak Wind Farm: Supervisor Rider stated a letter was received from the Tompkins County Department of Planning regarding their review pursuant to section 239-1, -m and -n of the NYS General Municipal Law Site Plan Review for the proposed 7-turbine Black Oak Wind Farm. The review recommended requirements regarding several wetland/stream crossings anticipated as a result of the access roads and buried electrical lines.

Supervisor Rider will send a letter to the Tompkins County Department of Planning stating their suggestions will be addressed in the final permit document.

2015 – May 13 - Town Board Minutes

Black Oak Wind Farm: Supervisor Rider stated she had received a proposal from LaBella Associates for Black Oak Wind Farm Engineering and Monitoring Services.

Costs of these services will be reimbursed by the Black Oak Wind Farm. She will contact attorney Guy Krogh to see if 3 bids are necessary for this service.

Dan Walker submitted a draft Road Use Agreement. The issuance of a permit for the Black Oak Wind Farm would be contingent on the signing of a Road Use Agreement by both the Town of Enfield and the Black Oak Wind Farm. A Town of Enfield Highway Permit doesn't exist at this time, but Dan Walker will talk to Highway Superintendent Rollins about this.

2015 – June 10 - Town Board Minutes

Black Oak Wind Farm Engineering and Monitoring Services: Supervisor Rider moved, with a second by Councilperson Howe-Strait to accept the LaBella Proposal for Black Oak Wind Farm Engineering and Monitoring Services as presented in a letter dated April 8, 2015.

Discussion: Supervisor Rider stated that since this is a professional service, it doesn't need to be put out to bid. LaBella has already been doing related work for the town regarding the wind farm and they are willing to continue through the construction phase. Councilperson McGee asked if the contract states all costs associated with the engineering and monitoring services would be passed on to the Black Oak Wind Farm. Supervisor Rider will look at the contract to confirm this.

Vote: Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Marguerite Wells from the Black Oak Wind Farm reported they are trying to get details taken care of. The first detail is the 239M review that was sent to the Tompkins County Planning Board to which they replied in March. Now the town needs to include the county's recommendations. She is hopeful the town board will vote at their July meeting to approve Tompkins County's recommendations. The second item is the Host Community Agreement which needs to be approved. Supervisor Rider had suggested \$15,000 might be given to the Enfield Community Council for their new building the first year of the Agreement. The following two years further funds would be available as part of the Agreement. The third item is a new GE turbine model is planned for the construction. The blades would be 7 meters longer and the sound level would remain the same.

She also informed the board that the substation was planned for land owned by Richie Teeter. Since it is now larger than originally planned, they would like to move it to the southeast corner of his field. NYSEG must own the land proposed instead of leasing as originally planned. The engineering firm for the Black Oak Wind Farm, edr, will be writing a letter to Frank Pavia, attorney for the town in wind farm matters, outlining the changes; and then Frank will send a letter to the Enfield Town Board outlining the changes in the next couple of weeks. The turbines should be here sometime next summer. September 2016 is the earliest that NYSEG could allow tie-in to their system. It will take about one year to build the substation, but if the concrete could be poured in the fall for the foundation, it would give them more time to work on the substation. The turbines don't take long to erect. Each of the new turbines will make about 10% more energy than the originally planned turbines would.

Supervisor Rider mentioned Planning Board Chairperson Dan Walker is working on the Road Use Agreement and believes it will be ready for the July meeting. An assessment of the road will be done prior to construction and then an estimate of degradation and that amount will be put in escrow. There will be an evaluation after construction is complete and actual damage will be assessed. LaBella will do the assessments for the town.

2015 – July 8 - Town Board Minutes

Black Oak Wind Farm Community Host Agreement: Councilperson Carpenter moved, with a second by Councilperson Bryant, to adopt Resolution #2015-36.

Resolution #2015-36 COMMUNITY HOST AGREEMENT WITH THE BLACK OAK WIND FARM

WHEREAS, the Black Oak Wind Farm is willing to enter into a Community Host Agreement, and

WHEREAS, a draft Agreement has been written, now therefore be it

RESOLVED that the Supervisor be authorized to sign this Agreement with the changes that the first payment is due within 30 days of the start of construction and after the 3rd payment is made, the town will negotiate with the Black Oak Wind Farm on future payments. Enfield Town Board Regular Meeting, July 8, 2015 6

Discussion: Supervisor Rider stated Councilperson McGee had previously stated that she felt \$15,000 per year for 3 years wasn't adequate compensation.

Black Oak Wind Farm representative Marguerite Wells stated residents in the Black Oak Wind Farm area will be compensated through a Good Neighbor Plan where everyone who lives in the foot print area of the project will be compensated for the life of the project. This will cost the wind farm \$40,000 per year for the life of the project. Councilperson Carpenter asked if the Black Oak Wind Farm had any willingness to expand the payment schedule.

Marguerite Wells responded it has been difficult to get financing already and to add another burden would make it even more difficult. For the first 15-25 years of the project life, there will be no dividends to equity investors.

Councilperson Carpenter suggested that the possibility of future payments could be added to the contract. After the third payment is made, Black Oak Wind Farm and the town board could meet again and discuss the possibility of continuing payments through the Community Host Agreement.

Ms. Wells was fine with that idea. If the project is successfully built, and there was the ability to add revenue, then she would be happy to share that with the town.

Clerk Linton asked to confirm that the \$45,000 would be going to the Enfield Community Council for the purpose of a new community building.

Councilperson Carpenter stated there was discussion about other possibilities, but he was agreeable to this use of the money. Supervisor Rider stated the community building would benefit all residents that want it to benefit them, and the amount of money can be maximized for the benefit of the community, rather than having a public works project with restrictions.

Councilperson Carpenter liked the idea of a park and felt the ECC could combine it with the concept of what they have planned. A park could benefit everyone in the town.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Supervisor Rider aye.

Councilperson Howe-Strait excused, Councilperson McGee excused. Carried

Black Oak Wind Farm Road Use Agreement: Supervisor Rider stated Dan Walker has put forth a draft Road Use Agreement which is in the format used at the Howard Wind Farm. Town Highway Superintendent Rollins has asked that the town be given money and they will do the road repairs. He prefers this to the wind farm doing the repairs. A third party will assess the condition of the road prior to construction and put a dollar value on what they predict will be the cost of repairs. That will be put in an escrow account. At the completion of the project, the town portion of the road will again be assessed to see how much damage has been done, a dollar amount will be assigned, and the escrow account will be used to pay for the repairs. Dan Walker will work with Buddy Rollins on this Agreement and have a revised document for the August meeting. Amendments to Black Oak Wind Farm SEQRA: Councilperson Carpenter moved, with a second by Councilperson Bryant to approve Resolution #2015-37.

Resolution #2015-37 Supplemental SEQRA Findings Enfield Town Board Regular Meeting, July 8, 2015 7

WHEREAS, a predecessor-in-interest of Black Oak Wind Farm, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a wind-powered generating facility to be located on leased private lands located within the Town of Enfield (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act, and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, pursuant to its June 9, 2010 resolution, the Town Board issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on June 12, 2013, a DEIS for the Project was accepted by the Town Board as complete; and

WHEREAS, the Town Board conducted the requisite public comment period pursuant to the SEQRA regulations in order to receive public input on the DEIS and the Project; and

WHEREAS, on November 12, 2014, the Town Board accepted as complete a Final Environmental Impact Statement ("FEIS") for the Project; and

WHEREAS, on January 19, 2015, the Town Board adopted a Findings Statement pursuant to SEQRA for the Project (the "Findings Statement"); and

WHEREAS, on June 24, 2015, the Town Board received a submission from the Project Sponsor outlining two (2) minor modifications to the Project including: 1) a change in the model of turbine from a GE 1.7-100 model to a GE 2.3-107 model increasing the rated capacity of the Project from 11.9 megawatts (MW) to 16.1 MG, as well as the height of the turbine by eight (8) feet; and 2) a shift in the location of the proposed interconnection substation to the south to avoid "cut and fill" and other earthwork impacts, and minor modifications to the alignment of the electric collection system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF ENFIELD AS FOLLOWS:

Section 1. The Town Board has reviewed the June 24, 2015 submission by the Project Sponsor pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(7) and 617.11(a) of the SEQRA regulations and determines that a supplemental environmental impact statement or modified findings statement is not required since the modifications do not represent new, significant potential adverse environmental impacts that have not been already addressed sufficiently in the Findings Statements, or require a substantive modification to the Findings Statement. To the contrary, the Town Board concludes that the modifications proposed by the Project Sponsor further avoid and/or mitigate to the maximum extent practicable the potential significant adverse environmental impacts associated with the Project.

Section 2. This Resolution shall take effect immediately upon adoption. Enfield Town Board Regular Meeting, July 8, 2015 8

Discussion: Supervisor Rider stated this relates to changing the size of the turbines and Frank Pavia, attorney for the town in Black Oak Wind Farm matters, has recommended this resolution. The changes are not sufficient to require another SEQRA. The speed and noise of the new turbines will be the same as the old ones.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Supervisor Rider aye. Councilperson Howe-Strait excused, Councilperson McGee excused. Carried

2015 – August 12 - Town Board Minutes

Letter from NYSEG acknowledging that they will start working with the Black Oak Wind Farm.

2015 – September 9 - Town Board Minutes

Code Enforcement Report: Code Enforcement Officer Alan Teeter reported in August there were 10 permits issued or renewed, bringing the year to date total to 51. There were 2 solar permits issued, bringing the year to date total to 18. He issued 1 certificate of occupancy, completed 5 inspections and 15 progress checks, received 1 valid complaint, and a prior complaint was resolved. There were 2 address numbers issued for substations at the Black Oak Wind Farm site. There was a fire at 1795 Mecklenburg Road last week. He has posted the property as condemned as it is not a safe structure.

Supervisor's Report: Supervisor She met with Councilperson Howe-Strait and Bill Kappell from USGS to decide on a well driller and decide on siting of research wells; directed the town attorney to prepare documents for closing on the Old Gravel Pit property Enfield Town Board Regular Meeting, September 9, 2015 3

and drafting a Road Use Agreement; contacted NYSEG regarding removing light poles across from town hall; applied for a demolition permit to raze the building across from the town hall.

Planning Board: Chair Dan Walker reported the Planning Board received a subdivision application for a 3 lot subdivision. This is for the Black Oak Wind Farm at the corner of Black Oak Road and Cayutaville Roads. A public hearing is scheduled for the October Planning Board meeting. This is a minor subdivision. Dan will be attending a flood plain management workshop that the county is putting on. This information should help to identify the flood plains in Enfield.

2015 – October 14 - Town Board Minutes

Privilege of the Floor: Dawn Drake of 105 Griffin Road questioned what the setback for wind turbines should be for the Black Oak Wind Farm. She feels these turbines are a health risk, and asking residents to sign a contract for a \$500 per year payment is not reasonable. Supervisor Rider asked for her comments in writing so she can take the information to the town's lawyer.

Denise O'Rourke of 418 Black Oak Road stated she is unhappy that the community has not been asked for their consent before the wind farm is built. She feels property values will go down. She would like town residents to be asked how they feel about the wind farm. Supervisor Rider stated the town has been working on this for 10-12 years and

many public hearings have been held. Frank Pavia of the Harris Beach law firm is the town's attorney on wind farm matters.

Marguerite Wells of 863 Black Oak Road addressed some of the previous comments. The purpose of the \$500 per year contract is to help residents who live close to the wind farm offset the cost of electric bills. The wind farm would like to share the wealth, but it is not necessary for anyone to sign a contract to receive \$500 per year. There will be new land owners for one turbine and the substation, so the wind farm will be coming back to the town board with a formal proposal in the next month or so.

Supervisor's Report: Supervisor Rider submitted her report. She attended meetings with TCCOG, USGS, Emergency Planning Committee, TCAD, insurance agent John Kuehn, Renovous and Melissa Kemp, concerned citizens regarding the wind farm, and Barbara Lifton; developed contracts with Frey Well Drilling and town residents that agreed to have test wells dug on their property; got the warning light at Enfield Elementary School working; ordered Ehrhart to install a new fuel tank in the Community Building, created the Tentative 2016 Town of Enfield Budget and presented it at a special town board meeting; conferred with town attorneys regarding the Black Enfield Town Board Regular Meeting, October 14, 2015 3

Oak Wind Farm project and a Road Use Agreement; worked on closing papers for the Old Gravel Bank sale

Planning Board: Chair Dan Walker reported the Planning Board scheduled a public hearing for their last meeting, but due to a change in plans of the Black Oak Wind Farm the public hearing was cancelled. A presentation was given by Debbie Teeter of Cooperative Extension regarding agriculture districts. This information is reviewed every 8 years, and there are no major changes anticipated