

### **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.

### **2007 January 3 – Planning Board Meeting\*\***

John Rancich attended meeting answering questions regarding his plans for Wind Farm. Ron Clark, Code Enforcer, gave a temporary MET permit for tower. John states he has not planned on how the town would be involved in the Farm – possibly payments in lieu of taxes or partner and share in the profits. There was discussion on concerns of the community.

### **2007 March 7 – Planning Board Meeting\*\***

John Rancich attended meeting asking if the Planning Board agrees to be the Lead Agency for the SEQR process. Co-chair V. Bryant thinks either the Planning Board or the Town Board would be the Lead Agency and clarification. John presents is proposal for wind farm to Planning Board.

### **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.

### **2007 – April 11 – Town Board Meeting**

Planning Board: Councilperson Hubbell reported that the 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 2 – Planning Board Meeting\*\***

Joint Town of Enfield Board and Planning Board Meeting.

John Rancich, described his plans for a wind farm on Connecticut Hill. He would like to eventually install 10-15, 2.5-3 megawatt turbines on the site. The first phase would involve the installation of 10 turbines within the town of Enfield; these turbines would generate power equivalent to the Tompkins County power demand. All of the proposed sites are tentative.

Concerns from community members: noise, “kills birds”, high-power lines need upgrading, rural character, view of wind farms, research stating distress, nausea. Other discussion regarding laws.

### **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.

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 6 – Planning Board Meeting\*\***

Mike Miles reported taking a recent hike on Connecticut Hill, specifically the Newfield side of the proposed wind farm, to see the proposed turbine sites. He recommended this hike to Planning Board members. Town Supervisor Jean Owens invited him on the tour this Saturday of the wind farm in Fenner for Town Board and Planning Board members. Discussion followed concerning who from the town government would be attending this tour.

### **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 7 – Planning Board Meeting\*\***

John Rancich attends meeting thanks attendees for tour to Fenner Wind Farm. Environmental Management Council, voted unanimously to support Wind Farm proposed project.

Teeter asked for the current setback for the proposed tower sites; with one exception, 500' to 600' from houses and roads, although many are 1000' away.

Needed approval in place by the middle of 2008, with windmills starting to go up in late 2008 and early 2009 with 6 to 7 month construction phase.

V. Bryant asked what is the longevity of the towers; there are differing warrantee periods, but the useful life of a maintained unit will be 30 years, although technology will probably result in earlier replacement.

### **2007 – July 11 Town Board Meeting**

#### **Wind Farm SEQR/DEC:**

Supervisor Owen contacts Association of Towns to inquire about the SEQR process

Article 10 gives the authority for permitting renewable energy resources such as wind farms to the State.

DEC appears that the State is going to assume the role in permitting and being the lead agency.

Question whether or not the Town should begin to approach DEC rather than the Town incurring the expense.

Councilperson Harvey says that the Town needs to have a wind farm ordinance in place for protection.

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. 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.

#### **2007 August 1 – Planning Board Meeting\*\***

John Rancich attended meeting. Has reviewed the draft Wind Ordinance says it looks good. Discussion on Ordinance: moratorium stops or at least stalls proposed project ordinance would allow project to move forward. Didn't think a moratorium was in the best interests of the town. Motion was defeated for moratorium.

Discussion on routes trucks would take in construction of wind farm. Black Oak Road most direct route.

Resolution by D. Teeter to take the EMC's Model Municipal Ordinance for Utility-Scale Wind Energy Conversion Systems and strike #4; insert 1.5 miles into #13; change "locally" to "Town of Enfield" in #6.6; make the setback for all items under #6.9, 1.5 times the total height of the tower and add a "consent" statement; under #6.13 add "depending on land use" after "5' below final grade", add "Town has right of Salvage" clause and change "maybe" to "shall be"; and add "if any, not included in the Environmental Assessment" after "Additional Information" on page 3; and forward this amended ordinance to the Town Board. Motion approved.

#### **2007 - August 8 – Town Board Meeting**

John Rancich announced he was there to answer any questions on the wind farm. Wind Farm proposal is on the website.

Concerns from community members: wonders what is the benefit to the town for wind farm

Planning Board: Virginia Byrant reported that the the Planning Board meet with the Town Board to go over the Reviewed Utility-Scale Wind Energy Conversion System Model Ordinance and discuss any changes.

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

### **2007 September 5 – Planning Board Meeting\*\***

Motion by V. Bryant to change this document to a local law rather than a municipal ordinance, motion approved.

### **2007 – September 12- Town Board Minutes**

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.

Planning Board: Virginia Bryant reported that the Planning Board Worked on drafting of a wind farm ordinance and decided to recommend it as a local law.

### **2007 October 5 – Planning Board Meeting\*\***

The board began working through the document to confirm the changes recommended to date were incorporated, but had difficulty due to interruptions by members of the public who wanted the set back figures increased.

Motion by A. Chaffee to change all set backs to 1500', 2nd by C. Rothermich. J. McConkey said he believes there needs to be at least two set back figures, one from residences and others for property lines, roads, power lines, etc. A. Chaffee thinks there should be one set back for everything. McConkey reiterated he would really like the Planning Board to have a thoughtful discussion about set backs. Motion failed.

A. Chaffee moved to send the draft law to the Town Board with the changes approved to date, 2nd by Rothermich, approved without dissent.

Members of the public interrupted the meeting with loud speaking and shouting. J. McConkey explained the need for order in order for the board to conduct business.

Meeting adjourned 8:27 p.m. due to an inability to conduct business over continuous shouting and interruptions from the public.

### **2007 - October 10 – Town Board Meeting**

Privilege of the Floor: A heated debate for and against the wind farm proposal was held.

**Planning Board:** 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.

### **2007 – November 20 – Town Board Meeting**

A Special Town Board meeting 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 was discussed and changes noted.

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.

#### **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.

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.

#### **2007 - December 17 – Town Board Meeting**

A public hearing was held Monday, December 17, 2007 to hear public comment on the purposed Utility Scale Wind Energy Conversion Systems Law.

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**

Resolution #42 Local Law #3 – Entitled "Utility Scale Wind Energy Conversion Systems (USWECS). Discussed, and made the following changes: **note see detailed wind farm time line for details.**

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.

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

Resolution the Town Board of the Town of Enfield hereby adopts said local law entitled: "UTLITY SCALE WIND ENERGY CONVERSION SYSTEMS LAW OF THE TOWN OF ENFIELD, ITHACA, NEW YORK.

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 too 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.

#### **2008 – January 9 – Town Board Meeting**

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.

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. Motion carried.

#### **2008 February 13 – Town Board Meeting**

Resolution 2008 – No. 9 Repeal Local Laws #2 and #3 of 2007. Resolution Passed. ... 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, 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

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

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.

**Announcements:**

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

**2008 – March 12 - 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. \

**RESOLUTION NUMBER 13 – 2008 - LOCAL LAW NUMBER 1 OF 2008 -**  
**A LOCAL LAW REPEALING LOCAL LAW #2 OF 2007 AND LOCAL LAW #3 OF 2007**

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

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.

**2008 April 2 – Planning Board Meeting\*\***

Planning Board members members suggested to read Town of Hartswell Town Wind Law. Reference to flicker effect rate discussed.

### **2008 May 7 – Planning Board Meeting\*\***

Enfield Energy, LLC MET Tower: John Rancich presented information concerning the existing and proposed MET towers: Photo of current tower SQR short form for each tower plus a letter from DEC stating he doesn't need to submit them. A map showing the location of both towers, including the items from the Site Plan Review procedure as specified at the last Planning Board Meeting

Public Hearing for wind farm to be held at next meeting. Required by Site Plan Review Law.

Members attend Wind Ordinance Training in Cortland NY: Reported that utility bills for those near existing wind farms have risen, and this will be an important piece to consider when approving any projects. compensation to the Town, and corresponding reduction in municipal taxes, will need to off set that increase to community members.

Need to make sure our law incorporates language that transfers obligations from one owner to the next. There are reports of discrepancies in what land owners and municipalities are compensations, so we want to make sure we consider whatever aspects of those issues might be appropriate. We also want to make sure the town is not obligated to take over this project at any time.

The board began the process of reviewing the Hartsville Law in comparison with the Model Wind Law received by Town Board members at a training earlier this year and worked through the first 5 pages of the Hartsville Law while referring to the Model Ordinance. They will work on the next pages at the next meeting.

### **2008 May 14 – Town Board Meeting**

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**

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 9<sup>th</sup>, 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. Motion 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. Motion carried.

### **2008 July 9 – Town Board Meeting**

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.

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**

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

### **2008 September 10 – Town Board Meeting**

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. Motion 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 tabled 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:

1.5 set backs dominated the discussion. “We don’t have to strictly follow those recommendations,” Supervisor Podufalski said.

Councilperson Masser expressed concerns brought up at the Public Hearing November 6<sup>th</sup>. The audience participated in discussion about set backs, what happens ten years down the road if the developer doesn’t want to continue.

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**

Wind Energy Facilities Local Law Resolution: 2008 Resolution No 38

Naming the Town as Lead Agency for the SEQRA review of the proposed Wind Energy Facilities Local Law and Scheduling Public hearing . Motion carried.

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. Motion 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.**

Discussion: **note see detailed wind farm time line for details.**

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.

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 implacable.

A SEQR would have to be done before a permit is issued.

County Planning Department's jurisdiction under General Municipal Law is to identify county wide or negative inter-municipal impacts. Resolution carried.

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

**(Resolution attached??).** Discussion: See discussion under Resolution #9.  
Resolution carried.

### **2009 June 10 – Town Board Meeting**

Hiring of Legal Firm with Expertise in Wind Farm Development:

Supervisor Podufalski states John Rancich is to present Site Plan Review at July board meeting.

Supervisor has scheduled a meeting with four different firms that specialize in wind farm 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.

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

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**

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.

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 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.

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. Motion carried.

#### **2010 March 10 – Town Board Meeting**

Resolution #2010-28 Budget Amendment No. 2-2010, 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. Resolution carried.

#### **2010 – April 14 - Town Board Meeting**

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.

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.** Resolution carried.

#### **2010 – May 12 – Town Board Meeting**

Deputy Town Supervisor Owens introduced Steve Messmer, Project Manager with Delta Engineers. 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.

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.

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.

**Resolution #2010-34 SEQRA POSITIVE DECLARATION RESOLUTION FOR BLACK OAK ROAD WIND FARM PROJECT.** Resolution carried.

Frank Pavia noted that the next step is to publish the Notice of Positive Declaration in the DEC's publication.

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.

**Budget Amendment #10-2010** - the balance of the Wind Farm Escrow Account has gone below \$2,000.00, and a check in the amount of \$10,000.00 was received from the Wind Farm Developer.

#### **2010 -- July 14 - Town Board Meeting**

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 majority of the work in the Draft Scoping Document has been prepared by the project sponsor, LaBella Associates P.C.

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.

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. Motion carried.

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. Motion carried.

#### **2010 --August 11 - Town Board Meeting**

Public comment session on the Draft Scoping Document for the Wind Farm:  
Frank Pavia, attorney for the town in Wind Farm matters, reviewed the background leading up to the public comment period.

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.

#### **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**

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.

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. Motion carried.

**Resolution # 2010-48 - SEQRA FINAL SCOPE RESOLUTION FOR BLACK OAK ROAD WIND FARM PROJECT.** Resolution carried.

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

#### **2010 --October 13 - Town Board Meeting**

Budget Amendment #22-2010 - balance of the Wind Farm Escrow Account has gone below \$2,000.00, and a check in the amount of \$10,000.00 was received from the Wind Farm Developer

#### **2010 --November 10 -- Town Board Meeting**

**Budget Amendment #25-2010** Budget Amendment #22-2010 - balance of the Wind Farm Escrow Account has gone below \$2,000.00, and a check in the amount of \$10,000.00 was received from the Wind Farm Developer.

#### **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.

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.

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.

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 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**

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. Motion 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 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.

### **2013 -May 22 - Town Board Meeting**

Special Working Meeting Minutes for Black Oak Wind Farm Project

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.

#### **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.

Supervisor Rider moved, with a second by Councilperson Hern to accept the SEQRA DEIS Resolution. **Resolution #2013-25** SEQRA DRAFT ENVIRONMENTAL IMPACT STATEMENT RESOLUTION. Resolution carried.

#### **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. The document will be subject to LaBella signing off on their concerns and new concerns as a result of the public hearing.

#### **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**

**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.

#### **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 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.

#### **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**

**Town Supervisor's Report:** Supervisor Rider stated she attended the IDA public hearing on the Black Oak Wind Farm, worked on a road use agreement,.

**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 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.

**Black Oak Wind Farm Final Environmental Impact Statement Progress:** Dan Walker has agreed to work on a road use agreement that the Black Oak Wind Farm. 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.

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.

Resolution #2014-46      SEQRA FINAL ENVIRONMENTAL IMPACT STATEMENT. Motion Carried

#### **2014 –December 10 - Town Board Minutes**

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.

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, . 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.

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.

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

**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** . 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. Motion 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 there were 2 address numbers issued for substations at the Black Oak Wind Farm site.

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.

### **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; conferred with town attorneys regarding the Black Enfield Oak Wind Farm project and a Road Use Agreement

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.