

Sumner Industrial Wind Ordinance Committee (IWOC) Meeting minutes

November 10, 2011

Minutes taken by Jessica Doe

IWOC members: Kathy Emery (Chair), Jessica Doe (Vice-Chair), Jeffery Pfeiffer, John Allen, Lawrence O'Rourke, Lana Pratt, and Diane Todd.

The IWOC meeting commenced at 7 pm at the Sumner Town Office.

Attending:

IWOC board members- Kathy Emery, Jessica Doe, Jeff Pfeiffer, John Allen, Lana Pratt, Larry O'Rourke and Diane Todd.

Select Board Members- Mary-Ann Haxton

Public- Jackie Dwinal, Ingrid Erikson, James McCarthy, and Marty Elkin.

Reading of 11/7 meeting minutes.

Jeff Pfeiffer would like to add that he reserves the right to reply formally in writing to the allegations against him as soon as possible.

M & S to accept the minutes as read, with the addition of the statement above by Jeff Pfeiffer. CTV carries unanimously.

Minutes of 11/8 meeting read. M & S to accept the minutes as read. CTV carries unanimously.

2 committee members feel that the language from the comprehensive plan should be integrated into section 2.

Discussion of accepting text but having the option to open it back up in the future

Motion to vote for conditional approval of each title as we go through the ordinance draft, reserving the opportunity to vote to reopen each title in the future, given committee or town input. Motion seconded. CTV carries unanimously.

M & S to conditionally accept section 1. CTV carries unanimously.

Discussion of grammar changes.

M & S to conditionally accept section 2, with the changed grammar. Also remove "general." CTV carries unanimously.

M & S to conditionally accept section 3. CTV carries unanimously.

Discussion of the most restrictive provision applying in section 4. Consensus that the more restrictive provision shall prevail. We need to compare Sumner site plan review to see what the language is for consistency relative to section 4. Also review other ordinances for paragraph 1 of section 4.

Discussion of the second sentence of the first paragraph of section 4. Suggestion to bracket that sentence and not include it in the vote.

M & S to conditionally accept section 4.1 with the condition of checking the site plan review language. Also, while bracketing the second sentence of the first paragraph of section 4 for possible removal due to the constitutionality of the statement. CTV carries unanimously.

Discussion of the timeline in section 4.2. Inserting "town clerk certified" after "consisting of a." Take out "expeditiously" and replace it with "within 30 days." After "Select Board" insert "as is."

Discussion of getting a written opinion from MMA that "we should make the ordinance as restrictive as we want." Jeff asks "what is the test that applies." Suggestion that all communication from MMA goes through Kathy.

Motion that we eliminate Jeff as the chair of the legal subcommittee. Seconded. CTV. 2 in favor, 3 opposed, 2 abstentions.

Suggestion that Jeff CC's all legal subcommittee communication with MMA to the rest of the committee. Suggestion that Jeff emails the MMA specific phrases that have been approved through email by the IWOC ahead of time.

M & S that the above phrase will be the case. CTV carries unanimously.

what is the vote threshold for the other ordinances in town? We need to be consistent within the town.

M & S to accept the changes in 4.2, with the exception of adding the voting threshold, pending MMA input and comparison

to other Sumner ordinances. (Inserting "town clerk certified" after "consisting of a." Take out "expeditiously" and replace it with "within 30 days." After "Select Board" insert "as is."). CTV carries unanimously.

Discussion of changing the 3rd paragraph of section 5. Discussion of severability not being addressed in this section.

M & S to remove first two paragraphs of section 5 as being redundant to section 4. CTV carries unanimously.

Larry will suggest some text for section 5 and bring it back to the IWOC. Larry suggests the Phillips version of Validity and Severability.

M & S to change section 5 to read " Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such a decision shall not invalidate any other section or provision of this ordinance." CTV carries unanimously.

Discussion of the last sentence in 6.2., in particular the retroactive part. Need to check with MMA about section 6.2. Jeff will run the existing language through MMA.

M & S to conditionally accept section 6.2 pending mma review and scratch the section in brackets. Also adding "or the date of any subsequent extension" after "June 06, 2011." CTV carries unanimously.

M & S to conditionally change section 7 to "This ordinance applies to all wind energy facilities and met towers in the town of sumner proposed to be studied, constructed or operated after the effective date of this ordinance." CTV carries unanimously.

Discussion of adding a notification or application process for studies.

Discussion of 8.1.1, taking out "litigation" after iwef and putting in "including all associated costs"

Discussion of 8.2.1. take out "who makes" change words around to "Any representations made to the town by" ADOO. Also "expected to provide a guarantee in a form acceptable to the planning board of the represented tax and/or revenue as a..."

Discussion of 8.4.3 add "or one half of one percent of the project cost" after "below 50,000."

Motion to accept the above changes. seconded. CTV carries unanimously.

M & S to end the meeting 9:26. CTV carries unanimously.