

**Town of Enfield  
Public Hearing and  
Special Town Board Meeting Minutes  
Enfield Community Building  
Wednesday, March 31, 2010  
6:00 p.m.**

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Clerk Alice Linton, Attorney for Town of Enfield Guy Krogh

Absent: Town Highway Superintendent Barry Rollins

Excused: Town Councilperson Stephanie Gaynor

Supervisor Barriere opened the public hearing by leading the assemblage in the Pledge of Allegiance to the Flag.

A public hearing on the proposed Mass Gathering Law and the proposed Road Construction Law was held Wednesday, March 31, 2010 at 6:00 p.m. at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York with Supervisor Barriere presiding.

Supervisor Barriere read the notice of the public hearing published in the Ithaca Journal.

**Mass Gathering Law**

Councilperson Hern questioned what appeared to be a contradiction between the insurance requirements in Article E and the issuance requirements in Article F. He suggested taking out the discretionary part of Article F, Section 4. Guy Krogh suggested to change the wording in that sentence to read: In the event the Code Enforcement Officer makes a determination of the existence of any potential liability, loss, or expense, the Town Board, as a prior condition to the issuance of any permit, may require that the applicant provide a bond and/or other undertaking, together with the insurance as stated in Section E, and insurance as required above, to protect the Town from and against any such potential liability, loss, or expense.

Councilperson Teeter asked whether the Code Enforcement Officer would be the one to make a determination of the existence of any potential liability, loss or expense.

Several small typos were mentioned that will be corrected. A fee schedule will be attached to the application.

Guy Krogh recommended that the Local Law authorize the restatement of a fee schedule by the Town Board as a resolution each January.

**Road Construction Law**

Supervisor Barriere had asked Highway Superintendent Rollins for his comments previously. His only concern was that we have permits in place, but we could use the county's forms as samples to get us started. Supervisor Barriere is working with Guy Krogh to put together a Road Preservation Law which will marry up with the Road Construction Law, similar to what other towns in the area are working on.

Councilperson Teeter mentioned that we should be working with Ag and Markets on the companion piece, unless there is specific language that exempts agricultural operations.

Attorney Guy Krogh explained that this law is not written to stop gas drilling, but it may alert the town to areas where drilling is planned.

Councilperson Hern asked about Section 5C. Guy Krogh explained that some roads are highways by use, and therefore the town owns the road and owns the right-of-way but the surrounding property owners own to the center line. So the town would technically be in a position where it would be issuing a permit to do work on private property because the underlying land is not actually owned by the town. The idea behind this section of the law is to show that the owner of the adjacent land says you can be on it.

Councilperson Hern also asked about Section 10B – within 20 days of the date the Permit is issued. He felt the language should be within 20 days of the date stated upon the Permit. All agreed the change would be appropriate.

Councilperson Teeter moved to close the public hearing at 6:45 p.m. with a second by Councilperson Hern.

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

### **SPECIAL TOWN BOARD MEETING MINUTES**

A special Town Board meeting was held directly after the close of the public hearing with Supervisor Barriere presiding.

#### **Broadband support letter for Clarity Connect:**

Chuck Bartosch is finishing up work on a grant and requested a letter of support. All had agreed previously to support the grant, but Supervisor Barriere asked for a formal motion.

Councilperson Teeter moved with a second by Councilperson Hern to authorize Supervisor Barriere to send the letter in support.

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

#### **Budget amendments for the Highway Fund:**

Resolution #2010-30

**BA# 2010-4**

WHEREAS expenses have exceeded the budget in highway fund account line item DA5130.4 titled Machinery Contractual, now THEREFORE be it resolved that the highway fund account DA5110.4 titled General Repairs Contractual be decreased by \$20,000.00 and highway fund account DA5130.4 titled Machinery Contractual be increased by \$20,000.00.

Supervisor Barriere moved with a second by Councilperson Owens moved to accept the budget amendment.

Discussion: Councilperson Hern asked that we look at the 2011 budget early this year so there will be plenty of time to work on the budget.

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

Resolution #2010-31

**BA#2010-5**

WHEREAS hearing tests are now OSHA mandated as noted by the Highway Superintendent, and WHEREAS those funds are generally taken out of line item DA5110.4 titled Miscellaneous Expenses according to the office of The State Comptroller, now THEREFORE be it resolved that the Highway Fund Account DA5110.4 titled General Repairs Contractual be decreased by \$500 and Highway Fund Account DA5140.4 titled Miscellaneous Expenses be increased by \$500.

Supervisor Barriere moved with a second by Councilperson Teeter to accept the budget amendment.

Discussion: The amount is based on approximately \$80 per person as presented previously by Highway Superintendent Rollins.

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

Warrant amendment resolution for first quarter warrants:

Resolution #2010-32

**BA#2010-6**

WHEREAS the line items have been established for the Wind Farm Escrow Account and expenses related to the Wind Farm at the March 10, 2010 General Town Board Meeting, and WHEREAS legal expenses pertaining to the Wind Farm were incurred from January 1 through March 10, 2010 and taken out of the General Fund Account line item A1420.4 titled Attorney Contractual, now THEREFORE be it resolved that the following warrants and vouchers be amended as follows: Warrant #1, voucher #13 total amount of \$5,202.49 move all from line item A1420.4 titled Attorney Contractual to line item A8020.41 titled Home Community Services Planning Contractual Escrow Account; Warrant #2, voucher #41 total amount of \$2,200.00 move all from line item A1420.4 titled Attorney Contractual to line item A8020.41 titled Home Community Services Planning Contractual Escrow Account; Warrant #2, voucher #54 total amount of \$2,490.00 move \$900.00 from line item A1420.4 titled Attorney Contractual to line item A8020.41 titled Home Community Services Planning Contractual Escrow Account; Warrant #3, voucher #85 total amount of \$1,380.00 move \$540.00 from line item A1420.4 titled Attorney Contractual to line item A8020.41 titled Home Community Services Planning Contractual Escrow Account.

Councilperson Owens moved with a second by Councilperson Hern to accept the budget amendment.

Discussion: The vouchers where only a portion was transferred are the portion from Thaler and Thaler that is Wind Farm related.

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

Announcements:

Councilperson Teeter attended a meeting at TC3 on municipal preparedness for emergencies and felt we should follow up and have an emergency plan. Councilperson Owens noted the town had worked on a plan previously. The Town Supervisor has the authority to declare a state of emergency. The town should be prepared to go for 3-4 days without outside help if necessary. The fire department is first responder.

Adjournment:

Councilperson Owens moved with a second by Councilperson Hern to adjourn at 7:15 p.m.

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

Respectfully submitted,

Alice Linton  
Town Clerk