

**Town of Enfield**  
**Regular Town Board Meeting Minutes**  
**Enfield Community Building**  
**Wednesday, August 14, 2013**  
**6:30 p.m.**

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

Town Supervisor Rider opened the meeting at 6:30 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Supervisor Rider announced she would be adding a resolution to waive building permit fees for storm damage to new business on the agenda.

**Privilege of the Floor:** Beth McGee of Tucker Road asked the town board to give an update on air conditioners for the new highway facility office and break room. She would also like the town board to make sure all heaters are working in the facility before cold weather comes.

Craig Beierle of 103 Harvey Hill Road asked what the repairs from the recent flood will cost the town and if landowners will be responsible for any repairs. He asked if there are disaster funds available. He asked what the protocol is for emergency situations such as the recent flooding on Harvey Hill Road. He would like lower speed limit signs posted on Harvey Hill Road until repairs are made and asked if the town will be picking up debris. He also requested a preventive maintenance plan for Harvey Hill Road.

Supervisor Rider read a letter from Monique Morse of 99 Harvey Hill Road stating she called the highway superintendent at 8:30 p.m. during the middle of a severe storm to alert him that water was flowing fast down Harvey Hill Road. In her letter she asked when the cause of the flooding problem will be fixed and wondered where to put rocks, gravel and dirt from the recent flooding that are in her yard.

**Approval of Minutes:** Councilperson Teeter moved, with a second by Councilperson Carpenter to approve the minutes of the July 10, 2013 regular town board meeting.

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

**Correspondence:** Notice of the Tentative State Equalization Rate for the 2013 Assessment Roll from the New York State Department of Taxation and Finance. The tentative rate remains at 100%.

Memo from Bishop Sheen Housing notifying the town of Access to Home grants for low income families, disabled citizens, veterans and seniors over 65.

**Budget Amendments:** Supervisor Rider moved, with a second by Councilperson Hern to adopt Budget Amendment #2013-6.

**Budget Amendment #2013-6**

WHEREAS, expenses have exceeded the budget in the General Fund Account, line item A8810.4, titled "Cemeteries - Contractual", now therefore be it

RESOLVED, that the Fund Account titled "Memorial Cemetery Reserve", be decreased by \$800.00 and General Fund Account, line item A8810.4, titled "Cemeteries - Contractual, be increased by \$800.00.

Discussion: Supervisor Rider stated that at the July 10, 2013 meeting the board approved having trees removed and trimmed, but there were not sufficient funds in line item A8810.4 to pay for this work.

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

Supervisor Rider moved, with a second by Councilperson Carpenter to adopt Budget Amendment #2013-7.

### **Budget Amendment #2013-7**

WHEREAS, Highway Superintendent Buddy Rollins wants to move \$15,000 from "General Repair Contractual" DA5110.4, to "Machinery Contractual" DA5130.4, now therefore be it

RESOLVED, that Highway Fund Account, line item DA5110.4, titled "General Repair Contractual", be decreased by \$15,000.00 and Highway Fund Account, line item DA5130.4, titled "Machinery Contractual", be increased by \$15,000.00.

Discussion: Highway Superintendent Rollins explained more funds were needed for equipment repairs than were budgeted. This also includes new tires.

Councilperson Carpenter asked how close budget numbers are to real numbers.

Superintendent Rollins stated over the past several years approximately \$15,000 per year has to be transferred for repairs as the line item has not been increased in the budget.

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

**Audit Claims:** Councilperson Carpenter moved, with a second by Councilperson Hern to authorize the supervisor to pay General Fund vouchers #191 to #219 dated August 14, 2013 in the amount of \$26,671.38, and Highway Fund vouchers #137 to #156 dated August 14, 2013 in the amount of \$61,345.85.

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

**Highway Superintendent's Report:** Highway Superintendent Rollins reported that while the repair bill for the truck motor was only \$1,000, the excavator repair was \$2,000.

Due to the flooding on August 8, 2013, Fish Road was closed, Hubbell Drive lost the turn-around at the end and Harvey Hill will need to have shoulders cleaned up, ditches dug and culvert pipes flushed. Enfield Center Road also has pipes that will need to be flushed. He expects Fish Road will be closed for several weeks before the cross pipe can be replaced. He estimated that \$46,000 has been spent so far on flood repairs which included labor, equipment and materials. The estimate to repair the pipe on Fish Road is \$5,000 to \$10,000. Tompkins County Soil and Water came out to look at the end of

Hubbell Drive and took pictures of the damage. That project will need to be a joint venture between the town and county as it will involve work on Trumbulls Corner Road. With that cost estimated at \$10,000 the total cost of town road repairs from the flood will be at least \$75,000.

Supervisor Rider stated Lee Shurtleff of the Tompkins County Department of Emergency Response visited Enfield today. Supervisor Rider signed a document declaring a State of Emergency in the Town of Enfield. This will not guarantee any funds coming into the town, but the hope is New York State will provide funds to put the roads and shoulders back to the condition they were in prior to the flood.

Councilperson Teeter stated she drove up Harvey Hill Road and saw the ditches were deep, but could still not accommodate all the water, so it went across the road and deposited stone and debris in yards.

Highway Superintendent Rollins stated that the major problem of the recent flooding on Harvey Hill Road was that culvert pipes plugged up. There are two cross pipes that should be increased in size.

Councilperson Carpenter asked if there was an overall plan for Enfield town road improvements for the future 2 plus years.

Superintendent Rollins replied yes, he looks at the roads with the most traffic. They replace pipes, increase the sizes of the pipes, before redoing the roads. Harvey Hill was oiled and stoned in 2008.

Councilperson Carpenter stated it appears rain events are getting larger and provisions should be made in the budget for contingencies. He asked if the highway budget is in line with the highway superintendent's plan for the next few years.

Highway Superintendent Rollins stated no, his budget has been decreased by \$16,000 over the last 5 years while the price of fuel has tripled and other expenses have increased. He has tried to keep ahead of problems and has mentioned his concerns of cross over pipes. When he started as highway superintendent he inspected all cross over pipes and they were having collapsed pipes at the time. They were being replaced as they collapsed. Now, when a road is improved, first the shoulders are cut, ditching is done, and pipes are replaced that need to be. It is very important to keep water out of roads - drainage is needed for good roads. One of the major things he has been working on is cutting shoulders and digging ditches.

Councilperson Carpenter stated that everyone wants their road to work for them, but if the town can't afford to do the repairs to get the roads in good shape, the board needs to make a decision on which ones will be done.

Councilperson Teeter stated there is a limited amount of money available for the town to spend.

Councilperson Carpenter understands that every road can't be fixed, and everyone can't be made happy, but the board needs to look and see what they can afford to fix, look at the plans and upgrades, and if more money can be found it will be good, but if not Superintendent Rollins shouldn't have adversarial relations with people who live on the road because the town can't afford to fix the roads and the residents think it's his fault. This should be discussed, a plan made, and notify residents of what the plan is.

Superintendent Rollins stated that, unfortunately, sometimes when a plan is made it can't be followed because the most important thing is car traffic safety for the roads.

Councilperson Teeter stated there seems to be a problem with emergency contacts.

Superintendent Rollins stated the town spent over \$10,000 on radios so that the fire department and highway department could communicate. They can also communicate with Tompkins County and Newfield.

Supervisor Rider stated the town's emergency plan needs to be revisited and updated and decisions will be made. She is making it a priority to have a local disaster plan that is readable and accessible in the near future. She also mentioned that the estimates for road repairs now can make a difference on how much funding is received in the future.

Councilperson Teeter asked what residents along Harvey Hill Road can do with the debris that has washed onto their property.

Highway Superintendent Rollins responded residents should not put debris in the ditches, but alongside them and the highway crew will clean up as they work on repairing the road over the next couple of weeks.

Supervisor Rider stated that until there has been a further assessment of damages and money that may help the town, the highway work needs to continue only on town roads and the town right-of-way.

Superintendent Rollins thanked Mr. Beierle for his help during the storm to keep water running into his field instead of the road.

Mr. Beierle accepted the acknowledgement of helping out and feels residents can be very helpful if they feel they are part of a team.

Councilperson Teeter asked if a temporary lower speed limit was posted on Harvey Hill Road. She feels there may be some town liability if something isn't done to make it clear that there should be a prudent speed.

Superintendent Rollins stated he could post signs for road construction. He can borrow signs from the county to put up temporarily.

Councilperson Hern feels, as a public safety measure, posting signs to temporarily lower the speed limit is a good idea.

Councilperson Carpenter stated that the road is not in the same condition as before the storm, so it is a good idea to put up signs to notify drivers. This could also help with liability issues.

Superintendent Rollins stated whenever the town redoes a road, or redirects water, the town pays for the new culvert pipes. When a homeowner wants a new culvert pipe, they pay for the culvert pipe with a permit. Driveways are the homeowner's responsibility while the ditch line is the town's responsibility. If a pipe is worn out, or if there is road construction where the town wants to increase the size of the pipe, the town pays for the pipe. A driveway pipe should be no smaller than 15". A cross-over pipe should be no less than 18".

Mr. Beierle asked about the issue of inlet and outlet of the culvert pipes, where stone would usually be placed, who would take care of that.

Superintendent Rollins responded they need headwalls on them, which can be put on by homeowners. When town employees put stone headwalls on, it is a courtesy to the homeowner to make the job look nice.

**County Legislator's Report:** Dave McKenna reported the last meeting of the county legislators was held in the new chambers. There was a press release this afternoon declaring a state of emergency in Tompkins County. He feels that Lee Shurtleff is the best one to help Enfield get aid from the state.

Councilperson Teeter requested that Mr. McKenna and our other representative, Jim Dennis, tour the Enfield roads and ask the legislature to make a formal commitment to make sure Enfield gets the help they need from the recent flooding. Mr. McKenna said he would do that.

Highway Superintendent Rollins stated he is about \$40,000 beyond his budget now, so he needs the town to know they have to front all the money used for repairs now, before anything comes back from the state. He suggested there is \$140,000 in bond money from the new highway facility project that might be used for this.

Councilperson Hern reminded the board that money used for repairs now is coming out of the highway fund's budget so they won't be able to do the future work they had scheduled because there won't be money for it. The highway department will need operating money.

Mr. McKenna agreed with Mr. Rollins that any relief the town might receive from the state will not be received for many months and the town will have to front the money for road repairs now.

Councilperson Carpenter asked if the highway superintendent would typically make a request to the board for funds needed.

Highway Superintendent Rollins replied he is asking now for money.

Councilperson Carpenter stated he feels the request for money should be submitted in some kind of format that can be looked at by the public and others. There needs to be a process that can be used to request extra highway funds.

Supervisor Rider stated she has asked Superintendent Rollins to keep track of all expenses related to the flooding with no end date, only a start date of August 8, 2013.

Councilperson Teeter feels the town board should look at the figures Superintendent Rollins estimates will be needed for road repairs and see if more money will be needed.

Councilperson Carpenter asked if the process would mean waiting until the next town board meeting to look at numbers and then decide what was needed, or should there be a special meeting called to keep the money flowing.

Supervisor Rider asked if the board would like to have a special board meeting the Wednesday after Labor Day.

Councilperson Teeter stated this is urgent, but not so urgent that she feels it can't wait until the next town board meeting. Before the next meeting, plans can be made to move any money that needs to be moved.

Highway Superintendent Rollins stated all the CHIPS work is complete and a payment request has been submitted to New York State. A check in the amount of \$104,000 should be received next month. These funds will be used next year to pay for CHIPS work and then be reimbursed once again by New York State. He feels that Fish Road and Hubbell Drive should be looked at as long-term projects.

Supervisor Rider asked why Fish Road was so important, since residents have easy access to get out.

Superintendent Rollins explained it will be important in the winter for plowing and for the fire department if there is an emergency. Fish Road and Harvey Hill Road are the two main roads used in the winter due to the seasonal part of Enfield Center Road.

Councilperson Hern stated that if there is an emergency on the upper end of Fish Road, emergency vehicles would have to go up to Route 79 and then over Rothermich Road and then go across and back down.

Mr. McKenna asked how much time has been lost by the highway crew due to the recent flood.

Highway Superintendent Rollins replied about 4 weeks. Approximately \$3,000 has been spent in overtime over the last week.

Supervisor Rider stated she may call a special meeting after Labor Day if there needs to be discussion prior to the next regular board meeting.

**Code Enforcement Officer's Report:** Code Enforcement Officer Alan Teeter was not present, but his written report for July showed 7 building permits were issued or renewed with 1 being for a new home. There was 1 certificate of occupancy issued and 1 certificate of completion issued. There were 8 inspections completed, 14 progress checks, and 2 valid complaints received and resolved. There was 1 property number issued.

**Committee Reports:**

Planning Board: No report.

Enfield Community Council: No report.

Recreation Partnership: No report.

County Youth Board: No report.

Enfield Volunteer Fire Company: No report.

Facilities Manager: Nothing to report.

Communication Access Committee: Nothing to report.

Aquifer Study Fundraising Group: Nancy Spero reported the group has met their goal of \$2,500, so the matching grant will be received.

Facilities Development: No report.

Personnel Committee: No report.

TC Council of Governments: Supervisor Rider reported the group is preparing for a training session on how to conduct public business and/or conflict resolution.

**Old Business:**

Waiver of Building Permit Fees Due to Recent Flood Damage:

Councilperson Teeter moved, with a second by Councilperson Carpenter to adopt Resolution #2013-32.

**Resolution #2013-32 Waiver of Building Permit Fees Due to Recent Flood Damage**

WHEREAS, many residents of the Town of Enfield suffered property damage as a result of a severe rain storm on August 8, 2013, and

WHEREAS, several homeowners will be required to obtain building permits for repair work,

NOW THEREFORE BE IT RESOLVED, that the Town of Enfield will waive the building permit fees for repairs relating to the aforementioned storm.

Discussion: Councilperson Teeter mentioned area residents don't have flood insurance.

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

Discussion of Permissive Referendum on Resolution #2013-27 - Reduction of Town Justices from Two to One:

Supervisor Rider moved, with a second by Councilperson Carpenter, to accept Resolution #2013-33.

**Resolution #2013-33 To Reduce the Number of Town Justices From Two to One**

WHEREAS, the Town Board of the Town of Enfield has determined that it would be in the best interest of the Town to reduce the number of town justices from two to one to consolidate and streamline town government functions and reduce expenses and

WHEREAS, a position can only be reduced at the end of a term and

WHEREAS, the Town Board passed a resolution to this effect last month and

WHEREAS, a petition for a referendum has been filed with the Town Clerk, Alice Linton and

WHEREAS, this would require the Town to incur the expense of an election within 75 days and to conduct a special election a short time before a general election, which may lead to confusion and poor voter turnout upon the important question and

WHEREAS, Town Justice Betty Poole, whose term of office expires 12/31/13, has been consulted,

NOW, THEREFORE, BE IT RESOLVED, pursuant to the provisions of subparagraph 2 of section 60-a of the Town Law of the State of New York as follows:

1. The number of town justices of the Town of Enfield shall be reduced from two to one effective January 1, 2014.
2. In accordance with the provisions of paragraph 2 of section 60-a of the Town Law, this resolution shall not become operative or effective unless and until thirty days have elapsed after its adoption and a proposition for approval of this resolution has been submitted at the next general election and received the affirmative vote of a majority of the voters voting thereon.
3. Resolution #27 adopted July 10, 2013, be and is hereby rescinded and of no force or effect per Town Law § 93, and the same is replaced by this resolution and made subject to mandatory referendum as aforesaid.

Discussion: Supervisor Rider explained that after last month's vote to reduce the number of town justices from two to one, a request for permissive referendum was submitted. Although the attorney for the town found defects in the request, it would cost the town substantial money to argue this in court. Also, if the permissive referendum was held, it would be at a special election between October 8 and October 20. It appears the board has two options. The first would be to rescind Resolution #2013-27 as adopted July 10, 2013 and continue with two judges in the town. The second would be to rescind Resolution #2013-27 as adopted July 10, 2013 and agree to put the matter to a vote of the public at the general election in November, 2013. There were 82 people who signed the petition wanting to vote on the issue. Then if the people decide they didn't want this, the town would have two justices and would avoid the expense of an election that would cost the town between \$3,000 and \$4,000.

Councilperson Carpenter stated he doesn't feel either of the two choices is a good choice.

Supervisor Rider stated if the board chooses to do this sort of thing, it is subject to referendum. The question becomes permissive referendum or mandatory referendum.

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

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.

Tompkins County Area Development (TCAD) has contacted Supervisor Rider and she will meet with them regarding payment in lieu of taxes on Thursday, September 5. She asked Councilperson Teeter to attend the meeting with her also.

**New Business:**

Letter of Support Regarding Records Grant: Supervisor Rider stated the Tompkins County Clerk is concerned because New York State is not approving and releasing funds for grants put in for local government record management. In an effort to nudge the legislature and the government along, she would like a letter of support from the town.

Councilperson Teeter moved, with a second by Councilperson Carpenter to authorize the supervisor to submit a letter in support of the state records grants for municipalities which the county has applied for.

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

Letter of Support for Tompkins Consolidated Area Transit (TCAT) for Grant: Supervisor Rider stated TCAT requested a letter of support for a grant they are submitting. This is for passenger amenities siting, upgrades, and multi-modal system integration. They are applying to NYSERDA for this grant.

Councilperson Teeter moved, with a second by Councilperson Hern to authorize the supervisor to write a letter in support of TCAT's application for the Cleaner, Greener Communities Category 3 Grant.

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

Generator System for New Highway Facility: Highway Superintendent Rollins asked the town to look into a generator system for the new highway facility. It was in the original plan for the new facility. In the winter, without heat, things would freeze. Also, if there was an emergency and space was needed for the public, the equipment could be moved outside and cots could be placed in the facility. Last winter the power was out two times for a few hours. Gasoline needed to be purchased at a gas station and diesel fuel had to be hand pumped. Also, the bay doors had to be taken apart to get them open as they need electricity to open. A generator could cost up to \$50,000 for a 1,600 kw. Used ones can be purchased for \$15,000 to \$20,000 that run off propane or diesel fuel. He would like to get a PTO generator to run off the tractors. Those would be more reasonably priced and portable. He also mentioned the phones have batteries that are only good for two hours without electricity.

Councilperson Carpenter asked if the whole shop would need to be powered, or just select items. He suggested a renewable energy system might be an option.

**Announcements:** None.

**Adjournment:** Councilperson Teeter moved, with a second by Councilperson Carpenter, to adjourn at 8:58 p.m. Carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk