

**Town of Enfield**  
**Regular Town Board Meeting Minutes**  
**Enfield Community Building**  
**Wednesday, December 12, 2012**  
**6:30 p.m.**

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

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

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

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

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

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

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

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

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

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

Ms. Wells estimated there will be about 75 construction jobs created during project construction time and 1 or 2 jobs long-term. A road use agreement is being developed with Tompkins County. There is only about 1/2 mile of Black Oak Road that is owned by the town.

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

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

**Privilege of the Floor:** Marnie Kirchgessner of 191 Enfield Main Road thanked Supervisor Barriere for his leadership and the solid position the town is in and expressed her interest in the job of town supervisor. She stated her qualifications for the job.

Mary Jo Lovelace of 2504 Mecklenburg Road thanked the board for starting the move from a moratorium to a ban on hydrofracking, starting an aquifer study and progressing with a road study plan.

**Approval of Minutes:** Councilperson Rider moved, with a second by Councilperson Howe-Strait to approve the minutes of the November 14, 2012 regular town board meeting and public hearing.

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

**Correspondence:** Letter from Community Foundation of Tompkins County notifying the Town of Enfield that their grant request for aquifer study funding was denied.

Notice of Meeting of Ithaca-Tompkins County Transportation Council on Tuesday, December 18 from 2-4 p.m. at 737 Willow Avenue, Ithaca.

Copy of letter from Tompkins County Water Resources Council to New York State Department of Environmental Conservation requesting an extension of the public comment period for revised regulations 6 NYCRR Parts 52, 190, 550-556, 560, and 750.

### **Resolution #2012-40**

Supervisor Barriere moved, with a second by Councilperson Rider to approve Resolution #2012-40.

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO TOWN HALL RESERVE ACCOUNT

WHEREAS, the Town Board allocated funds for capital reserve in the 2012 General Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer the unused balance of \$10,000.00 from A9950 to the General Fund Town Hall Reserve Account.

Discussion: Supervisor Barriere explained there is a separate savings account set up for these funds and they can only be used for renovations on the old town hall or construction of a new town hall.

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

**Resolution #2012-41**

Supervisor Barriere moved, with a second by Councilperson Rider to approve Resolution #2012-41.

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO EQUIPMENT RESERVE

WHEREAS, the Town Board allocated funds for equipment reserve in the 2012 Highway Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer the unused balance of \$30,000.00 from DA9950.9 to the Highway Fund Equipment Reserve Account, and further it be

RESOLVED, that this transfer is contingent upon the receipt of the full budgeted amount of the 2012 CHIPS funds.

Discussion: Supervisor Barriere stated that the 2012 CHIPS funds have not yet been received.

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

**Budget Amendments:**

Supervisor Barriere moved, with a second by Councilperson Howe-Strait to approve Budget Amendment #2012-19.

**Budget Amendment #2012-19**

Supervisor Barriere moved, with a second by Councilperson Hern to approve Budget Amendment #2012-19.

WHEREAS, expenses have exceeded the budget in the General Fund Account, line item A7550.4, titled "Celebrations - Contractual", now therefore be it

RESOLVED, that the General Fund Account, line item A7550.1, titled "Celebrations – Personnel", be decreased by \$100.00 and General Fund Account, line item A7550.4, titled "Celebrations - Contractual", be increased by \$100.00.

Discussion: Supervisor Barriere stated this is still within the \$1,800 beautification grant.

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

**Audit Claims:**

Councilperson Howe-Strait moved, with a second by Councilperson Hern to authorize the supervisor to pay General Fund vouchers #329 to #350 dated December 12, 2012 in the amount of \$13,685.84, and Highway Fund vouchers #193 to #211 dated December 12, 2012 in the amount of \$10,405.86, the Highway Fund vouchers contingent upon receipt of CHIPS funds.

Discussion: Councilperson Hern asked how much the CHIPS funds were for 2012. Supervisor Barriere responded around \$80,900.

Councilperson Rider asked if payment was received one time per year. Supervisor Barriere responded vouchers can be submitted quarterly and payment is made after they are received. In the past, the final CHIPS funds have been received around December 20.

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

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

**Highway Superintendent's Report:** No report.

**Code Enforcement Officer's Report:** Code Enforcement Officer Alan Teeter reported in November there were 8 building permits issued or renewed, which brings the year to date total to 68, with 11 being new homes. There were 3 certificates of occupancy issued, 1 certificate of completion issued, 1 certificate of compliance issued. There were 25 building inspections and progress checks, 1 valid complaint received and resolved, 1 letter of voluntary compliance sent, and 3 orders to remedy.

**Committee Reports:**

Planning Board: Planning Board member Dan Walker reported they continue to work on the Comprehensive Plan and are making progress.

Health Insurance Consortium: No report.

Enfield Community Council: Councilperson Rider reported the Council is looking into the feasibility of building a new community building and wrapping up year-end business.

Recreation Partnership: Councilperson Rider reported they did not meet this month.

Youth Board: Representative Marnie Kirchgessner reported the board is developing new priorities which affect funding for local municipalities. They were successful in getting the county board to add additional funding for municipalities.

Enfield Volunteer Fire Company: No report.

Facilities Manager: Councilperson Hern reported he is waiting for estimates on new windows for the Town Hall and an awning for the Community Building.

Communication Access Committee: No report.

Facilities Development: No report.

Personnel Committee: No report.

Tompkins County Council of Governments: Supervisor Barriere reported there will be a nomination for vice-chair announced next week. A copy of the TCCOG reserve fund accounting is on file in the town clerk's office. There was a Tompkins County Animal Control meeting where they discussed issues involving service animals and having dog enumerations rotating through each town every 3 to 5 years for consistency in budgets. The next meeting will be February 15 at the Ithaca Town Hall.

### **Old Business:**

Update on Road Preservation Plan: Planning Board member Dan Walker reported he is meeting with the Caroline Road Committee. They are evaluating thresholds appropriate for different roads in towns, with a 30 ton limit as a reasonable threshold for requiring permits on town roads. The thought is to craft a town law modeled after the county law.

### **New Business:**

Discuss Proposal to Possibly Move Forward On A Ban against Hydrofracking: Supervisor Barriere reported he has contacted the Slotjes to draft a local law. After the draft is received from them, it will be passed on to our town attorney Guy Krogh for his review. The draft law should probably be ready for the town board's review at the January meeting.

Review and Possibly Approve Legal Agreement for 2013: Guy Krogh has presented a draft Agreement to the town with no rate increase for 2013.

Councilperson Rider asked if the Agreement is the same as last year's. Supervisor Barriere responded yes, it is.

Councilperson Rider moved, with a second by Councilperson Hern, to authorize the supervisor to sign the 2013 Agreement as to Legal Representation as presented between the Town of Enfield and Guy K. Krogh, Esq.

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

Discuss Funding for Aquifer Study and Agreement: Supervisor Barriere explained the 2013 budget includes \$5,000 for an aquifer study, with funds added from USGS and the county. USGS and the

county feel that for the first year it will be difficult to do any work if they only match the \$5,000. He proposed taking \$2,000 from line item A1620.4 to go towards the aquifer study since there are extra funds in that line item for 2012. That would bring the total to \$7,000 and hopefully before the end of the federal fiscal year, September 30, the board may see they have additional funds available that can be put towards the aquifer study. They would like a minimum of \$10,000 to start the study.

Councilperson Rider moved, with a second by Councilperson Hern to authorize the supervisor to request an invoice for the Town of Enfield Aquifer Study from USGS for \$2,000, to be paid with 2012 funds from line item A1620.4.

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

Councilperson Howe-Strait announced the Enfield Aquifer Study Group, working with Social Ventures to raise funds for the aquifer study, has put information into a letter, together with a donation request, and this information will be in the next town newsletter. The information will also be posted on the town website and a flyer will be going out.

Nancy Spero stated Social Ventures is ready to go. Hillary Lambert of the Cayuga Lake Watershed Network is doing research on other grants that might be available for the aquifer study.

Supervisor Barriere stated the USGS Agreement has been signed and sent to the Troy office.

Schedule Special Meeting for End of Year Bills: Supervisor Barriere stated he would like to set another meeting date to take care of last minute bills and budget amendments. December 20, 2012 at 6:30 p.m. at the Community Building was agreed on.

Early payroll: Councilperson Howe-Strait moved, with a second by Councilperson Rider to authorize the final general fund payroll of 2012 for December 21 instead of December 31 so it would not fall between the holidays.

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

Request for Additional Comment Period Time on High Volume Hydraulic Fracturing: Supervisor Barriere moved, with a second by Councilperson Rider to approve Resolution #2012-42.

### **Resolution #2012-42**

#### **Requesting an Extension of Time for Review of the Revised Regulations for High Volume Hydraulic Fracturing**

**WHEREAS**, the New York State Department of Environmental Conservation (NYSDEC) has filed a Notice of Continuation with the Department of State to extend the rulemaking process by 90 days in order to give New York State Commissioner of Health Dr. Nirav Shah time to complete his review of the draft *Supplemental Generic Environmental Impact Statement (dSGEIS) on the Oil, Gas, and Solution Mining Regulatory Program: Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs*, and

**WHEREAS**, NYSDEC has established a 30-day public comment period on the revised draft regulations from December 12, 2012 through January 11, 2013, and

**WHEREAS**, the documents released for public review by NYSDEC number 338 pages including the revised regulations 6 NYCRR Parts 52, 190, 550 - 556, 560, 750.1, and 750.3; a summary and assessment of public comments; and additional analyses and impact statements, and

**WHEREAS**, Dr. Shah is providing a review, in consultation with outside experts, of whether NYSDEC has adequately addressed potential impacts to public health, but the DEC's pre-mature release of the proposed regulations with a mere 30-day comment period prohibits inclusion of the results of the independent review in the regulations that have been presented for public review, and

**WHEREAS**, many substantive comments on health issues were included among the thousands of public comments on NYSDEC's dSGEIS and it is unclear if the "outside experts" have been given sufficient time to consider these comments as part of their review, and

**WHEREAS**, the 30-day review period is completely inadequate for a thoughtful and thorough public review of the released documents and encompasses a period of time with major religious and national holidays, and

**WHEREAS**, but due to Open Meeting Law requirements for advance public notice of agendas and supporting materials, the 30-day comment period essentially eliminates or severely hinders the ability for county Boards of Health, municipal boards, and similar regulatory or advisory organizations to review the released documents and draft, approve, and issue comments.

**NOW THEREFORE BE IT RESOLVED** that:

1. The NYSDEC should extend the public comment period on the revised regulations to a minimum of 90 days, and
2. The NYSDEC should also allow public comment on the results of the independent review of potential public health impacts during the same 90-day period, and
3. No final decision whether to allow fracking in New York State should be made without full consideration of said public comment on the regulations, the health impact review, and the revised SGEIS as well. Also,

**RESOLVED**, that a certified copy of this resolution be sent to: Governor Andrew Cuomo; New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Department of Health Commissioner Nirav Shah, New York State Association of Counties, New York State Association of Towns, New York State Association of State County Health Officials (NYASCHO), Tompkins County Board of Health, New York State Conference of Environmental Health Directors, Tompkins County Health Department, New York State Senator Thomas O'Mara, New York State Assemblywoman Barbara Lifton, EPA Region 2 Administrator Judith Enck, EPA Director Lisa Jackson, New York Senators Kirsten Gillibrand and Charles Schumer, New York State Congressman Thomas Reed.

**SEQR ACTION: TYPE II**

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

**Announcements:** Deputy Town Clerk Sue Thompson invited everyone to stay after the meeting for cake, coffee and cider as a thank you to Supervisor Barriere for all the hard work he put in for the town.

Supervisor Barriere announced the board will appoint someone to fill his position. This could be done as early as December 20 at the special town board meeting. This new appointment would not start until January 1, 2013, or the board could wait until January to make the appointment. If the board appoints a current board member as supervisor, the board would appoint someone to fill the vacant councilperson seat for a one year term, ending December 31, 2013.

Volunteer of the Month: Art Howser, Jr. was nominated by Roy Barriere as the December Volunteer of the Month. Art has been very active with the Enfield Food Bank for over 20 years, providing assistance in any way he can. He has also been active with the Enfield Volunteer Fire Company for approximately 15 years. He served as a line officer and an EMT for more than two-thirds of that time, and for the past 4 years he has served as the Enfield Volunteer Fire Company's chief. During his tenure as chief, the retention and recruiting rate has been one of the highest in the volunteer fire service in the county, and possibly the state. He leads by example, responding to a vast majority of calls and frequently follows up on emergencies he responds to. Because of his dedication and positive attitude, Art is the December Volunteer of the Month.

**Adjournment:** Supervisor Barriere moved, with a second by Councilperson Howe-Strait to adjourn at 7:58 p.m. No one opposed.

Respectfully submitted,

Alice Linton  
Enfield Town Clerk