

**Town of Enfield
Public Hearing and
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, January 13, 2010
6:00 p.m.**

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton
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 for the Consideration of the Long-Form Environmental Assessment Form (LEAF) for proposed Town Highway Garage Project was held Wednesday, January 13 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.

Motion made by Supervisor Barriere, seconded by Councilperson Hern to open the public hearing.
Vote: Councilperson Hern aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Jean Owens, chair of the Facilities Development Committee, introduced Robert Ranger of RWR Funding and Chuck Feiszli of Resource Associates, the Town of Enfield's Engineering Firm.

Mr. Feiszli began the presentation with drawings showing the site of the new highway building, septic system, well and storm water management system. Road specifications, building dimensions with floor plan and other pertinent information was presented.

Councilperson Hern asked the logic of the building being so far from the road. Mr. Feiszli replied the plan is to leave room for other buildings to be built in the future.

Mr. Ranger stated the interest rate is very favorable now, so from a financial standpoint it is a great time to borrow funds for the new facility.

The town attorney, Guy Krogh explained the legal aspects regarding the State Environmental Quality Review Act (SEQRA) for the proposed Town Highway Garage project and went through the LEAF. The law requires that the Town review the environmental assessment form and take a good look at the environmental issues.

Mr. Krogh went through a brief description of the impacts identified:

1. Potential impact for the loss of agricultural lands – this impact will be minimal
2. Increased roadway traffic in the area – this is mitigated by the design
3. Dust, noise and storm water runoff generated during construction – mitigated by the required permitting process

4. Storm water runoff associated with the completed project arising from the installation of non-permeable surfaces such as roof tops and parking areas – this impact is regulated in other ways and therefore deemed mitigated and non-significant.
5. The potential impact to the character of the community due to the change and use of land and potential budgetary and monetary impacts – mitigated and non-significant
6. Wet Land – potential impact non-significant

Supervisor Barriere, Councilperson Hern and Councilperson Teeter stated for the record that they reviewed and considered the LEAF.

Beverly Berggren of 139 South Applegate Road expressed concern of a park being located in this area which would be close to trucks, dust and traffic.

Attorney Krogh reminded the Board that part of the SEQRA review process is for the lead agency, the Town of Enfield, to create a Notice of Intent. It provides key documents, including the Environmental Assessment Form and a description of the project and the action and sent it to all agencies that are involved or interested agencies to have an opportunity to object to the lead agency designation and provide their input. For the record, the Town received a response from DOT indicating that they have no objections, but they are reminding the Town they will need a permit to access the State Highway. A response was also received from County Planning, and while they did not reply to the SEQRA Notice of Intent, the Town did receive the 239 Response and they raised some issues that touch upon the SEQRA, such as buffering and set backs.

Gerhardt Achilles of 121 South Applegate Road asked for a ball park figure on the cost of the building.

Councilperson Teeter moved to check the box on page 13, “Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons”, as small to moderate impact and “can impact be mitigated by project change”, be checked no. Supervisor Barriere seconded the motion.

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

Councilperson Teeter moved with a second by Councilperson Hern, that on page 6, #7 should be left blank.

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

Councilperson Teeter moved and Councilperson Hern seconded a motion that on page 8, the check marks be eliminated in the no box under City, Town, Village Board, and then again under Other Local Agencies and that the no box be checked under Other Regional Agencies and Federal Agencies.

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

Supervisor Barriere moved to close the public hearing at 7:05 p.m. Motion seconded by Councilperson Hern.

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

REGULAR TOWN BOARD MEETING MINUTES

The regular monthly Town Board meeting was held directly after the close of the public hearings with Supervisor Barriere presiding.

Privilege of the Floor:

Dave Dimmick of 466 Fish Road asked the procedure for an item to be put on the Board's agenda. Supervisor Barriere responded that an e-mail should be sent to the supervisor or a board member in advance of the meeting.

Cris McConkey of 402 Aiken Road asked for the Board, who has entered into a franchise agreement with Haefele TV, to consider approving cable casting through Haefele TV and that a Pegasus advisory board be formed. Mr. McConkey stated he would be willing to serve on this board.

Approval of Minutes:

Councilperson Teeter moved to approve the December 9, 2009 minutes as provided. Motion seconded by Councilperson Hern.

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

Councilperson Teeter moved and Councilperson Hern seconded a motion to approve the January 6, 2010 minutes.

Discussion: The new program mentioned was Way "2" Go.

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

Correspondence:

Recreational Partnership requested a representative from the Town of Enfield be appointed.

Councilperson Teeter expressed her willingness to attend the meetings until someone else was found.

Cornell University Program Coordinator of The Cornell Tradition is looking for nominations for the Community Recognition Award. The information will be shared with the Community Council.

Cornell Cooperative Extension has beautification program funds available.

Cornell University College of Architecture, Art, and Planning has summer internships available.

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.

Certificates of Completion for Zoning and Planning Board Training were received for Keith Smith, Calvin Rothermich, Ann Chaffee and Virginia Bryant.

Soil and Water Conservation District notice of meetings held the third Wednesday of each month from 8:30 to 10:00 a.m. at Cooperative Extension.

Audit Claims:

Motion made by Councilperson Hern, seconded by Councilperson Teeter authorizing Supervisor Barriere to pay General Fund vouchers #1-31 dated January 13, 2010 in the amount of \$47,589.09, Highway Fund vouchers #1-25 dated January 13, 2010 in the amount of \$60,523.98 and Special Fire Fund vouchers #1-2 in the amount of \$79,000.00.

Discussion: Councilperson Hern asked why there was a difference in the Worker's Compensation bill for the fire company vs. what's noted in the budget. Supervisor Barriere responded that the bill was for approximately \$22,500 and the fire company budget was for only \$19,000, which was the best guess at the time of putting the budget together. The remaining amount will need to be used out of the general fund and charged to the fire company in the 2011 budget. This was as per the State Comptroller's Office.

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

Tompkins County Board of Representatives – Legislator Dave McKenna reported he will be on the facilities infrastructure committee and the government operations committee.

Committee Reports:

Highway Department – Superintendent Rollins submitted his 284 Agreement stating his plan for 2010. Major projects this year are to work on Harvey Hill Road between Rothermich Road and Black Oak Road and Rothermich between State Route 79 and Fish Road.

Supervisor Barriere moved with a second from Councilperson Teeter to approve the 284 Agreement as written.

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

This spring the bridge on Enfield Center Road is scheduled to be repaired by the County. If the decking is replaced, it would be the Town's responsibility to pay for it. The County has given us an estimate of \$30,000 to do the work.

There are ten culvert pipes that are collapsing that will need to be replaced at a cost of about \$20,000.

There have been several breakdowns recently – one truck blew out a rear end, the same as last year; the new 550 has been sent to Maguire three times for repair; the International has had problems with freezing up and hydraulics not lifting; a chain broke on one of the spreaders. The fire department helped with the use of their truck to clean out the spreader so the chain could be repaired.

BOCES has asked the highway department to provide an internship for two local students as a mechanic and heavy equipment operator free of charge. They are second year students who would work two hours a day for 40 hours total. Waivers for liability would be signed. A decision can be made at the February meeting.

TCAT has asked if Enfield would plow the corner lot they use to pick up and drop off passengers.

Supervisor Barriere moved and Councilperson Teeter seconded a motion to allow Superintendent Rollins to plow the area once we have a letter filed releasing the town from any liability.

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

The Soil and Water Conservation District is planning to work on the creek project this summer.

Councilperson Hern moved with a second from Councilperson Teeter to allow the Highway Department to purchase a Millermatic 212 Auto-Set wire feed welder for repair of equipment.

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

Superintendent Rollins would like the Board to reconsider giving employees a cost of living wage increase for 2010.

Code Enforcement – Code Officer Alan Teeter gave his Monthly Town Board Report for December as follows: 7 building permits issued or renewed, 94 building permits year to date – 10 new homes, 2 certificates of occupancy/completion issued, 8 inspections, footers, foundations, framing, insulation, plumbing, 1 complaint received, 1 complaint valid, 1 complaint resolved, 27 phone messages received.

The Code Enforcement Office Annual Report was also submitted as follows: 94 building permits issued or renewed, 11 new homes, 13 additions/remodels, 21 garages/pole barns, 12 decks/porches, 11 solid fuel appliances/electrical work, 6 swimming pools, 20 renewals, 198 building inspections, 10 fire and safety inspections – public assemblies, 15 fire and safety inspections – multiple residences, 16 fire and safety inspections – general occupancies, 8 complaints received, 1 letter of voluntary compliance, 21 orders to remedy, 8 house numbers issued, 14 house numbers installed, 59 certificates of occupancy/completion.

Copies of the Mass Gathering Law were passed out with recommendations on possible changes.

Supervisor Barriere moved to authorize both Code Enforcement Officers to go to a mandatory 3 1/2 day service training in Syracuse in April at a cost of \$350 each (total \$700) to continue their certification.

Councilperson Hern seconded the motion.

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

Planning Board – no report.

Enfield Community Council – no report.

Enfield Volunteer Fire Company – Art Howser gave the Monthly Report for December, 2009. Call list for December was 24 as follows: Emergency Medical 18, Motor Vehicle Accident 3, Structure Fire 1, Car Fire 1, Carbon Monoxide Incident 1. Total calls for the year to date were 277. Mutual Aid received by Newfield 1, Mecklenburg 1, Trumansburg 1. December worked on station maintenance and January is OSHA training.

Facilities Manager – Councilperson Hern

A request has been received asking for an exterior bulletin board on the Town Hall or Community Building. He is looking for suggestions and recommendations.

Facilities Development – Supervisor Barriere

A public hearing was held on the environmental impact of the new highway facility at 6 p.m. this evening.

Tompkins County Council of Governments – Supervisor Barriere

There are five municipalities, with Enfield being one of them, working with Guy Krogh on developing a road preservation law. Superintendent Rollins will be included in this. They are also working with the county so the two will be meshed together. Councilperson Teeter asked that there be an acknowledgment that farm vehicles will be exempt.

Old Business:

Appointment of new Councilperson: Councilperson Gaynor was not able to attend tonight due to recent surgery so the appointment is being postponed.

New Business:

Appointment to Planning Board vacancies – there are two vacancies at this time. A letter of resignation was submitted by Councilperson Teeter for her term which expires in 2014. The second vacancy is Calvin Rothermich's term which ends this year. A letter was received from the Planning Board co-chair James McConkey, requesting that Calvin Rothermich be reappointed to the Board.

Supervisor Barriere moved to reappoint Calvin Rothermich to the Planning Board for another 7 year term, ending in 2016. Motion seconded by Councilperson Hern.

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

The Planning Board is currently reviewing several applicants in the hope of filling the vacancy which expires in 2014.

Need for a Planning Board Clerk – Councilperson Teeter and Virginia Bryant have put together a job description. There is money in the budget for a Clerk.

Councilperson Teeter moved that the Board approve the job description as written with the amendment of \$9.88 as the rate of pay. Councilperson Hern seconded the motion.

Discussion: Strike minimum qualifications and move the sentence “good knowledge of the English language, good command of grammar and writing skills” to be the first sentence past Job Requirements. Applicants should send letter of interest and experience to the Town Hall, attention Supervisor Barriere.

Councilperson Teeter amended her motion to include these changes, seconded by Supervisor Barriere.

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

Resolution for approval of the Wind Farm Developer’s Agreement – Councilperson Teeter read the Resolution as follows:

Resolution of the Town Board of the Town of Enfield Authorizing the Negotiation of a Developer’s Agreement with Enfield Energy, LLC

WHEREAS, Enfield Energy LLC (the “Applicant”) has submitted an application pursuant to Local Law No. 1 of 2009, entitled “Wind Energy Facilities Local Law” (the “Wind Law”), proposing to develop a commercial site at Black Oak Road and at various other locations within the western portion of the Town of Enfield, for the purpose of constructing a commercial-scale windfarm (the “Project”); and

WHEREAS, the Applicant desires to facilitate a review of the Project pursuant to the Wind Law which will include, but not necessarily be limited to, evaluations of site planning elements, permit reviews, stormwater review, and New York State Environmental Quality Review Act (“SWQRA”) review of the Project by the Town Board, the Planning Board, and the Town’s engineers, attorneys and consultants hired or retained in connection with the review of the Project; and

WHEREAS, Section 2(B) of the Wind Law states that the Town shall require the Applicant to enter into an escrow agreement or Developer’s Agreement whereby the Applicant agrees to reimburse the Town for any and all costs and expenses incurred as a result of the Project review, including reasonable legal and engineering fees.

NOW, THEREFORE, BE IT RESOLVED, by the members of the Town Board of the Town of Enfield, as follows:

1. The Supervisor of the Town of Enfield shall be authorized to negotiate, to such extent as is deemed necessary and/or applicable, and enter into a Developer’s Agreement with the Applicant, a copy of which is attached hereto as Exhibit “A”.
2. The further review of the Project’s application by the Town Board shall be conditioned upon the Applicant entering into the Developer’s Agreement and providing the Town the required initial deposit as set forth in said agreement.

3. This resolution shall take effect immediately upon adoption.

Councilperson Teeter moved to adopt the Resolution accepting the Developer's Agreement. Supervisor Barriere seconded the motion.

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.

Scheduling a public hearing and appointing a Hearing Officer for the purchase of a new fire apparatus, which will enable the Enfield Volunteer Fire Company to be eligible for a low interest loan - Mark Butler is the attorney representing the fire company. In order for the fire company to be eligible for the loan, it needs to go through a public hearing. In order for the fire company to hold a public hearing, the Board needs to appoint a hearing officer. Supervisor Barriere read the document appointing Dennis Hubbell as hearing officer and the Notice of Public Hearing in relation to the proposed borrowing by the Enfield Volunteer Fire Company of \$581,647.00 for the purchase from Pierce Manufacturing, Inc. of a rescue-pumper fire truck.

Councilperson Teeter moved to authorize the supervisor to sign the document appointing a hearing officer for the public hearing. Councilperson Hern seconded the motion.

Discussion: This is a formality that is required in order for the fire company to be eligible for a low interest loan. We are not approving the purchase of the vehicle; we're passing it through a public hearing. Once the hearing has been held, the Board can pass a Resolution approving this low interest loan.

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

Announcements:

A welcome was extended to the four Ithaca High School seniors who attended the meeting.

Art Howser announced he has extra copies of the calendars put out by the Enfield Volunteer Fire Company.

Councilperson Teeter moved to adjourn the meeting at 8:42 p.m. Seconded by Councilperson Hern.

Respectfully submitted,

Alice Linton
Town Clerk