

PUBLIC HEARING  
And  
REGULAR TOWN BOARD  
MEETING MINUTES  
WEDNESDAY, JANUARY 14, 2009  
7:00 P.M.

A public hearing was held Wednesday, January 14th, 2009 at 7:00 p.m. at the Enfield Community Building, 182 Enfield Main Road, Ithaca, NY on the proposed 2009 SPCA Dog Control Contract.

Present: Supervisor Frank Podufalski, Town Councilperson Roy Barriere, Town Councilperson Herb Masser, Town Councilperson Stephanie Gaynor, Attorney for the Town Guy Krogh, Highway Superintendent Barry Rollins, Town Clerk Alice Laue and Deputy Town Clerk Pat Dougherty. Councilperson Robert Harvey was absent.

Supervisor Podufalski opened the public hearing by leading the assemblage in the Pledge of Allegiance to the Flag and read the public hearing notice published in the Ithaca Journal.

The 2009 SPCA Dog Control Contract is a one year contract for a per capita of \$3.00 per person which figures out to be \$10,608.00. Supervisor Podufalski understanding is that in talking with the SPCA director the SPCA would eventually like to get out of the dog control business.

Public hearing was closed at 7:10 p.m.

REGULAR TOWN BOARD MEETING MINUTES

2009 SPCA Dog Control Contract:

Motion made by Councilperson Barriere, seconded by Councilperson Gaynor that the Town Board approves the adoption of the one year 2009 SPCA Dog Control Contract in the amount of \$10,608.00 and authorizes Supervisor Podufalski to sign the contract.

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Supervisor Podufalski aye, Councilperson Harvey was absent. Motion carried.

Finger Lakes Land Trust:

Finger Lakes Land Trust started a coordinated land planning project to look at the Finger Lakes trails. Part of this project is to reach out to the communities within the trail corridors, to look at planning issues, open space issues, trail corridor issues, resource issues.

Approval of Minutes:

Regular 12-10-2008 Minutes:

Motion made by Councilperson Gaynor, seconded by Supervisor Podufalski that the regular 12-10-2008 minutes be approved for adoption.

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Supervisor Podufalski aye. Councilperson Harvey was absent. Motion carried

Public Hearing Minutes 1-7-2009

Motion made by Supervisor Podufalski, seconded by Councilperson Masser that the 1-7-2009 Public Hearing minutes be approved for adoption.

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor abstained, Supervisor Podufalski aye. Councilperson Harvey was absent. Motion carried.

Correspondence:

Tompkins County Planning request to use community building for a Agriculture Resource Focus Area meeting.

New Roots School would like to use the community building for an informational meeting.

Tompkins County Office for the Aging list of upcoming meetings.

Tompkins County Health Resolution – Water Concerns Pertaining to Potential Gas Drilling – adopted 12-9-2008.

Attorney General Outreach Program – January 21, 2009 - Cornell Cooperative Extension -11 a.m. – 1 p.m.

Association of Towns Annual Meeting – February 15 – 18<sup>th</sup> – N.Y.C.

Correspondence from Attorney Timothy Mattison regarding Linton litigation

Beverly Hubbard's letter of resignation as Court Clerk.

Recreational Partnership memo – copy of municipal contributions for the Recreational Partnership for 2009. Enfield's contribution is \$5,743.00.

Youth Services Program Block Grants – municipalities would no longer be entitled to state aid for recreation or youth services programs

Petition for Permissive Referendum for Fire District.

SPCA Free Rabies Clinic – January 21<sup>st</sup>, 2009 at the SPCA.

Audit Claims:

Motion made by Councilperson Gaynor, seconded by Councilperson Barriere that the Town Board authorizes the supervisor to pay the following:

General Fund vouchers #1 - #32, dated January 14, 2009, in the amount of \$47,856.31.

Highway Fund vouchers #1 – 15, dated January 14, 2009, in the amount of \$12,618.73.

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Supervisor Podufalski aye. Councilperson Harvey was absent. Motion carried.

Committees/Reports

Tompkins County Board of Representatives: - No one present to report.

Highway Department: Supervisor Podufalski introduced Highway Superintendent Barry Rollins. Highway Superintendent Rollins reported – 1-1-09- first day everyone off and running. New Year’s Day crew was out and on the roads at 4:00 o’clock in the morning, everyone has worked out. Dave Owens has helped a lot telling how things worked, getting settled in, done more cleaning up. 550 truck came in yesterday, has to go out to have box and spreader put one. Ten wheeler is supposed to be here in March, not thrilled with it, could have done better price wise and gotten a better piece of equipment, but will have to deal with what we got. Increased the sand put on roads, made adjustments on trucks to make a better sand spread, put lights on several trucks. Superintendent Rollins feels he has settled in and things are going good.

Code Enforcement: - Alan Teeter

Written report submitted with a yearly report attached. Eighty-one permits for the 2008 issued compared to fifty-two permits in 2007.

Enfield Community Council: - No report

Enfield Volunteer Fire Company – Chief Switzer

Written annual report submitted. Active membership has dropped, active EMT membership has dropped. Training and personnel hours have increased.

Facilities Building Manager: - Councilperson Barriere

Inside work almost completed, cold air returns and other work in furnace room has been taken care of by Hull’s, both furnaces cleaned and tuned up by Halco, Ehrhart contacted to remove propane cylinders. Outside work to be completed in the Spring. Ace Security to re-key community building and town hall by the end of this month.

Facilities Planning Committee: Councilperson Masser/Supervisor Podufalski

Councilperson Masser still researching improved broad band access.

Supervisor Podufalski – Close to coming up with draft plans for new town barns and possibly putting it out to bid. Need to meet with Highway Superintendent for his input. When floor plans we have invested in are what we want then we will start the process of getting final architect plans and start looking for and finding funding for this. We have probably enough money to pay for most of the construction, however, we are looking at a new town hall and justice building as well, some thing we should look at long range not short range.

Regular Town Board Mtg. Minutes 1-14-09  
Planning Board: No meeting.

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Recreational Partnership: No report.

Tompkins County Council of Government: No meeting – next meeting January 22, 2009.

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Old Business:

Resolution #8 – 2009 – Resolution Regarding 2009 Fire District (Referendum attached).

Resolution moved by: Supervisor Podufalski

Seconded by: Councilperson Masser

Discussion: In a hold pattern as far as fire district because of petition to do a Permissive Referendum, by law town is mandated to provide fire protection.

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Supervisor Podufalski aye, Councilperson Harvey was absent. Resolution carried.

Resolution #9 – 2009 – Determining and Declaring Environmental Impacts of Proposed Local Law #1 of 2009 (Wind Energy Facilities Local Law) and Making Negative Declaration of Environmental Impacts. (Resolution attached).

SEQR Environmental Assessment reviewed line by line. Need to determine if SEQR will have a negative impact. Things on SEQR review don't apply to local law. Law is regulating land uses. Take comments and discussions of involved interested agencies and discuss them within the context or review of LEAP.

Resolution moved by: Supervisor Podufalski

Seconded by: Councilperson Gaynor

Discussion:

Tompkins County Planning Dept. recommended that the setback requirements for any proposed Wind Turbine Generator (WTG) be tied to property lines and public road right-of-ways at a distance of no less than 1.5 times total height including the rotor blade height, unless easements are obtained from property owners. Also, recommended that the setback be extended to 2 times total height of residences, schools, churches or public libraries that exist as of the date of approval of wind energy facility.

Recommended that noise should not exceed 50 DBA measured from the site property line and, audible noise should not exceed 50 DBA measured at any residence, school, church or public library that exists as of the date of the wind energy facility and standard should apply to both small wind turbine generator and WTG proposals.

Recommend that Required Environmental Studies for WTG proposals include pre and post construction studies outlined in DEC's Guidelines for Conducting Bird and Bat Studies at Commercial and Wind Energy Projects.

Visual impacts of WTG's should be a formal visual impact assessment using industry standard methodology be conducted for the placement of any wind energy systems.

Applicant responsible for bearing the costs of all studies required by the application of any wind energy systems and the Town should also increase the permit fees to allow for the independent technical review of produced studies by consultants hired by the Town.

Town's response -

Set backs: Town setback distances (450 feet) are good, eventually law will address areas where set backs need to be greater. Leave what we have in the current language. Safety record of machines is implecable.

Recommendations from County Planning Department and NY State Department of Transportation based on wrong information.

SEQR review not applicable to law.

Need clean energy – Need to look at what's good for this law.

Noise factor – 55-60 DBA well within reason. Provisions built in law to address noise factors.

No large impacts found as far as the law goes. Anything that will be addressed will be addressed by the law further if the project is started.

Law to litigate potential future impacts from a project permitted.

County Planning Department and State recommendations taken under consideration and board feels they are right with the way the law is.

No single authorized standards for setbacks.

As SEQR pertains to the law it is a no. SEQR applies more to a specific project that is in the works, rather than a law. A law is words put together to regulate projects. Once a permit is given than another SEQR is generated and at that point these questions are more specific to the project. A SEQR would have to be done before a permit is issued.

County Planning Department prospective is what is best for the whole county this law is very likely to be used by other towns as a model. County Planning Department prospective is some times what is good for a specific town and some times not good for a specific town. This town and others in the past have taken some of the County Planning Department recommendations and not taken other recommendations. That does not make this town unique or different if this town board were to say from the counties prospective it might to be the best thing to do, but for our particular town we think this is what's best.

County Planning Department's jurisdiction under General Municipal Law is to identify county wide or negative inter-municipal impacts. They came up with a few items to review on a check list and one thing missing from the county review that is significant is their listing these things some of which don't have county wide or inter-municipal community impacts but tell why or in what manner it has an impact.

Vote: Councilperson Barriere aye, Councilperson Gaynor aye, Councilperson Masser aye4, Supervisor Podufalski aye, Councilperson Harvey was absent. Resolution carried.

Resolution #10 – 2009 – Adopting Local Law #1 of 2009 – Wind Energy Facilities Law. (Resolution attached).

Resolution moved by: Supervisor Podufalski

Seconded by: Councilperson Barriere

Discussion: See discussion under Resolution #9.

Vote: Councilperson Barriere aye, Councilperson Gaynor aye, Councilperson Masser aye, Supervisor Podufalski aye, Town Councilperson Harvey was absent. Resolution carried.

New Business:

Resolutions #1-7 – 2009 – Organizational Resolutions (Resolutions attached).

Resolution moved by: Supervisor Podufalski

Seconded by: Councilperson Masser

Discussion:

Vote: Councilperson Barriere aye, Councilperson Gaynor aye, Councilperson Masser aye, Supervisor Podufalski aye, Councilperson Harvey was absent. Resolutions carried.

Audit Meeting:

Yearly Audit meeting set for Saturday, January 17<sup>th</sup>, 2009 at the Town Hall at 2:00 p.m.

Agreement to Retain Attorney Guy Krogh, Esq. as Attorney for the Town:

Motion made by Councilperson Masser, seconded by Councilperson Barriere that the Town of Enfield retain Attorney Guy Krogh, Esq. as Attorney for the town for the 2009 and authorizes the supervisor to sign Agreement as to Legal Representation between the Town of Enfield and Guy K.Krogh, Esq., of Thaler and Thaler

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Supervisor Podufalski aye, Councilperson Harvey was absent. Motion carried

Privilege of the Floor:

Question asked where the two highway positions, machine operator's positions, were advertised and if any testing was involved. Supervisor answered that David Owens came to him and stated he needed to hire two more people and he advised him to go to County Personnel and take them off their list. Only qualifications is you need a CDL before you are considered a MEO. Before you make it through your eighty day probation period you have to have a CDL.

Questions were asked about fire contract, fire company debit and the highway superintendent working for both the town and the county.

Adjournment

Motion made by Supervisor Podufalsk, seconded by Councilperson Gaynor that the January 14<sup>th</sup>, 2009 town board meeting adjourns.

Discussion:

Vote: Councilperson Barriere aye, Councilperson Masser aye, Councilperson Gaynor aye, Supervisor Podufalski aye, Councilperson Harvey was absent. Motion carried.

Meeting adjourned at 9:50 p.m.

Respectfully submitted.

Alice Laue, Town Clerk