

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, July 14, 2010
6:45 p.m.

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Deputy Town Clerk Pat Dougherty, Mark Tayrien of LaBella Associates P.C.
Excused: Town Clerk Alice Linton, Town Councilperson Stephanie Gaynor.

Town Supervisor Barriere opened the meeting at 6:45 by leading the assemblage in the Pledge of Allegiance to the Flag.

Draft Scoping Document for the Black Oak Wind Farm project:

Mark Tayrien gave a brief overview of the SEQR DEIS Draft Scoping Document. The Draft Environmental Impact Statement (“DEIS”) will include all elements required by 6 NYCRR 617.9. The statement will be mailed to all interested and involved agencies. Copies of this document can be obtained at the Enfield Town Clerk’s Office.

The scoping document is best understood when explained in reverse...from the end process to the beginning.

~~ The last step [3] is the point at which the Board decides to approve or disapprove the SEQR Finding Impact Statement regarding pertinent information that was found as it went through the environmental review process.

~~ The final impact statement [2] is the factual basis on which the Board will make their finding/decision.

~~ The Draft Scoping Document [1] will be produced after determining what goes into the final impact statement.

The majority of the work in the Draft Scoping Document has been prepared by the project sponsor, LaBella Associates P.C., and is routine because of past experience with questions that have already been asked and answered, and questions that may be forthcoming. Mark gave the Board a brief overview of the Document.

Marguerite Wells of the Enfield Energy Wind Farm Project asked about Section 3.4 pertaining to bird/bat species. Mark explained that the project sponsor consults with the DEC who is the lead resource of expertise...and almost always follows their recommendations.

Councilperson Teeter expressed concern about the wording in 3.14 **Socioeconomics** relative to Enfield’s decision to “opt out”. Enfield is not anticipating a PILOT agreement. Mark agreed that the language was somewhat misleading and will be corrected and incorporated by LaBella Associates. It was unclear at this time which schools were relevant...Enfield students attend Newfield, Ithaca, Odessa and Trumansburg Schools.

Supervisor Barriere moved, with a second by Councilperson Teeter, to accept the SEQR DEIS Draft Scoping Document for the proposed Enfield Energy Wind Farm Project with the discussed changes relative to Enfield’s position in the “opt out” language of the PILOT wording in Section 3.14 [Socioeconomics] and allow LaBella Associates to move forward with the document.

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

Public Comment Period for the Draft Scoping Document:

Supervisor Barriere moved, with a second by Councilperson Owens to hold the Public Comment period for the Draft Scoping Document at 6 p.m. on August 11, 2010 with the regular Town Board meeting starting immediately afterwards.

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

Privilege of the Floor:

No one asked to speak.

Approval of Minutes:

Councilperson Owens moved, with a second by Councilperson Hern, to approve the minutes of the June 9, 2010 regular town board meeting.

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

Correspondence:

~~~Ithaca-Tompkins County Transportation Council meeting July 20, 2010 at Ithaca-Tompkins Transit Center, 737 Willow Avenue from 10:00 – 12:00 p.m.

~~~ Tompkins County Office for the Aging flyer announcing support groups occurring over the summer.

~~~ Department Of Transportation announced that the Town of Enfield has a total CHIPS Capital balance of \$80,901.12.

~~~ NYSERDA...notice of \$1,625 new construction program incentive award...valid until June 2011.

Budget Amendments – Public Information line and Town Clerk’s line:

Budget Amendment #14 – 2010

WHEREAS, funds were not allocated for the annual fee for the Town’s webpage, therefore expenses are anticipated to exceed the budget in the General Fund Account, line item A1480.4, titled “Public Information Contractual”, now therefore be it

RESOLVED, that the General Fund Account A1990.4 titled “Contingent Account”, be decreased by \$600.00 and General Fund Account A1480.4 titled “Public Information Contractual”, be increased by \$600.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #14 – 2010.

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

Budget Amendment #15 – 2010

WHEREAS, expenses are anticipated to exceed the budget in the General Fund Account, line item A1410.4, titled "Town Clerk Contractual", now therefore be it

RESOLVED, that the General Fund Account A1990.4, titled "Contingent Account", be decreased by \$100.00; General Fund Account A1410.2, titled "Town Clerk Equipment" be decreased by \$300.00: and General Fund Account A1410.4, titled "Town Clerk Contractual", be increased by \$400.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #15 – 2010.

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

Audit Claims:

Councilperson Teeter moved, with a second from Councilperson Hern, that the Town Board authorize the supervisor to pay General Fund Vouchers #175-#200 dated July 14, 2010 in the amount of \$9,612.71 and Highway Fund Vouchers #108-#119 in the amount of \$14,359.39

Councilperson Teeter questioned the \$600 being paid to Digital Towpath for web services. She felt there were less expensive web services.

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

County Legislator's Report: No report. Councilperson Teeter mentioned that there has not been a report for the past two months.

Highway Superintendent's Report:

Highway Superintendent, Buddy Rollins, spoke to the Board about possibly getting rid of the '84 GMC truck at the September auction in Lansing...but only if he can replace it. (Doesn't have to go to bid if under \$10,000.) He would like to check into the possibility of getting rid of the old loader, too.

Hypodermic needles, etc. are being dumped on Van Dorn between Bostwick and Gray. Van Dorn Road is not at required width in one area. Buddy spoke with Attorney Guy Krogh about it. County will use Rumsey Hill Road while the bridge is out...and they will post the signs for this. There were some complaints because the Town used magnesium spray on the roads rather than oil. Savings of \$10K - \$12K. Councilperson Teeter suggested that Buddy write up something about the savings for the next newsletter.

Buddy asked if the Town received money from Teet's Scrap and Supervisor Barrier replied that it did. There was some discussion about a problem on Fish Road and Buddy asked Roy to check it out. Roy did and said it was OK.

Committee Reports:

Code Enforcement: Alan Teeter reported the following for the month of June, 2010: 4 building permits issued or renewed, 35 building permits year-to-date, 8 new homes, 3 certificates of occupancy/completion issued, 17 inspections, 9 progress checks, 1 complaint resolved, 2 faxes received/sent, 26 phone messages received and 3 house numbers installed.

Alan thanked Buddy and his highway guys who did some brake work on the Code vehicle. Greatly appreciated. The Town of Enfield has a new tax assessor.

Planning Board: No report. [Terry Beckly is now taking minutes.]

Health Insurance Consortium: Supervisor Barriere noted that there were no new updates. The committee is going back and forth with a reserve fund.

Enfield Community Council: Councilperson Teeter said that summer camp was going well and plans were underway for the Harvest Festival.

Enfield Volunteer Fire Company:

Art Howser submitted the P&L statement for the Enfield Volunteer Fire Company for April through June 2010 and gave the following report for June 2010: 16 EMS, 1 electrical short, 1 severe weather, 1 stove fire, 1 downed power line, 1 propane gas explosion (no fire) and 1 carbon monoxide detector activation. July 2010 training will include truck check and driver training, quarterly truck inspection and maintenance, station equipment maintenance, station building maintenance. Old engine 601 remains up for sale, tanker 622 in need of repair for crack to PTO pump casing, working on 2011 calendar, received NYS DEC \$1,000 grant.

| | |
|----------|-----------------------------------|
| YTD: | 153 calls |
| Members: | 51 |
| Remap: | Route 79 property into one parcel |

Facilities Manager: Councilperson Hern presented a Radon Mitigation Proposal from *A Best Home Inspection & Radon Mitigation Systems* in the amount of \$1,150. The work is expected to start in a week or two on the vault in the Town Hall.

Councilperson Owens moved, with a second from Councilperson Teeter to authorize Supervisor Barriere to sign the Radon Mitigation Proposal from *A Best Home Inspection & Radon Mitigation Systems*.

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

Communication Access Committee: Councilperson Hern (and one other committee member) discussed the health effects of radio frequency impact to some homes.

Facilities Development: Councilperson Owens thanked the Town Clerk's office for their assistance in preparing information for the highway facility bonding for Municipal Solutions, Inc. A Public Hearing on the Bond Resolution was held in February. A Special Meeting will be held July 28, 2010 at 6 p.m. to move the process forward. The only changes in the Bond Resolution are the dates.

TC Council of Governments: Supervisor Barriere recounted that fireworks permits will now be issued via the municipalities. The Town of Ithaca Supervisor, Herb Ingman, says that the Town is composing agreement language. A gas drilling task force is being created.

Old Business:

Road Construction Permits: Councilperson Teeter says the permits will be ready for the August 11th meeting.

Property Tax vs. Sales Tax:

Resolution #2010 – 35

Sales Tax Credit

WHEREAS, sales tax revenues in the present economic climate are not increasing and potentially may suffer continued decreases, and

WHEREAS, sales tax revenues because of the present economic climate are unstable and unpredictable, and

WHEREAS, this places basic services provided by the Town of Enfield to it's residents in an insecure position, and

WHEREAS, the Town of Enfield is presently unable to realize property taxes on State of New York property located within the Town because of taking the Sales Tax Credit, now

THEREFORE BE IT RESOLVED, that the Town of Enfield opts to no longer take the Sales Tax Credit, and

BE IT FURTHER RESOLVED, that the Enfield Town Clerk will provide Tompkins County Finance and any other involved parties a copy of this resolution as approved by the Enfield Town Board at the regular meeting held on July 14, 2010, and

BE IT FURTHER RESOLVED, that the Enfield Town Supervisor will include an explanation of the impact of residents' tax bills as a result of this resolution in the local newsletter and the Enfield Town Clerk will include an explanation in the 2011 tax bills.

A motion was made by Councilperson Owens and seconded by Councilperson Teeter to accept Resolution #35 – 2010.

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

Time Warner Cable update: Councilperson Barriere read the Time Warner Resolution. Guy Krogh, Attorney for the Town, was asked to review the recommendation. He made minor suggestions. After considerable discussion a consensus was made that the Town of Enfield not move forward.

A motion was made by Councilperson Owens and seconded by Supervisor Barriere that the Town of Enfield not move forward with Time Warner.

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

Bill A10633:

Councilperson Owens moved that the discussion supporting Bill A10633 before the New York State Assembly be brought back to the table for discussion and vote. Councilperson Hern seconded. Hern...aye; Teeter...abstain; Owens...aye; Barriere...aye.

Supervisor Barriere moved that the Enfield Town Board voice its support of Bill A10633. Councilperson Teeter seconded. Hern...no; Owens...no; Teeter...abstain; Barriere...aye. Not carried.

Deferred Compensation update: Councilperson Teeter and Betty Poole to meet July 20th at Town Hall. Supervisor Barriere ask them to keep Pat Podufalski in the loop.

New Business:

NYS Retirement Incentive Program: Supervisor Barriere presented the New York State Retirement Incentive Information...Chapter 105 of the Laws of 2010, effective June 2, 2010 to the Board. The Law has passed through the State and it is now up to the municipalities to accept it. Enfield's Resolution 2010 - #36

The Town has two payment options: A lump sum payment of approximately \$22,000 or payments over 5 years of approximately \$5,700 per year. Enfield present has only two eligible employees...of which only one is interested. The benefit to him would be less than \$400 per year. The Board decided to take no action.

NYSERS Resolution 2010 - #36

Resolution 2010 - #36

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Enfield hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

A chart of days worked is attached.

On this 14th day of July, 2010, I, Alice Linton, Town Clerk for the Town of Enfield, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 14th day of July, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full board consists of 5 members, and that 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have here unto set my hand and the seal of the Town of Enfield.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Resolution #36 – 2010.

This applies to those in the NYS Retirement System who have been asked to keep a record of their hours since January 1, 2010. It does not apply to those who punch a time clock. If, after 30 days of being posted, there are no comments which require a change, Resolution 2010 - #36 will be forwarded to the New York State Retirement System along with the quarterly report.

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

2011 Budget Process: Supervisor Barriere has notified department heads that he's starting to collect information for the 2011 budget and would like their input by July 31, 2010.

Tompkins County Community Beautification Program:

Supervisor Barriere received correspondence from Ann Rider relative to a grant for \$1,800 being awarded to the Enfield Beautification Committee by the Tompkins County Community Beautification Program. Dan Klein, TC Community Beautification Program reminded Enfield that:

1] They are reimbursement grants. The Town of Enfield must put up the money and will be reimbursed by Tompkins County Cooperative Extension when the project is complete and the receipts are submitted.

2] They are matching grants. The money given Enfield must be matched by one or more of the following: cash, labor, volunteer labor, or materials. The current matching rate for volunteer labor is \$22.50/hour.

3] The money cannot be used to pay personnel that are already on your payroll.

Councilperson Owens moved, with a second from Councilperson Teeter to authorize Supervisor Barriere to sign the *Agreement for Beautification Funding for the Town of Enfield*.

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

Enfield Community Council Celebration Grant:

Supervisor Barriere received a letter from Jacqueline Kippola, Strategic Tourism Planning Board, reporting that the Tompkins County Legislature approved a grant for the Town of Enfield in the amount of \$1,770 as part of the 2010 Community Celebrations Grants Program for Enfield's 2010 Harvest Festival.

Councilperson Teeter moved, with a second from Councilperson Hern to authorize Supervisor Barriere to sign the *CONTRACT* for the Harvest Festival grant.

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

Resolution #37 urging State Legislature to Clarify the Environmental Conservative Law.

Resolution #37 – 2010 URGING THE STATE LEGISLATURE TO
CLARIFY THE ENVIRONMENTAL CONSERVATION LAW TO
EXPRESSLY AUTHORIZE MUNICIPALITIES TO PROTECT THEIR
ROADS FROM DAMAGES AS A RESULT
OF GAS DRILLING OPERATIONS

WHEREAS, Section 23-0303 (2) of the Environmental Conservation Law provides that the State Oil Gas and Solution Mining Law superseded all local laws relating to the regulation of oil and gas development except for local government jurisdiction over local roads and rights of local governments under Real Property Tax Law, and

WHEREAS, the New York State Department of Environmental Conservation issued a draft generic environmental impact statement which advises local municipal governments to “be proactive in exercising their authority under New York State Highway Vehicle Traffic Laws” to ensure the appropriate “maintenance and improvement” of local roads (DSGEIS p 7-109), and

WHEREAS, the draft GEIS provides that drilling companies “should attempt to obtain a road use agreement with the municipality” to ensure appropriate maintenance and improvement of local roads (p 7-110), and

WHEREAS, it is clear from the draft GEIS that the DEC contemplates that local municipalities will govern the use of their roads through agreements with mining companies and regulation through State Highway and Vehicle Traffic Laws but neither the New York State Highway Law nor the State Vehicle and Traffic Laws provide such clear authority, now

THEREFORE BE IT RESOLVED that the Town of Enfield requests that the New York State Legislature clarify Section 23-0303 (2) of the Environmental Conservation Law to read as follows:

“Provisions of this Article shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under real property tax law. **Local governments are authorized to establish reasonable rules and regulations to protect local roads from damage and require well operators to post reasonable bonds or other security to ensure that local roads are adequately maintained and improved to handle traffic associated with oil, gas and solution mining activities.**”

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Resolution #37 – 2010.

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

Surplus Equipment: (Enfield Town Clerk’s Office)

IBM Personal Wheelwriter 2 (typewriter), Canon P23 DH-11 calculator, HP Laser Jet 1100 printer, Dell hard drive L800CXE, HP desk jet printer 932C, Dell keyboard and mouse, Sentry 125 safe, Eureka whirlwind vacuum 12 amp, HP desk jet printer 1220C, New Gibson dehumidifier.

Councilperson Owens moved, with a second by Councilperson Hern, to declare this inventory of equipment of no value and authorized the Enfield Town Clerk’s Office to dispose of same.

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

Announcements:

Highway Superintendent Rollins reported that one highway individual is on short-term disability. Buddy is now reviewing application for a temporary laborer to fill in.

Executive Session:

There was no need of an executive session.

Adjournment:

Councilperson Owens moved, with a second by Councilperson Teeter to adjourn the meeting at 9:15 p.m.

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

Respectively submitted,

Pat Dougherty
Enfield Deputy Town Clerk

BE IT RESOLVED, that the Town of Enfield hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

| Title | Name | SSN Last 4 digits | Registration Number | Standard Work Day (hrs/day) | Term Begins/Ends | Participates in Employer's Time Keeping System (y/n) | Days/Month (based on record of activities) |
|----------------------------|------------------|-------------------|---------------------|-----------------------------|------------------|--|--|
| Elected Officials | | | | | | | |
| Supervisor | Roy Barriere | | | 7 | 1/1/10-12/31/11 | n | 20 |
| Town Clerk | Alice Linton | | | 6 | 1/1/10-12/31/11 | n | 16 |
| Councilperson | Stephanie Gaynor | | | 6 | 1/1/08-12/31/11 | n | 7 |
| Councilperson | Debbie Teeter | | | 6 | 1/1/10-12/31/13 | n | 7 |
| Highway Supt | Barry Rollins | | | 8 | 1/1/10-12/31/11 | n | 20 |
| Justice | Betty Poole | | | 6 | 1/1/10-12/31/13 | n | 13 |
| Appointed Officials | | | | | | | |
| Councilperson | Jean Owens | | | 6 | 1/31/10-12/31/10 | n | 7 |
| Deputy Supr | Jean Owens | | | 6 | 1/1/10-12/31/10 | n | 7 |
| Justice Clerk | Tiffany Poole | | | 6 | 1/1/10-12/31/10 | n | 13 |
| Code Enforcement | Alan Teeter | | | 6 | 1/1/10-12/31/10 | n | 13 |

On this 20th day of July, 2010, I, Alice Linton, Town Clerk for the Town of Enfield, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 14th day of July, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full board, consist of 5 members, and that of 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution. IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Enfield.