

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, June 12, 2013
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Chris Hern, Town Councilperson Vera Howe-Strait, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton. Absent: Town Councilperson Debbie Teeter; Town Councilperson Mike Carpenter absent until 8:05 p.m.

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

Privilege of the Floor: Mary Jo Lovelace of 2504 Mecklenburg Road thanked the board for their hard work on a ban of hydrofracking, and hopes the board will vote in favor of the ban at this meeting.

Supervisor Rider stated for the record there was a quorum present.

Approval of Minutes: Councilperson Howe-Strait moved, with a second by Councilperson Hern to approve the minutes of the May 8, 2013 regular town board meeting.

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

Councilperson Howe-Strait moved, with a second by Councilperson Hern to approve the minutes of the May 22, 2013 special town board working meeting.

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

Presentation by Dave Sanders, Program Management Specialist from County Youth Services on the Recreation Partnership: Mr. Sanders stated Tompkins County works with 11 municipalities to provide recreation activities for youth. The Ithaca Youth Bureau is the provider of most of the programs that are funded. Enfield had 151 unduplicated youth participating in programs last year and paid \$4,960 while 37% of participants received scholarships. Recreation is an important aspect of getting involved with young people. A concern of many is that rural students who receive free and reduced lunch do not have transportation available to participate in programs.

Supervisor Rider stated she would check if a link could be added to the town website for the schedule of youth programs available. She will also work to get representatives from the Recreation Partnership at the Harvest Festival in the fall. Once Mr. Sanders e-mails copies of the statistics presented, Supervisor Rider will distribute them.

Correspondence: Notice that the Town of Enfield is the recipient of a \$5,000 grant from the Howland Foundation for the Enfield Aquifer Study. Supervisor Rider thanked Councilperson Howe-Strait for her efforts in obtaining this grant.

Information on NYS Consolidated Funding Application for grants.

Letter from Empire State Development explaining a New York State economic development program, Work For Success.

Letter from Griffith Energy thanking the town for being a customer.

Notice from Better Housing for Tompkins County, Inc. explaining active housing rehab grants.

Budget Amendment: Supervisor Rider moved, with a second by Councilperson Hern to approve Budget Amendment #2013-3.

Budget Amendment #2013-3

WHEREAS, expenses have exceeded the budget in the General Fund Account, line item A1220.42, titled “Supervisor Contractual (Bookkeeper)”, now therefore be it

RESOLVED, that the General Fund Account, line item A1990.4, titled “Special Items - Contingent Account”, be decreased by \$1,000.00 and General Fund Account, line item A1220.42, titled “Supervisor Contractual (Bookkeeper)”, be increased by \$1,000.00.

Discussion: Supervisor Rider explained this is to pay for the annual maintenance contract with Williamson Law for the payroll program.

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

Budget Amendment: Supervisor Rider moved, with a second by Councilperson Howe-Strait to approve Budget Amendment #2013-4.

Budget Amendment #2013-4

WHEREAS, expenses have exceeded the budget in the General Fund Account, line item A7550.1 titled Celebrations-Personnel and line item A7550.4, Celebrations-Contractual, now therefore be it

RESOLVED, that the General Fund Account, line item A1990.4, titled Special Items-Contingency Account, be decreased by \$1,835.00 and General Fund Account, line item A7550.1 titled Celebrations – Personnel be increased by \$600.00 and line item A7550.4 titled Celebrations-Contractual be increased by \$1,235.00 to cover seasonal expenses.

Discussion: The town received a grant to beautify Enfield in the amount of \$1,835 of which \$600.00 is for labor and \$1,235.00 for plants, new barrels, and new flags. This money is not given to the town until the expenditures have been made. At the end of the year, there will be another budget amendment to put the \$1,835.00 back in the contingency fund.

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

Supervisor Rider moved with a second by Councilperson Hern to approve Resolution #2013-23.

Resolution #2013-23 Hiring of Beautification Staff

WHEREAS, the Town has received monies to beautify Enfield from the Tompkins County Community Beautification Committee, administered through Cooperative Extension of Tompkins County which includes monies for labor, therefore be it

RESOLVED, that the Supervisor is authorized to hire the following youths for part-time summer employment at \$10/hr. not to exceed \$600: James Guidi, Zachary Snyder, Mark Stillwell and Justin McNeil.

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

Supervisor Rider moved, with a second by Councilperson Hern to approve Budget Amendment #2013-5.

Budget Amendment #2013-5

WHEREAS, the Governor and the New York State Legislature have reached an agreement on an increased Consolidated Local Street and Highway Improvement Program (CHIPS) and

WHEREAS, this will mean an increased amount of money to the Town of Enfield

NOW, THEREFORE, I move that the following amendments be done to the 2013 budget:

Under Highway Revenues, line DA3501 be increased to \$104,136.23 from \$80,901.12

And I further move that:

Under Appropriations Highway, line DA5112.2 be increased to \$104,136.23 from \$80,901.12. an approximate \$23,200 increase.

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

County Legislator's Report: Dave McKenna reported funds have been appropriated to cover the cost of an analyst that will basically replace the budget person. Next year funds will be in the budget to cover this position. There will be a public hearing on the TC3 budget July 2 at 5:30.

Highway Superintendent's Report: Buddy Rollins reported they are busy cutting shoulders, ditching and mowing. An amended 284 form has been submitted showing the added funding from CHIPS. He requested the town look into air conditioning in the office and break room at the new highway facility. He doesn't feel regular window air conditioners would work well because the rooms have windows that open sideways.

Supervisor Rider stated she will get back to Superintendent Rollins on this request.

Code Enforcement Officer's Report: Code Enforcement Officer Alan Teeter reported in May there were 7 building permits issued or renewed, which brings the year to date total to 22, one for a new home. Two certificates of completion were issued. There were 21 inspections and progress checks completed, 4 meetings with owners/builders/assessment, 1 house number installed, and he has been working with the Planning Board to review the Site Plan Review Law and Subdivision Regulations for the 3 applications received in the last month. There are some minor conflicts between the new Site Plan Review Law and

the old Subdivision Regulations that should be corrected. Proposed changes to the Subdivision Regulations will be available to the town board several weeks in advance of the July board meeting.

Committee Reports:

Planning Board: Councilperson Howe-Strait reported there was a public hearing on the Thompson Farm subdivision application. There were no comments. The Thompson Farm subdivision was voted on and approved. George VanValen submitted an application for a 3 apartment unit on Hayts Road. A 239 review is being done by the county, so no action will be taken until the county completes their part. The tower site plan review application was approved with the light. There is a possibility that by having the light installed fewer homes will be serviced because of the expense of the light. The survey done for the Comprehensive Plan was reviewed. That part will be added to the Plan. The draft will hopefully be submitted to the town board in August.

Health Insurance Consortium: No report.

Enfield Community Council: Councilperson Howe-Strait reported interviews are being conducted for counselor-in-training positions for the summer camp. The country faire was small, but successful. The Harvest Festival will be held October 5.

Beth McGee reported the ECC is looking at funding options for a new community center. They have been working to determine what needs the building would serve and have visited several buildings in other communities to get ideas and to help determine what Enfield would need in terms of square footage.

Recreation Partnership: Carolyn Tschanz stated she will look further into options for transportation for students to be able to attend youth programs in Ithaca. Their next meeting is scheduled for June 24.

Youth Board: No report.

Enfield Volunteer Fire Company: No report.

Facilities Manager: No report.

Aquifer Study Fundraising Group: Nancy Spero thanked the board for applying for the grant they recently received through the Community Foundation and reminded the board they can apply for another \$5,000 grant for the same project. There is an Old Time Dance aquifer study fundraiser planned for June 15 at the Old Baptist Church. They also have bumper stickers that state "Water is Life", which will be given to anyone making a donation.

Personnel Committee: No report.

TC Council of Governments: Supervisor Rider reported the Council will be talking about dog control issues.

Old Business:

SEQRA for Local Law #1 of 2013:

WHEREAS, David Slottje, Esq. prepared a FULL ASSESSMENT FORM and a NEGATIVE DECLARATION regarding the adoption of Local Law #1 of 2013, a local law to effect prohibition within the Town of Enfield of natural gas and petroleum exploration and extraction activities, underground

storage of natural gas, and disposal of natural gas or petroleum extraction, exploration, and production wastes, now therefore be it

RESOLVED, that the State Environmental Quality Review Full Environmental Assessment Form be accepted and approved.

Councilperson Hern moved, with a second by Councilperson Howe-Strait to accept and approve the SEQRA as presented.

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

Councilperson Howe-Strait moved, with a second by Councilperson Hern to accept the Negative Declaration Notice of Determination of Non-Significance as presented.

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

Supervisor Rider moved, with a second by Councilperson Howe-Strait to adopt Town of Enfield Local Law #1 of 2013.

Resolution #2013-24 Approval of Local Law #1 of 2013

WHEREAS, the Town Board accepted the SEQRA and made a negative declaration regarding the local Law #1 -2013, to effect a “Prohibition within the Town of Enfield of natural gas and petroleum exploration and extraction activities, underground storage of natural gas, and disposal of natural gas or petroleum extraction, exploration, and production wastes and

WHEREAS, the Tompkins County Planning Department was sent these documents on May 9, 2013 and has no comments on the SEQR and

WHEREAS, a Public Hearing was held on this matter on May 8, 2013, now thereby be it

RESOLVED that Local Law #1-2013, “Prohibition within the Town of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes” be enacted by this Town Board.

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

Acceptance of Black Oak Wind Farm DEIS: Supervisor Rider stated a working meeting was held regarding the DEIS and the town board had 10 days from the meeting to give comments to the town's engineering consulting firm, LaBella. No comments were received and LaBella worked with Jim Pippin of edr, the engineering firm for the Black Oak Wind Farm, to resolve inconsistencies. All parties have substantially agreed on the findings, and feel there are no issues substantive enough to preclude the board from accepting the DEIS at this time.

Supervisor Rider moved, with a second by Councilperson Hern to accept the Black Oak Wind Farm Draft Environmental Impact Statement with the statement that we will continue working on outstanding items not resolved.

Discussion: Supervisor Rider stated LaBella will prepare the Final Environmental Impact Statement with input from all interested and involved agencies and anyone else wishing to comment on the document.

Jim Pippin of edr stated his firm compiled the information in the DEIS on behalf of Black Oak Wind Farm. He stated edr will be adding details for the final document.

Supervisor Rider moved, with a second by Councilperson Hern to accept the SEQRA DEIS Resolution.

Resolution #2013-25

**SEQRA DRAFT ENVIRONMENTAL IMPACT STATEMENT
RESOLUTION**

WHEREAS, a predecessor-in-interest of Enfield Energy, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a twenty (20) turbine wind-powered generating facility to be located on leased private lands totaling 1,060 acres (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, pursuant to its June 9, 2010 resolution, the Town Board also issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, a Final Scoping Document was accepted by the Town Board on September 8, 2010 for preparation of the DEIS; and

WHEREAS, the Project Sponsor has taken the Final Scoping Document, and pursuant to 6 N.Y.C.R.R. § 617.10, has prepared a DEIS and is now seeking to commence the requisite public comment period in order to receive public input.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF ENFIELD AS FOLLOWS:

Section 1. Pursuant to 6 N.Y.C.R.R. §§ 617.9 and 617.10 of the SEQRA regulations, the Town Board accepts the DEIS; determines that the DEIS is adequate for public review; and directs that copies of the DEIS be provided to all involved and interested agencies, as well as to any individual requesting a copy. The Town Board further directs that copies of the DEIS be posted on the website located at www.blackoakwindny.com and maintained at the Town Hall offices for public review.

Section 2. The Town Board shall prepare, file, and publish a notice of completion of the DEIS in accordance with 6 N.Y.C.R.R. § 617.9(a)(3).

Section 3. Pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(3) and (a)(4)(ii) of the SEQRA regulations, a comment period during which the public and involved and interested agencies may submit written

comments to the Town Board relating to the DEIS shall extend from June 17, 2013 to July 22, 2013. In addition, pursuant to 6 N.Y.C.R.R. § 617.9(a)(4) of the SEQRA regulations and Article III, Section 2(F) of the Town of Enfield's Wind Energy Facilities Local Law, the Town Board shall hold a public hearing at the Town of Enfield Community Building, 182 Enfield Main Road, on July 10, 2013, commencing at 7:00 p.m., and shall duly publish notice of the hearing at least fourteen (14) days prior to the public hearing being conducted. In addition, notice of the public hearing shall be given first class mail to all property owners located within 500 feet of the boundary of each proposed wind turbine generator at least seven (7) days in advance of the public hearing.

Section 4. The Town Board further directs that notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 5. This Resolution shall take effect immediately upon adoption.

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

Supervisor Rider stated there will be other opportunities for public comments besides the public hearing. July 22 will be the end of the comment period.

New Business:

Hiring of Part-Time Janitor: Supervisor Rider moved with a second by Councilperson Howe-Strait, to approve Resolution #2013-26.

Resolution #2013-26

WHEREAS, Paul Thompson resigned as Town Custodian effective May 1, 2013 and a letter of interest has been received from Andrew Thompson, now be it hereby

RESOLVED, that the Supervisor be authorized to hire Andrew Thompson as part-time custodian at the hourly rate of \$10.50 working about 10 hours a month.

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

Selling Excess Town Property: Supervisor Rider stated that while walking through buildings with Jay Lewandowski of NYS Municipal Worker's Compensation Alliance, it was mentioned that the rusty old fuel pumps in the old highway facility are worth a lot of money.

At this point in the meeting Councilperson Carpenter arrived.

Supervisor Rider also stated there was an old wagon wheel and other historic items in the facility. There is also a gravel bank that the town owns on Enfield Main Road.

Highway Superintendent Rollins stated that he was told the gas pumps should be saved. They were taken out of the old barn that was across the road from the town hall. The pumps are not complete - there is glass broken in one and parts are missing.

Discussion of Needed Work in Cemeteries: Councilperson Howe-Strait stated there are 2 trees that should be removed, one in the Christian Cemetery and one in the Presbyterian Cemetery. Quotes were received from 4 contractors for downing of the trees. The highway department can take care of clearing the tree

and chipping. Don's Property Care gave a quote for cutting the two large trees, plus a small cherry tree in the Presbyterian Cemetery and trimming low hanging branches, of \$800.00. Limbwalker gave a quote of \$830.00. Cascadilla Tree quoted \$1,240.00, and William Jennings quoted \$1,400.00. The work can be done within 2-4 weeks if the property is dry.

Supervisor Rider stated the town is responsible for the care of the cemetery. She will figure out if funds for this work can be used from a cemetery savings account.

Councilperson Hern moved, with a second by Councilperson Carpenter, to hire Don's Property Care to remove the 3 trees and trim low hanging branches.

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

Audit Claims: Councilperson Carpenter moved, with a second by Councilperson Hern to authorize the supervisor to pay General Fund vouchers #142 to #164 dated June 12, 2013 in the amount of \$17,263.15, and Highway Fund vouchers #102 to #121 dated June 12, 2013 in the amount of \$59,852.44.

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

Discussion of visit by Jay Lewandowski, Loss Prevention Specialist, NYS Municipal Workers' Compensation Alliance: Supervisor Rider stated there were several suggestions made. Highway Superintendent Rollins will put down yellow tape by electrical panels and doors. Mr. Lewandowski once again suggested panic buttons for both town hall and the courtroom. He also suggested having the public use the handicap door instead of the door behind where the judge sits in. Supervisor Rider will look into this further.

Also, Workplace Violence Prevention Training is mandatory along with Sexual Harassment and Right to Know. The fire department has already done their training. The highway department will do their training at 6 a.m. on a rainy morning. All employees, including part-time employees and volunteers such as Planning Board members need to have the training. Supervisor Rider will advise everyone of when trainings will be held; there will be two opportunities to attend. Each session will be about 2.5 hours long.

Executive Session: Supervisor Rider stated the board would move into executive session at 8:35 p.m. for a possible litigation issue.

The meeting reconvened at 8:55. No action was taken in executive session.

Adjournment: Supervisor Rider moved, with a second by Councilperson Hern, to adjourn at 8:55 p.m. Carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk