

**Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, June 9, 2010
6:15 p.m.**

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton, Frank Pavia, Esq. of Harris Beach PLLC
Excused: Town Councilperson Stephanie Gaynor

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

Black Oak Wind Farm Project:

At the April 14, 2010 Town of Enfield Board meeting it was determined that the Black Oak Wind Farm Project application was complete. Letters went out to all interested and involved agencies. Some responses were received, none of which stated they didn't want the Town of Enfield to be the lead agency. Councilperson Teeter noticed one inconsistency in the Positive Declaration where it was stated construction will continue for more than 1 year and the Part 2 – Project Impacts and their Magnitude where the box should be checked showing construction that will continue for more than 1 year or involve more than one phase or stage would have an impact. Frank Pavia confirmed that the box should be checked.

Frank Pavia, an attorney from Harris Beach advising the Town of Enfield on the Black Oak Wind Farm proposed project, explained the next step in the process is to make a determination of environmental significance - that is either a negative declaration, meaning an environmental impact statement is not required, or a positive declaration meaning an environmental impact statement is required. In order to make that determination, the town needs to look at Part 2 of the EAF. Harris Beach and LaBella Associates, the Town of Enfield's engineering consultant on the Black Oak Wind Farm proposed project, reviewed the material that the project sponsor submitted and went through all of the potential impacts. There are impacts that are potentially large and cannot be mitigated which are the basis for the recommendation that a positive declaration be issued by the town board. As a result of the review, a resolution has been prepared for a SEQRA Positive Declaration.

Resolution #2010-34

**SEQRA POSITIVE DECLARATION RESOLUTION
FOR
BLACK OAK ROAD WIND FARM PROJECT**

WHEREAS, Enfield Energy, LLC (the "Applicant") has submitted an application pursuant to the Town of Enfield's Wind Energy Facilities Law (the "Wind Energy 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 wind farm (the "Project"); and

WHEREAS, the Applicant desires to facilitate a review of the Project pursuant to the Wind Energy Law which will include an environmental assessment of the Project pursuant to the New York

State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, in addition to submitting its zoning application, the Applicant submitted an expanded Full Environmental Assessment Form ("FEAF") as required by SEQRA; and

WHEREAS, on or about April 14, 2010, the Town Board of the Town of Enfield (the "Town Board") determined the Application to be substantially complete for the purpose of commencing a SEQRA review; and

WHEREAS, on or about April 14, 2010, the Town Board further declared its intent to act as Lead Agency in order to complete a coordinated review of the Project pursuant to Section 617.6(b)(3) of the SEQRA regulations; and

WHEREAS, thirty (30) calendar days have passed since the Town Board's mailing of its intent to act as Lead Agency for the SEQRA review of the Project, and no objection to the Town Board acting as Lead Agency has been made by any of the involved agencies noticed therein; and

WHEREAS, as required by the SEQRA regulations, the Town Board has thoroughly reviewed the FEAF for the Project; has identified the relevant areas of environmental concern; and has taken a hard look at those concerns, considering both the magnitude and importance of each impact; and

WHEREAS, upon review of the information recorded on the FEAF, it is determined that the Project may result in one or more large and important impacts that may have a potential significant adverse impact on the environment.

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

Section 1. The Town Board accepts its role as Lead Agency for the SEQRA review of the Project and authorizes the Town Supervisor to undertake any and all steps necessary to carry out the Town Board's obligations as Lead Agency pursuant to SEQRA.

Section 2. The Town Board determines that a Positive Declaration, as that term is defined by the SEQRA regulations, is required for the Project, and that a notice of the Positive Declaration shall be filed in accordance with the requirements of SEQRA and a draft environmental impact statement ("DEIS") be prepared as applicable.

Section 3. The Town Board further directs that a Draft Scoping Document for the DEIS be sent to all applicable involved agencies and interested agencies, and copies of the Draft Scoping Document be made available for the general public to review at locations determined to be appropriate by the Town Supervisor.

Section 4. The Town Board further directs that a public comment period be established wherein written comments on the Draft Scoping Document can be submitted by the general public to the Town Board.

Section 5. 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.

Councilperson Teeter moved to accept the Resolution with a second by Councilperson Owens.

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

Frank Pavia noted that the next step is to publish the Notice of Positive Declaration in the DEC's publication. Copies of the Part 2 EAF, as corrected, will be sent out, along with the Resolution, to all the interested and involved agencies so they are aware that in fact the town board, as the lead agency, has issued a positive declaration requiring the preparation of an environmental impact statement. The first step toward that process is the preparation of a draft scoping document, which is basically a table of contents of the items that need to be reviewed and analyzed by the project sponsor in the environmental impact statement. A draft scoping document will be prepared by Harris Beach and Labella, shared with the project sponsor for input, and brought before the town board for questions. Then the document will be made available to the public for a 30 day public written comment period. A public meeting can be held, but is not required, within the 30 day period for the public to comment as well. All the comments received from the public during that period will be addressed, and a final scoping document will be prepared for approval by the town board.

Privilege of the Floor:

Art Howser of VanDorn Road spoke regarding the Mass Gathering Permit with a concern that at some gatherings there are problems with illegal activities. He hopes that something can be done to police them better.

Beth McGee of Tucker Road said she appreciates the current board and how respectful and professional they are.

Approval of Minutes:

Councilperson Owens moved, with a second by Councilperson Hern, to approve the minutes of the May 12, 2010 regular town board meeting.

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

Correspondence:

Tompkins County Transportation Council meeting notice and agenda for June 22, 2010 from 2-4 p.m. at the Tompkins County Public Library.

Better Housing for Tompkins County Annual Meeting notice for June 18, 2010, at noon, at the Tompkins County Public Library.

NYS Department of Public Service notice of energy efficiency campaign. Brochures will be ordered and available at the town clerk's office.

NY State Board of Real Property Services notice that the tentative equalization rate will remain at 100% for Enfield.

Tompkins County Personnel Office will no longer maintain "position control" for towns within the County's jurisdiction. The Town of Enfield will maintain its own records.

Audit Claims:

Councilperson Owens moved, with a second from Councilperson Hern, that the Town Board authorize the supervisor to pay General Fund Vouchers #149-174 dated June 9, 2010 in the amount of \$14,894.97 and Highway Fund Vouchers #93-107 dated June 9, 2010 in the amount of \$28,057.30.

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

County Legislator's Report: No report.

Highway Superintendent's Report: Buddy Rollins reported that clean up week went well – four 20 yard dumpsters and two 30 yard dumpsters were filled. This was less than the total from last year. John Rancich had some granite curbing that he offered to donate to the town to be used to line the ditch on Enfield Center Road to divert water. This saved the town about \$1,000. Buddy thanked Mary Cornell and Jean Owens for noticing an advertisement in “Nuts and Nibbles” for a grant from Cornell for signs. We did receive a grant for \$1,250 of signs, cones and flagging material. The only stipulation was two men needed to be sent to flagging school, which is free of charge.

Buddy attended the local roads highway school this week at Cornell for highway superintendents. It appears that the CHIPS money will be available from the state this year as it was included in an emergency bill that was passed. A lot of ditching and shoulder work is being done – Enfield Center Road, Rothermich Road, and Harvey Hill Road.

Vehicle/equipment inventory and replacement plan: Buddy put together an estimated Vehicle/Machinery Inventory. It includes today's prices to replace equipment. Over the next two years the price of equipment will go up because of emission control standards that need to be met. He recommended selling equipment while it still has some value and also buying equipment that will have a good resale value. Buying used equipment is often good as the bugs are worked out and most of the depreciation is out. State and county trucks need to be replaced more often as they need dependability where if an Enfield truck breaks down another one can cover for it.

No date has been set yet for the Enfield Center Road bridge replacement and the creek work that will be done at the same time.

Committee Reports:

Code Enforcement: Alan Teeter reported that for the month of May there were 8 building permits issued, which brings the total for the year to 31, including 6 new homes; 2 certificates of occupancy were issued; 15 building inspections were done; 17 progress checks were completed; 3 meetings with owners/builders were held; 3 complaints were received which were all valid and 2 were resolved; 2 letters of voluntary compliance were sent along with 2 Orders to Remedy; 1 fire and safety inspection for public assembly and a re-inspection for business were completed; 1 house number was issued. The mass gathering for the Scottish Games will be held at Stewart Park this year. Alan attempted to contact the organizers of the MusFest, but has had no luck so far. It appears there are two homes in Enfield that will be demolished.

Planning Board: Councilperson Teeter reported the final draft of the site plan review should be ready for the Planning Board to review at their next meeting.

Health Insurance Consortium: No report

Enfield Community Council: No report

Enfield Volunteer Fire Company: Art Howser reported that in May there were 37 calls - 22 emergency medical service calls, 1 electrical short call, 9 severe weather calls, 2 motor vehicle accidents, 2 mutual aids to Ithaca, and a mutual aid to Trumansburg for a trailer fire. June training will include CME's for

EMS; work detail; ladders, ropes, knots and hand tools; pumper and tanker training. Ray Hubbard held Rescue Ray fire training at the Enfield Elementary School; Engine 601 was at the 50 Year Birthday Party of Enfield School and the blacktop driveway sealing was completed.

Facilities Manager: Councilperson Hern reported he will be contacting a specialist in radon mitigation to look into the radon problem at the Town Hall. He is also planning to get an estimate on the bulletin board.

Communication Access Committee:

Councilperson Hern reported he was the only one in attendance at the last meeting. They will meet again in July.

Facilities Development:

Councilperson Owens reported a temporary permit is being issued so some of the driveway work can begin at the new highway site.

TC Council of Governments: Supervisor Barriere reported they went over updates for the health insurance consortium, of which there were none. Same thing for cell towers. Dog licensing was the big issue discussed. It appears that starting January 1, 2011 the state will no longer be involved in dog licensing – it will be passed on to the municipalities. At the meeting town clerks spoke out indicating they felt it best for licensing to be handled by municipalities vs. the county.

We now have a signed dog enumerator agreement. Regina Leonard will start soon and end by August 31.

Old Business:

Road Construction Permits: Councilperson Teeter and Highway Superintendent Rollins did a lot of work preparing forms for the Town of Enfield to use. They presented a draft of a Highway Work Permit form and a Driveway/Entrance Paving Permit. The Driveway/Entrance Paving Permit had a fee shown of \$25, but Rollins felt that fee was really not necessary. He stated the main concern would be that a blacktop driveway surface is not higher than the road so the plow won't damage it. There is no indication of a fee for the Highway Work Permit, although Buddy suggested there should be one. It was suggested to change the culvert permit to be a culvert/driveway permit. Councilperson Teeter will work on this further to make sure everything in the law is covered and bring it back to the board in July.

Mass Gathering Permit with rates included: Supervisor Barriere thanked Councilperson Teeter and Code Enforcement Officer Teeter for all the work they have done on this.

Councilperson Owens moved, with a second from Councilperson Hern to accept the proposed rates as follows: \$250 for 500-999 people; \$500 for 1,000-4,999 people; \$1,000 for 5,000-9,999 people; \$2,000 for over 10,000 people along with a 50% late fee that may be assessed to any application submitted less than 60 days prior to the event should the town board agree to review it.

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

Property Tax vs. Sales Tax: Councilperson Owens gathered more information on this issue. If the town chooses the property tax option and the warrant isn't met in a given year, the county would reimburse the town for the missing amount. When the town made the decision to switch to the sales tax revenue option, in 2001, the amounts were increasing at a fast clip, but then they leveled off. The property values, however, continue to increase. Also, if we moved to the property tax option, we would receive money for

the state owned properties in the Town of Enfield, which at this point would equal about \$18,000. If a decision could be made in July on this issue, it would be helpful in the budget process.

Time Warner Cable Update: Supervisor Barriere did receive another counter-proposal/resolution from Time Warner Cable that our town attorney, Guy Krogh is looking over. This may be brought back to the table in July. If the town does consider a resolution, Supervisor Barriere will include a charge for the time Mr. Krogh has spent on this issue.

Deferred Compensatin Update: Councilperson Teeter has spoken with Judge Betty Poole and she feels she can get some contact information so there can be a presentation for employees to see if there is interest.

New Business:

Budget Amendment #10-2010

WHEREAS, the balance of the Wind Farm Escrow Account has gone below \$2,000.00, and

WHEREAS, a check in the amount of \$10,000.00 was received from the Wind Farm Developer, now therefore be it

RESOLVED, that the General Fund Account, line item A4989, titled “Other Home and Community Services”, be increased by \$10,000.00 and General Fund Account, line item A8020.41, titled “Home Community Services, Planning Contractual – Escrow Account”, be increased by \$10,000.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #10-2010.

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

Budget Amendment #11-2010

WHEREAS, the Town Board approved the hiring of a Dog Enumerator at the Town Board meeting held on May 12, 2010, now therefore be it

RESOLVED, that the General Fund Account, line item A3510.1, titled “Control of Dogs, personnel services”, be increased by \$1,392.00 and General Fund Account, line item A3510.4, titled “Control of Dogs, Contractual”, be decreased by \$1,392.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Teeter to accept Budget Amendment #11-2010.

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

Budget Amendment #12-2010

WHEREAS, expenses are anticipated to exceed the budget in the Highway Fund Account, line item DA5130.4, titled “Machinery Contractual”, now therefore be it

RESOLVED, that the Highway Fund Account DA5110.4 titled "General Repairs Contractual", be decreased by \$15,000.00 and Highway Fund Account DA5130.4, titled "Machinery Contractual", be increased by \$15,000.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Owens to accept Budget Amendment #12-2010.

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

Budget Amendment #13-2010

WHEREAS, expenses are anticipated to exceed the budget in the General Fund Account, line item A1220.42, titled "Bookkeeper Contractual", now therefore be it

RESOLVED, that the General Fund Account A1990.4, titled "Contingency Account", be decreased by \$300.00 and General Fund Account A1220.42, titled "Bookkeeper Contractual", be increased by \$300.00.

A motion was made by Supervisor Barriere and seconded by Councilperson Teeter to accept Budget Amendment #13-2010.

Discussion: There are fees that need to be paid to the IRS due to the recent audit of 2008 records. These are penalties for vendors that did not supply the proper form. There were eight vendors with a \$100 penalty for each plus a back fee that was owed. The bill was split 50% to the supervisor's line item and 50% to the bookkeeper's line item. This problem has now been corrected.

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

Bill A10633: This bill has passed through the State Assembly, but not the State Senate yet. The Tompkins County Legislator and some towns have sent letters/resolutions in support of this Bill which would allow local governments to enforce their laws regarding Marcellus Shale Gas Drilling.

Supervisor Barriere moved for a resolution to support this Bill. Motion seconded by Councilperson Teeter.

Discussion: Councilperson Teeter mentioned her concerns with the town's ability to make decisions regarding gas drilling since we aren't experts. Councilperson Owens felt it is best if the process/decisions can be reviewed locally – we have more knowledge about our local area. However, she would like more information.

Supervisor Barriere moved to table this issue until July, seconded by Councilperson Owens.

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

Personnel Issue: Superintendent Rollins has asked to add a Motor Equipment Operator position at a starting rate of \$15 per hour. This would leave an entry laborer position open. Supervisor Barriere stated this is a budget issue only. If this position starts June 14, 2010 with a \$3 per hour increase it would

amount to about \$3,300. Based on what has been spent so far this year, it looks like approximately \$16,000 would be left in the budget if no change is made.

Councilperson Owens moved to create a new Motor Equipment Operator position at a starting rate of \$15 per hour which was seconded by Councilperson Teeter.

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

Announcements:

NYS has a temporary early retirement incentive program. Each municipality who wants to participate must adopt a law, so it will probably be on the agenda for July. This must be adopted before August 31. A public hearing will need to be held.

Supervisor Barriere publicly thanked Sue and Ed Thompson for placing all the US flags in our cemeteries. Also thanks to Jack Hubbell for helping Superintendent Rollins at the spring clean-up.

Councilperson Owens acknowledged the success of the 51 year birthday celebration at Enfield School.

Adjournment: Councilperson Barriere moved with a second by Councilperson Owens to adjourn at 8:30 p.m.

Respectfully submitted,

Alice M. Linton
Enfield Town Clerk