

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, May 12, 2010
6:00.m.

Present: Deputy Town Supervisor Jean Owens, Town Councilperson Chris Hern, Town Councilperson Debbie Teeter, Supervisor Roy Barriere arrived late, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton

Excused: Town Councilperson Stephanie Gaynor

Presentation: Deputy Town Supervisor Owens introduced Steve Messmer, Project Manager with Delta Engineers at 6:20 p.m. He spoke about the issue of road preservation that towns have faced for large scale development, wind farms, and natural gas drilling. He stressed his program is not pro or con the drilling industry – this is purely a technical issue about the whole responsibility to protect public assets. There are all opinions on the gas drilling issue, but Delta Engineers is looking at the fact that public roads will be affected by gas drilling activities and we will pay up front or at the end, but either way local roads will be affected and it will be a big issue.

Steve spoke about his program that started in Sullivan County to investigate the potential impacts of gas drilling, and local roads was one of the major impacts, so Sullivan County commissioned a study to try to identify what municipalities can do to protect local roads. Sullivan County is encouraging the proliferation of this program because they feel the more towns that come together using the same methodology, the greater chances New York has of having a unified defensible approach protecting local roads.

The firm has a double professional basis – legal and engineering. The firm has done Road Use Agreements in conjunction with wind farm activity in the past. A Road Use Agreement is the core document of how we interact with a large scale construction activity that is going to impact roads. A Road Use Agreement needs engineering and local law to back up the agreement.

Road Use Agreements should be written in the best interest of the town or municipality, not in the best interest of the user that you're trying to regulate. There are two approaches to regulating heavy traffic – reactive (recover after the damage) and proactive (upfront protection for cost of repairs should they occur).

If the Town of Enfield were to hire Delta Engineers, there would be three phases to their work. Phase one would be to establish a road inventory, condition inventory and cost inventory database to allow for fair determination of damage assessments. Phase two would be to provide a template Road Use Agreement Law, permit applications and training of town personnel to implement the permit process through the Delta Automated Road Use Agreement processing website. Phase 3 would involve implementing the permit process.

The standard cost to set the system up is a one time lump sum of \$8,500.00. The town would also have to have a permit manager who would work closely with Delta Engineers.

Deputy Town Supervisor Owens opened the meeting at 6:55 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Privilege of the Floor:

Risa Sokolsky spoke in support of Assembly Bill A.10633 – Amending State Environmental Conservation Law to Allow Local Governments to Enact or Enforce Certain Laws and Ordinances.

Approval of Minutes:

Councilperson Teeter moved, with a second by Councilperson Hern, to approve the minutes of the April 14, 2010 regular town board meeting and the minutes of the April 26, 2010 special town board meeting. Vote: Councilperson Hern aye, Deputy Town Supervisor Owens aye, Councilperson Teeter aye.

Correspondence:

Letter from Enfield Volunteer Fire Company president Dennis Hubbell to Enfield Town Supervisor Roy Barriere regarding blacktop resurfacing in and around the fire station within the next few months at a cost of approximately \$4,000. This is not a request for additional funds, but rather for information only. The work will be done in two phases to allow for emergency exits and sufficient curing time.

Audit Claims:

Budget Amendment No. 8-2010

WHEREAS, the Town Board of the Town of Enfield voted to purchase a backhoe at the April 26, 2010 Special Board meeting, NOW THEREFORE BE IT

RESOLVED, that the Highway Fund Estimated Revenues Account DA510, titled “Estimated Revenues”, be increased by \$63,900.00; Highway Fund Estimated Appropriations Account DA910, titled “Estimated Appropriations”, be increased by \$63,900.00; the Equipment Reserve balance be decreased by \$63,900.00; Highway Fund Account DA9950.9 titled “Interfund Transfer Equipment Reserve” be decreased by \$76.00 and Highway Fund Account DA5130.2, titled “Equipment”, be increased by \$63,976.00.

Deputy Town Supervisor Owens moved, with a second by Councilperson Teeter to approve Budget Amendment No. 8-2010.

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

Councilperson Teeter noted that there are 2 bills to be charged to Celebrations because we are receiving funds from the County Tourism Fund for a couple of beautification projects in the town.

Budget Amendment No. 9-2010

WHEREAS, the Town of Enfield will be reimbursed by Tompkins County Tourism funds for community beautification, NOW THEREFORE BE IT

RESOLVED that General Fund account A1990.4 titled “Contingency” be reduced by \$400 and General Fund Account A7550.4 titled “Celebrations” be increased by \$400.00.

Deputy Town Supervisor Owens moved, with a second by Councilperson Hern to approve Budget Amendment No. 9-2010.

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

Councilperson Hern moved, with a second from Councilperson Teeter, that the Town Board authorize the supervisor to pay General Fund Vouchers #123-148 dated May 12, 2010 in the amount of \$12,309.99 and Highway Fund Vouchers #79-92 dated May 12, 2010 in the amount of \$80,352.77.

Vote: Councilperson Hern aye, Deputy Town Supervisor Owens aye, Councilperson Teeter aye.

Committee Reports:

Code Enforcement: Alan Teeter reported that for the month of April 9 building permits were issued, which brings the total for the year to 23 including 4 new homes; 1 certificate of occupancy was issued; 2 certificates of compliance were issued; 9 building inspections were done; 3 progress checks were completed; 7 meetings with owners/builders were held; 2 complaints were received which were both valid and 1 was resolved; 2 letters of compliance were sent; 1 fire and safety inspection was done and 2 home inspections were completed. Both Alan and Carl Staley have received the required 24 hours of in-service training. There will be new building codes coming out this September and the code enforcement officers will need to attend mandatory training, but there will be no charge.

Planning Board: Jim McConkey reported there was no meeting this month. The committee hopes to complete a draft of the site plan review law so it can be presented to the Town Board.

Health Insurance Consortium: No report

Enfield Community Council: No report

Enfield Volunteer Fire Company: Larry Stilwell reported for April there were 22 calls, 15 emergency medical service calls, 1 CO detector call, 1 motor vehicle accident, 1 vehicle fire, 1 smoke condition with no fire found, 2 mutual aids to Newfield, a mutual aid to Odessa and also covering the Mecklenburg station. The old fire truck is now being advertised in Pennsylvania to see if a buyer can be found for it. New members are welcome. The EVFC thanked the highway department for their assistance over the weekend for use of their road barricades.

Facilities Manager: Councilperson Hern reported there are high levels of radon gas in the vault at Town Hall. It is usually recommended that a specialist be hired to evaluate the facility and come up with a mitigation plan. Chris asked the Board to consider hiring a specialist to evaluate the situation. He was asked to bring more information back to the Board.

Supervisor Barriere joined the meeting at this time (7:15 p.m.)

Communication Access Committee:

Councilperson Hern reported the committee's first meeting was held Tuesday, April 27. The committee decided to meet the first Tuesday of each month. Chris was chosen to chair the committee. He has been in communication with Chuck Bartosch of Clarity Connect regarding his fiber/wireless combination project that he's attempting to get grant money for. There is a questionnaire that will be in the community newsletter which can be submitted to Chris and he will forward the results on to Clarity Connect.

Facilities Development:

Councilperson Owens reported information continues to be gathered for the bond attorney. Resource Associates has been asked to finish the driveway permit application so it will be in place for the highway superintendent to begin that project.

TC Council of Governments: Supervisor Barriere reported that a resolution was passed in support of convening a county wide task force to assist the municipalities in preparing for the future drilling activities. No updates on the county health consortium.

County Legislator's Report:

The County Legislature is looking to adopt a budget with an approximate 5% increase in county taxes. They are looking at the county solid waste contract and are still pursuing broadband.

Old Business:

Road construction permits – Councilperson Teeter is working on road permit forms with Highway Superintendent Rollins.

Mass Gathering permits – Councilperson Teeter will bring a fee schedule to the next meeting.

Vehicle/equipment inventory and replacement plan – Supervisor Barriere will be going over the list of equipment we currently have, the replacement value, and the expected replacement date with Highway Superintendent Rollins.

Property Tax vs. Sales Tax information – Councilperson Owens has gathered some numbers for parcels which are tax exempt - most are state owned. After adding up the numbers she found about \$2,700,000 in tax exempt state owned tax parcels. The amount we would be reimbursed, if we were on property tax levy, would be \$7 per thousand. It doesn't matter what our tax rate is, that is what the state reimburses per thousand. Relying on sales tax, in this economic climate, is a bit iffy. With property taxes, you have an understanding of what the taxes will be. Councilperson Owens suggested that, if the Board decides to go back to receiving property taxes as opposed to receiving sales tax from the county, the decision needs to be made in the next month or so – in advance of the budget process. Also if the Board makes this decision, they will need to inform residents so they understand why we would be accepting property tax revenues as opposed to sales tax revenues. Supervisor Barriere asked Councilperson Owens to put this information together using actual numbers – for example what 2010's numbers would have been using this process. Councilperson Teeter asked for further clarification. Councilperson Owens explained that if we went from sales tax to property tax revenue, the county would not get property taxes from Enfield and would not give us sales tax. This would have worked out to be approximately \$18,000 more revenue for Enfield in 2010. Also, we would receive property taxes early in the year and have the opportunity to realize interest on these funds, whereas sales tax revenue comes in throughout the year.

Time Warner Cable Update – Supervisor Barriere stated he redid the resolution and passed it on to Time Warner Cable and they did not accept it. They wanted to change some things and have not counter-offered as of now.

Wind Farm Update – The thirty day period in which interested and involved parties can respond ends May 17. After that time, Frank Pavia will put together the Notice of Positive Declaration and Resolution Issuing the Declaration. We'll have that for the June town board meeting and Parts 2 and 3 of the EAF will need to be completed as well.

Councilperson Teeter asked if Black Oak Road is a town road. John Rancich, wind farm developer, responded Black Oak is a county road up until it hits Connecticut Hill Road where it changes to a town road. It is a town road for about $\frac{3}{4}$ of a mile. It was suggested to Tompkins County that they not redo Black Oak Road until the heavy traffic is done going up and down the road and John Rancich has stated

his intent to work with the Town of Enfield to compensate for any damage to the town road during wind farm development.

Highway Superintendent's Report:

Buddy Rollins reported he continues to work on the Vehicle/Machinery Inventory Report. The completed report would be very useful to have at budget time. The new backhoe was delivered and is now in service. The crew will be on Rothermich Road replacing pipes. Buddy asked the board to make sure all permits are in place for him to begin road work at the site of the new highway facility. North Applegate Road will be closed next week between Hayts and Iradell Road for replacement of a cross-over pipe. Clean-up week has been a little slow – 4 dumpsters have been filled so far.

New Business:

CHIPS Funds - Supervisor Barriere reported that at this point CHIPS funds are not in the governor's budget. Until the final budget is passed, we shouldn't spend anything that was proposed for CHIPS.

Dog Control/Enumerator – Town Clerk Alice Linton reported the last enumeration done in Enfield was in 2004. Currently we have approximately 700 dogs licensed, but feel there are probably over 300 unlicensed dogs. Alice recommended paying an enumerator \$2 for each dog found (licensed or unlicensed) and 50 cents per mile.

Discussion: During the last enumeration, 700 miles were traveled. That would probably remain about the same, especially if we hire someone who lives in Enfield. If the enumerator found 300 unlicensed dogs and they are fined \$5 each that would go a long way to offset the cost to the town for the enumeration.

Councilperson Teeter moved to authorize the supervisor to enter an agreement with Regina Leonard to conduct a dog enumeration and pay her at the rate of \$2 per dog found (licensed or unlicensed) plus \$.50 per mile traveled within the Town of Enfield. Motion seconded by councilperson Owens.

Discussion: The enumerator should knock on all doors in the town. In 2006 there were over 300 unlicensed dogs found. She found 1,088 dogs total. This enumerator would be a part-time, temporary employee of the town.

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

Announcements:

The county has notified Supervisor Barriere that a grant submitted by Sue Thompson, town historian, for the 51st anniversary of Enfield School was approved for \$500.00.

Adjournment: Councilperson Owens moved with a second by Councilperson Teeter to adjourn at 8:20 p.m.

Respectfully submitted,

Alice M. Linton
Enfield Town Clerk