

**Town of Enfield
Regular Town Board Meeting Minutes
and Public Hearing Minutes
Enfield Community Building
Wednesday, May 8, 2013
6:30 p.m.**

Present: Town Supervisor Ann Rider, Town Councilperson Mike Carpenter, Town Councilperson Chris Hern, Town Councilperson Vera Howe-Strait, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton.

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

Public Hearing: Supervisor Rider opened the public hearing on proposed Local Law No. 1 of the year 2013, to effect a Prohibition Within the Town 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.

Martha Fischer of 772 Bostwick Road thanked the board for the work done so far on the ban. She encouraged everyone to think of energy conservation and moving towards renewable sources of energy such as the wind farm and solar power.

Mary Jo Lovelace of 2504 Mecklenburg Road thanked the board for passing the ban in the original version and for the board's hard work. She would like to see this law passed as soon as possible.

Nancy Spero of 68 N. Van Dorn Road stated that since home rule was upheld in the Dryden, New York law suit it makes our ban even stronger and a clearer statement for what people want in the Town of Enfield.

Judy Hyman of 632 Bostwick Road thanked the board for all the work they've done and all the work they're going to do. She was glad to be present to speak in favor of the ban.

Councilperson Teeter moved, with a second by Councilperson Howe-Strait to close the public hearing at 6:34 p.m.

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

Privilege of the Floor: Robert Lynch of 175 Gray Road stated he lives in the Enfield Falls area and does not have access to reliable broadband internet service. He is aware there is an item on the agenda for approval of a cell tower to be erected on Mecklenburg Road and to be used by Clarity Connect to bring broadband internet service to a portion of Enfield. There seems to be no plan now for reliable service to the Enfield Falls area. He urged that the Town of Enfield join with Tompkins County to begin a discussion as to how we can cooperate to provide the Enfield Falls area with reliable broadband service coverage.

Supervisor Rider stated she spoke with Chuck Bartosch of Clarity Connect and was told that, although the grant from New York State was not totally awarded, Clarity Connect wants to provide service to all of

Enfield. She feels the best way to get service to a new area is for neighbors to come together and let the cable provider know of the interest.

Councilperson Teeter stated that leaving \$22,000 out of a \$1.2 million request seems odd. She questioned whether the town has any leverage. She also wondered why Clarity Connect "forgot" Enfield in the first go-round of grant applications.

Supervisor Rider stated the proposed new tower on Mecklenburg Road is integral to Mr. Bartosch's plan to have wireless internet.

Approval of Minutes: Supervisor Rider moved, with a second by Councilperson Hern to approve the minutes of the April 10, 2013 regular town board meeting.

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

Supervisor Rider moved, with a second by Councilperson Teeter to approve the minutes of the April 12 special town board meeting.

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

Correspondence: None

Announcements: Paul Thompson, the town's custodian, has resigned effective May 1, 2013. Supervisor Rider will entertain letters of interest for the 10 hour per month job at the rate of \$10.50 per hour. Letters of interest can be left at the town clerk's office or e-mailed to Supervisor Rider.

The Tompkins County Assessment Grievance Committee will be available on May 14 from 3-6 p.m. at the Enfield town hall for anyone to present a grievance regarding their assessment.

Audit Claims: Councilperson Carpenter moved, with a second by Councilperson Teeter to authorize the supervisor to pay General Fund vouchers #120 to #141 dated May 8, 2013 in the amount of \$10,424.78, and Highway Fund vouchers #82 to #101 dated May 8, 2013 in the amount of \$20,326.35.

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

County Legislator's Report: No report.

Highway Superintendent's Report: Highway Superintendent Buddy Rollins reported the highway department has started their summer work. The State of New York awarded Enfield \$23,000 more in CHIPS funds. Evan Reynolds, student from BOCES, did a good job during his internship with the highway department this semester. Alternative Waste Services has submitted a proposal to provide dumpster services to the town for \$50 per month with pick up every week. They could also provide dumpsters for the spring clean up.

Supervisor Rider will look into the Alternative Waste Services proposal.

Superintendent Rollins reported there has been concern of a dead tree next to the Presbyterian Cemetery and a dead tree in the Christian Cemetery. He suggested a tree service with a bucket truck should be hired to remove the trees so there is no damage to head stones.

Councilperson Howe-Strait will get 3 estimates for the 2 trees to be removed.

Code Enforcement Officer's Report: Code Enforcement Officer Alan Teeter reported in April there were 6 building permits issued or renewed, which brings the year to date total to 15. There were no certificates of occupancy issued and 1 certificate of completion issued. There were 3 inspections completed, 9 progress checks, 3 meetings with owners/builders/assessment, 4 valid complaints received and 1 resolved. There was one Order to Remedy and there were 4 fire and safety inspections of multiple residences. Alan has completed 24 training hours and attended 2 meetings.

Committee Reports:

Planning Board: Councilperson Howe-Strait reported the review of portions of drafts of the Comprehensive Plan continues. A draft to the town board should be ready in 2-3 months.

Health Insurance Consortium: No report.

Enfield Community Council: Councilperson Howe-Strait reported there will be a fundraising Country Faire at the Enfield School on May 11 with a pig roast and local bands. On May 18 there will be a community yard sale from 9-3, with maps available at the Fire Department, Community Building and Dandy Mart.

Recreation Partnership: No report.

Youth Board: No report.

Enfield Volunteer Fire Company: Art Howser reported there were 19 calls in February, 21 in March and 27 in April. Trainings included brush fire training, park rescue and training at Ithaca Fire Tower. The next blood drive at the fire station is scheduled for May 21. Highway cleanup of Enfield Main Road has started. The Fire Department is working with Enfield Elementary School on an evacuation drill.

Facilities Manager: No report.

Communication Access Committee: No report.

Aquifer Study Fundraising Group: Nancy Spero reported \$3,320 has been raised to date. Several fundraisers are being planned.

Facilities Development: No report.

Personnel Committee: No report.

TC Council of Governments: Supervisor Rider has been nominated to be assistant chair.

Old Business:

Update on Road Preservation Plan: Supervisor Rider and Dan Walker met to bring together a Road Preservation Plan similar to the plan the Town of Caroline is enacting. The county has a plan and our plan would need to be in synch with it. Hopefully by the end of this year there will be a working document for perusal and public input. The plan would acknowledge the common and ordinary use of town roads. Large projects that stress the roads, and are not normal use, would need a special permit. The Wind Farm Project will enter into an agreement so the town won't need a Local Road Use Law before construction begins.

Update on Local Law #1 of 2013: Supervisor Rider stated there are still several items to be addressed before this can be enacted. A SEQRA needs to be completed, but there still needs to be follow-up with Mr. Slottje. Also, the draft law needs to be sent to the Tompkins County Planning Department for their comments.

Supervisor Rider moved, with a second by Councilperson Carpenter to forward the revised proposed Local Law #1 of 2013 to the Tompkins County Planning Department for their review and comments; and further to have the SEQRA finalized; and finally to direct the town clerk to send the revised draft law to the Tompkins County Planning Department.

Councilperson Carpenter asked how long it would take for the SEQRA process. Supervisor Rider responded it should not take much time, but she will follow up with Mr. Slottje.

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

New Business:

Black Oak Wind Farm Draft Environmental Impact Statement: Supervisor Rider stated the Wind Farm DEIS is almost completed. The Wind Farm engineering firm and town attorney for the Wind Farm Project are reviewing the document and will make recommendations before the document is submitted to the town board. Both the engineering firm and attorney would be able to meet with the town board to go over the document at a special working board meeting to be held May 22 at 6:30 p.m.

Councilperson Carpenter asked if any advantages the town would gain from having the wind farm have already been developed and established.

Councilperson Teeter responded if the wind farm agrees to a PILOT (payment in lieu of taxes) agreement with the IDA, the property will come off the tax rolls, then the IDA, or the county, will control the PILOT. So if there is a PILOT agreement, whatever the town does will be null and void, and the town will not see much income for the first ten years.

Supervisor Rider stated she has heard the PILOT will be with the town, not with the county, since we are the lead agency. Usually the PILOT continues with the current split: the school district gets the largest share, and whatever the percentage is between the town and county would continue to be the split.

Councilperson Teeter stated the only way you can be forced into a PILOT agreement is if you have an agreement or your property is not on the tax rolls. So if they don't go with the IDA and get the property off the tax rolls, we can take full taxes. When she spoke with the Tompkins County Assessment Office it appears that the total increase in taxes for the entire project would be about \$250,000 per year. If the town gets 10%, it would be about \$25,000 more in the first year.

Variance for Cell Tower on Mecklenburg Road: Supervisor Rider stated Clarity Connect has applied for a building permit to build a 195' communications tower on Mecklenburg Road. This was brought before the planning board for consideration. It was approved by accepting the site plan application for installing a communications tower with the stipulation that if the planning board stipulated lights be placed on the tower, Clarity Connect would comply. Supervisor Rider stated she believes the town board now needs to turn the planning board's recommendation into a resolution.

Councilperson Carpenter asked if this triggered the Site Plan Review Law. Supervisor Rider responded that it did since the tower is to be over 100'.

Councilperson Howe-Straight stated the FCC and FAA have already approved this, without a light.

Supervisor Rider moved, with a second by Councilperson Teeter, that the variance to the Site Plan Review application of Clarity Connect for installing a 195' communications tower at 1808 Mecklenburg Road be approved, with the contingency that if the Town of Enfield Board and/or the Town of Enfield Planning Board requests that lights be placed on the tower, Clarity Connect will comply with that request.

Code Enforcement Officer Alan Teeter stated this would not be a variance since they are complying with the law. Also, they only needed approval if the tower was over 100'.

Councilperson Teeter reminded everyone that the planning board was initially an advisory board, but throughout the years they've been given power of action.

Supervisor Rider still believes it would be prudent for the town board to support them by passing a resolution.

Councilperson Teeter feels that the planning board's motion was to accept the application, without actually approving it. She feels the town board should approve this. Acceptance is an acknowledgment.

Councilperson Carpenter stated they made a motion to accept the application, and then they approved the motion to accept the application. He feels they've left this up to the town board to approve the application.

Councilperson Teeter feels this is appropriate for the town board to approve.

Councilperson Howe-Straight stated Chuck Bartosch of Clarity Connect was confused why it had to go back and forth between the planning board and the town board. She felt it was to let the community know the town was moving forward with internet service. She felt this might have just been brought to the board to acknowledge that something is happening.

Supervisor Rider stated it was brought before the board because she put it on the agenda so it could be voted on. The planning board didn't tell her anything about this. She feels it's important for the town board to vote on such an important thing.

Councilperson Teeter doesn't believe the town board has the authority to go against the law that says the planning board is supposed to do this.

Councilperson Carpenter stated the planning board did not approve this, they only accepted the application.

Code Enforcement Officer Alan Teeter stated that after the planning board accepted the application, they have 60 days to approve the project. So the process is not finished.

Supervisor Rider pulled the motion.

Adjournment: Councilperson Teeter moved, with a second by Councilperson Hern, to adjourn at 8:13 p.m. Carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk