

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, November 9, 2011
6:45 p.m.

Present: Town Supervisor Roy Barriere, Town Councilperson Ron Clark, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton.

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

Privilege of the Floor: Laurie Roe of 271 Hines Road spoke regarding the health impact of hydraulic fracturing which is not currently part of the DEC statement. She would like the town board to pass a ban on hydraulic fracturing until it is safe and proven economically reasonable for the whole population.

Asa Redmond of 184 N. Applegate Road spoke regarding his concerns of water contamination and property values relating to hydraulic fracturing and asked the town board to put a ban in place before drilling begins. He feels damaging our water forever for the sake of enriching a few doesn't make a lot of sense.

Ann Rider of 77 Halseyville Road thanked citizens of Enfield for their support in the recent election and looks forward to working on the complex issues facing Enfield during the next few years.

Dan Flerlage of 881 Bostwick Road spoke regarding climate change and the feeling many have that natural gas is some kind of buffer, that it will be a more gentle type of fuel, that it will have less climate impact and it will buy us time to do something that is more long range. He stated current research shows that is entirely not true. He asked the town to act on a hydraulic fracturing ban before it is too late.

Nancy Spero of 68 N. Van Dorn Road is a school nurse and noted that Enfield School has about 40 students who suffer from asthma. She would like the town board to think of the future and our children and be proactive in looking into a hydraulic fracturing ban in Enfield.

Poney Carpenter of Bostwick Road is a landowner who feels if the consequences of hydraulic fracturing are bad, we should be able to limit gas drilling as the gas isn't going anywhere. He would like the board to start the process of putting a ban in place.

Joanna Green of Woodard Road spoke for the Groundswell Center for local food and farming, a non-profit organization that trains new farmers and strengthens our local food supply through education and training. They feel there is a tremendous future for agricultural based economic development and hydraulic fracturing has the potential to devastate the food system. As a resident, she urged the town board to act quickly and start the process now to ban hydraulic fracturing in the Town of Enfield.

David Gould has a business on Mecklenburg Road with nine employees. He spoke against hydraulic fracturing based on what he has read.

Approval of Minutes: Councilperson Teeter moved, with a second by Councilperson Owens to accept the minutes of the October 12, 2011 regular town board meeting and the minutes of the October 25, 2011 public hearings.

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

Correspondence: Annual letter from the Tompkins County Drug and Alcohol Testing Consortium asking for municipality's acceptance of continuing in the Consortium through 2012. The cost will remain the same as in 2011.

Councilperson Owens moved, with a second by Councilperson Hern to remain in the Tompkins County Drug and Alcohol Testing Consortium through 2012.

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

Letter from Tompkins County Area Development inviting the Town of Enfield to renew its membership with TCAD and seeking a pledge from the town of \$250.

Letter from Tompkins County Department of Planning outlining municipal tools for addressing potential gas drilling impacts.

Notice of Ithaca-Tompkins County Transportation Council meeting to be held November 15, 2011 at 737 Willow Avenue from 10 a.m. to noon.

Audit Claims: Councilperson Clark moved, with a second by Councilperson Teeter to authorize the supervisor to pay General Fund vouchers #285 to #312 dated November 9, 2011 in the amount of \$15,870.70, Highway Fund vouchers #165 to #177 dated November 9, 2011 in the amount of \$60,730.54 and H-Fund vouchers #22 to #30 dated November 9, 2011 in the amount of \$84,803.40.

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

County Legislator's Report: No report.

Highway Superintendent's Report: Highway Superintendent Buddy Rollins reported that all summer projects have been completed, including oil and stone on Harvey Hill Road and Fish Road and an extra ½ mile on Enfield Center Road and Hubbell Drive. His hope is that eventually all town roads will be oil and stone. The CHIPS application has been sent in for reimbursement. The 2009 Ford is in the shop for warranty work. Cutting shoulders and ditching will continue on Porter Hill and Harvey Hill Roads.

Code Enforcement Officer's Report: Alan Teeter reported that for the month of October there were 5 new building permits issued or renewed, including one new home, bringing the year to date total to 50. There was 1 certificate of completion issued, 1 certificate of compliance issued and 11 inspections completed. There were 11 progress checks and 2 meetings with owners/ builders/ assessment. There was 1 valid complaint received, and 1 Order to Remedy. There was 1 fire and safety inspection for a public assembly completed and 3 house numbers were installed. Scheduling has begun for multiple residence inspections that are due this year.

Committee Reports:

Planning Board: Councilperson Teeter reported there were presentations from two possible applicants to fill the vacant position on the Planning Board. The committee continued to discuss the site plan review and make changes.

Health Insurance Consortium: No report.

Enfield Community Council: Ann Rider reported there has been a change in leadership: she has been voted in as president, Joanne Huddle is the vice-president, Sue Howser is the secretary and Lauren Trenchard is the treasurer until the February annual meeting. The ECC continues to be involved with recreational activities for youth and adults. She also reported the ECC applied for and received a \$3,000 grant from the Legacy Foundation for installing a bathroom downstairs in the Community Building. The next town newsletter is scheduled to be delivered in homes the first of December. Zumba classes have begun on Monday nights at Enfield Elementary School. The 4th and 5th grade basketball program will be starting soon.

Facilities Manager: Councilperson Hern reported the furnaces in the Town Hall and Community Building have been serviced. One of the two furnaces in the community building is leaking and needs to be replaced – 3 quotes will be obtained. Alarm Tech will be modifying boxes before they can start monitoring.

Communication Access Committee: No meeting was held.

Facilities Development: Councilperson Owens reported an Open House has been scheduled for Saturday, December 3 from 11-1. Pizza and beverages will be served. Councilperson Owens has postcards that will be sent out inviting the public to attend.

Personnel Committee: No report.

Tompkins County Council of Governments: Supervisor Barriere reported a public hearing has been set for comments on the DEC's draft environmental impact statement regarding hydraulic fracturing at the State Theatre on December 1. All comments will be sent to the DEC before December 12th. Supervisor Barriere presented board members with copies of a document put together by TANG that the town board could use as an aid in putting together a resolution to present to the DEC on hydraulic fracturing. A special meeting of the town board may be called to go over these comments and possibly add others in order to form a resolution.

Old Business:

Update on Facility Consolidation Plan: Councilperson Teeter reported Chuck Fezali of Resource Associates is working on numbers for possible uses for the facilities.

Update on 5-Year Facilities Development Plan: Councilperson Owens reported there should be a plan by the December meeting.

Update on Road Preservation Plan: Supervisor Barriere spoke with Guy Krogh, town attorney, and Don Barber, Town of Caroline supervisor regarding a Town Road Preservation Plan. They plan to get together sometime in December to put together a Road Preservation Law or Road Use Regulation that is very close to Tompkins County's plan. Ulysses may also join the group.

Update on Dog Control Budget: Supervisor Barriere reported the 2012 obligation will be less than what was anticipated, \$14,885. There is still a possibility that Lansing will join the consortium.

Councilperson Owens moved, with a second by Councilperson Teeter to authorize the supervisor to enter into the Animal Control Services Agreement to be effective January 1, 2012.

Discussion: Councilperson Teeter asked if another municipality joins would we pay more or less. Supervisor Barriere responded we would likely pay less. Councilperson Teeter also asked about SPCA response time to a reasonable request for service being within six business hours, unless it is an emergency. Supervisor Barriere will ask what constitutes an emergency and will change the date on the Agreement to 2012 before signing it.

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

Budget: Councilperson Owens moved, with a second by Councilperson Teeter to adopt the preliminary budget for 2012 as the Town of Enfield's final budget for 2012.

Discussion: None

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

Local Law for Exceeding the NYS Tax Cap Limit: Supervisor Barriere stated it appears we are below the legal limit at this point, but if this is incorrect, we should have this law on the books – only for this year.

Discussion: Councilperson Teeter attended a workshop and feels this is the prudent thing to do, since there are questions that even the state representative doesn't have the answers to.

Councilperson Teeter moved, with a second by Councilperson Owens to approve Town of Enfield Local Law #1 of 2011.

**TOWN OF ENFIELD
LOCAL LAW NO. 1 FOR THE YEAR 2011
A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the Town Board of the Town of Enfield as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Enfield pursuant to General Municipal Law §3-c, and to allow the Town of Enfield to adopt a budget for the fiscal year beginning January 1, 2012 and ending December 31, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Enfield, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its

operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

Discussion: None

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

Enfield Volunteer Fire Company contract: Supervisor Barriere explained that last month a letter was received from the EVFC offering to extend their contract for another 5 years and keep it at a 2% rate increase. At this time the contract is good until 2014 with a 2% rate increase each year.

Discussion: Councilperson Teeter suggested we don't have to wait until 2014 to extend the contract, and it doesn't make sense to hire lawyers to renegotiate the contract. Councilperson Hern felt it would be more prudent to wait and see what the economic environment is in a couple of years. Councilperson Owens agreed.

Update on legal presentation dealing with unconventional gas drilling issue: A legal presentation has been set for November 17 at Enfield School from 6:30 to 9:30 p.m., which will include a question and answer period. The Enfield town attorney, Guy Krogh, will be present and other attorney(s).

Supervisor Barriere suggested, based on concerns expressed during the Privilege of the Floor, that a public comment period in Enfield should be held. He suggested December 7 from 6:30 to 9:30. Councilperson Teeter suggested November 30 so there wouldn't be a conflict with the Planning Board. Also, at 6:00 on November 30, the Town Board will meet to discuss comments to be submitted to the State DEC on the gas drilling issue. Once the date is confirmed with Enfield School, the information will be posted on the Town of Enfield website, townofenfield.org.

New Business:

Discuss donation towards the sGEIS public hearing at the State Theater 12/1/11: TCCOG has passed a resolution to contribute \$1,000 from their funds for this public hearing. They are possibly in need of more funds. Supervisor Barriere suggested the board wait until the December meeting to see if there is a need for more funds.

Tompkins County Area Development: They are asking for a \$250 donation. Councilperson Owens doesn't feel we should give them money at this point since our budget is so tight. Councilperson Teeter agrees, and added that TCAD has not made development of agricultural industry a priority. Councilperson Hern stated that if creating economic growth within the county creates jobs, then there is a trickle down effect, so we probably do gain something. Councilperson Clark also felt there was something that comes back along the line.

Councilperson Hern moved, with a second by Councilperson Clark that the Town of Enfield contribute \$250 as a 2012 pledge to Tompkins County Area Development.

Vote: Councilperson Clark aye, Councilperson Hern aye, Councilperson Owens no, Councilperson Teeter no, Supervisor Barriere aye. Carried

Enfield Volunteer Fire Company Committee Report:

Art Hower reported in September there were 34 calls with 17 EMS, 1 fire due to heat tape, 1 dryer fire, 1 small fuel oil leak, 1 motor vehicle accident, 2 carbon monoxide detector activations, 1 smoke detector activation, 1 outside controlled burn, 1 outside unauthorized burning, 1 severe weather tree in roadway and 7 severe weather flood conditions. In October there were 20 calls with 13 EMS, 1 mattress fire, 5 motor vehicle accidents, 1 severe weather tree in roadway.

September training included station and truck maintenance, SCBA training, fire police training, obstacle training. October training included chimney fire, motor vehicle extrication, and station, truck, equipment maintenance.

The EVFC helped with the Enfield Harvest Festival, they sponsored a blood drive on September 20, the general elections were held November 8 at the fire station and Halloween candy was handed out October 31. November 15 is the next blood drive scheduled at the fire station. The fire department is looking into hydro fracking and what it means as far as extra training and the impact it will have on increased calls and costs.

Announcements: None

Adjournment: Councilperson Owens moved, with a second by Councilperson Hern to adjourn at 8:05 p.m.

Respectfully submitted,

Alice M. Linton
Enfield Town Clerk