

Town of Enfield
Public Hearing and Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, September 10, 2014
6:00 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Mike Carpenter, Town Councilperson Vera Howe-Strait, Town Councilperson Beth McGee, Town Clerk Alice Linton. Excused: Town Councilperson Virginia Bryant (who arrived at 6:45 p.m.).

Supervisor Rider opened the public hearing on the Local Law to Override the Tax Levy Limit Established in General Municipal Law Section 3-C at 6:02 p.m.

Walt Smithers of 320 Enfield Main Road stated he understands the necessity of passing this law, but would urge the board to make every effort possible to stay under the tax cap. Residents on social security received a very small increase this year and are having trouble keeping up. It is important for the board to keep taxes as low as possible.

Linda Crombie of 33 Harvey Hill Road stated she is working with Food Net, and they have tripled the number of people they are feeding. She urged the board to keep taxes down.

Supervisor Rider closed the public hearing at 6:05 p.m.

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

Privilege of the Floor: No one wished to speak.

Approval of Minutes: Supervisor Rider moved, with a second by Councilperson McGee to accept the minutes of the August 13, 2014 meeting.

Vote: Councilperson Bryant absent, Councilperson Carpenter aye, Councilperson Howe-Strait abstain, Councilperson McGee aye, Supervisor Rider aye.

Budget Amendments:

Supervisor Rider moved, with a second by Councilperson Howe-Strait to approve Budget Amendment #2014-26.

BA#2014-26 Justice Funds

WHEREAS, several years ago Betty Poole received a JCAP grant for Court equipment and supplies and

WHEREAS, this money has not all been spent but was not carried over into the 2014 budget, now, therefore, be it

RESOLVED, that Revenue line A599 be reduced by \$7,684.95 and General Fund line A1110.22 titled "JCAP Grant Equipment" be increased by \$7,684.95.

Discussion: Supervisor Rider stated these funds need to come out of revenues and be put in the line Justice Poole is currently spending on. These funds will now be available for Justice Poole to use.

Vote: Councilperson Bryant absent, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Supervisor Rider moved, with a second by Councilperson Howe-Strait to approve Budget Amendment #2014-27.

BA#2014-27 Bookkeeper Funds

WHEREAS, supplies for the Town Bookkeeper have exceeded line item A1220.42, titled "Contractual (Bookkeeper)" by about \$800.00, now therefore, be it

RESOLVED, that General Fund line A1990.4 titled "Contingent Account" be reduced by \$800.00 and General Fund line A1220.42 titled "Contractual (Bookkeeper)" be increased by \$800.00.

Discussion: Supervisor Rider stated the bookkeeper budget line has been exceeded due to the purchase of envelopes, checks and print cartridges.

Vote: Councilperson Bryant absent, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Audit Claims:

Councilperson Carpenter moved, with a second by Councilperson McGee to authorize the supervisor to pay General Fund vouchers #235 to #260 dated September 10, 2014 in the amount of \$10,358.97 and Highway Fund vouchers #150 to #163 dated September 10, 2014 in the amount of \$15,293.25.

Discussion: Councilperson McGee asked if billings by the town attorney for Black Oak Wind Farm fees should be paid from the Black Oak Wind Farm escrow account. Supervisor Rider will look into this. Councilperson McGee also suggested the town utilize the legal counsel for the Association of Towns to answer legal questions, as their services are covered under our annual membership fee.

At this time Councilperson Bryant arrived.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Correspondence: Letter from Public Employer Risk Management Association, Inc. regarding changes adopted by the NYS Workers Compensation Board which benefit self-insurers.

Letter from Standard & Poor's Ratings Services giving the Town of Enfield an "A" rating for Public Improvement (Serial) Bonds, Series 2011.

Tompkins County Youth Services Department 2013 Annual Report.

Letter from State of New York Department of Public Service asking for help to raise awareness of the Lifeline Discount Telephone Service Program for income eligible consumers.

Letter from Tompkins County Department of Planning stating a check for \$2,000 will be sent September 9 for the 2014 Enfield Harvest Festival to help defray expenses.

Announcements: Health Insurance Consortium Retreat scheduled for September 15 at the Tompkins County Legislative Chambers from 5-7:30 p.m.; free seminar on safety for snow and ice removal operations; free rabies clinics to be held in Newfield, Groton, Caroline, Trumansburg and Ithaca; Emergency Management Certification and Training on September 24.

County Legislator's Report: No report.

Highway Superintendent's Report: No report.

Code Enforcement Report: Code Enforcement Officer Alan Teeter reported in August there were 5 building permits issued, with 0 being for new homes, bringing the year to date total to 47. There was 1 certificate of occupancy issued, 1 certificate of compliance issued, 10 inspections completed, 22 progress checks completed, and 2 complaints received and resolved.

Alan stated there is a new county law that states maps being filed must go through the Tompkins County Assessment Office before being filed with the Tompkins County Clerk. This way code officers are notified when there is a subdivision planned. He also stated a sign was recently stolen from Hedgerow Drive and residents asked to have the sign replaced. The road is not owned or maintained by the town, so board members decided the town would not replace the sign. He also mentioned work will be done on State Route 327, before winter, that will necessitate the road being closed. New York State will provide signs for detours and notify the fire department when the work is ready to begin.

Town Supervisor's Report: Supervisor Rider stated she chaired the August TCCOG meeting; met with a dog enumeration group, a shared services group, John Rancich regarding purchase of town land, Walt and June Smithers regarding sale of old gravel pit, Rose Pellegrino regarding sale of old gravel pit; compiled electric supply costs; compiled cost of utilities for town buildings; did paperwork regarding selling excess property and items; started the 2015 budget process.

Committee Reports:

Planning Board: Chair Dan Walker asked the town board to consider waiving training requirements for planning board member Dawn George due to medical issues. He will ask the Planning Board to review the Town of Enfield Subdivision Regulations in preparation for them to become a law.

Supervisor Rider moved, with a second by Councilperson Bryant to adopt Resolution #2014-40.

Resolution #2014-40 Resolution to opt out of training requirements for Planning Board

WHEREAS, Chapter 662 of the Laws of 2006 requires planning and zoning board of appeals members to complete four (4) hours of training annually unless the Town of Enfield opts out of the training requirement; and

WHEREAS, the New York State Legislature, recognizing that the mandated training provided for in Chapter 662 of the Laws of 2006 may not be appropriate for every municipality provided authority in the law for local governments to choose to opt out of the mandated training requirements established in Chapter 662 of the Laws of 2006; and

WHEREAS, Chapter 662 of the Laws of 2006, provides that the Town of Enfield may, at any time, opt out of the provisions of Chapter 662 of the Laws of 2006 by passage of a Resolution providing such; and

WHEREAS, Enfield Planning Board has excused Dawn George from 2014 Planning Board Meetings, due to medical reasons, the Planning Board recommends to the Enfield Town Board that Dawn George be excused of the training mandates of Chapter 662 of the Laws 2006, NYS for the year 2014. It is also noted that the Planning Board requests that Dawn George is to remain a member in good standing of the Planning Board.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Supervisor Rider stated she would put the matter of reviewing the Town of Enfield Subdivision Regulations on the October agenda.

Cemetery Committee: Sue Thompson thanked Wayne and Tucker Snyder for their hard work keeping the cemeteries mowed this summer. There was one burial during August in the Budd Cemetery. Sue and Ed Thompson will be attending a conference of the NYS Association of Cemeteries on October 22.

Comprehensive Plan Writing Committee: Councilperson McGee reported their next meeting will be held September 17 to begin review and development of the land use section.

Enfield Community Council: Cortney Bailey, ECC president, reported the summer camp was a success again this year. There were 90 campers, 14 counselors-in-training and 5 specialists. The campers went on numerous field trips, and had many special events including an overnight at the YMCA camp.

Recreation Partnership: No report.

County Youth Board: No report.

Enfield Volunteer Fire Company: Chief Roger Lauper was not present, but submitted his report showing there were 37 calls in August which included 26 rescue calls, 3 motor vehicle, 2 Fire/CO calls, 1 hazardous condition, 4 service calls and 1 severe weather. Trainings for September are SCBA-usage, cleaning, EMS training, Life Net Rescue/Helicopter Training. Pump tests were done at the station on 601 and 602. Pump service was done on 601, 602, 621, and 622. Walkin' the Country with Chris Alinger, Q-Country Radio Station, will be at the Fire Station around noon on September 11. He is walking for the Back Pack for Kids Program for the Southern Tier. Donations can be made to Mr. Alinger at the Fire Station. A donation of just \$3.00 provides a child, who may not otherwise eat during that time, with food for a weekend. There will be a blood drive September 16 from 1:30 to 6:30, the Harvest Festival will be held October 4, and 5 fire members attended a PESH training in Binghamton in August.

Tompkins County Health Insurance Consortium: Supervisor Rider stated a meeting will be held on Monday. Councilperson McGee will be attending also.

Facilities Manager: Councilperson Carpenter stated he will check with Norm Smith for an update on installing a new metal exterior door at the town clerk's office.

Aquifer Study Fundraising Group: Nancy Spero reported the group has raised approximately \$8,900 to date. The goal is \$10,000. They may send a letter to those who have already donated asking for another donation. They will also continue to look for grants and sell bumper stickers.

Facilities Development Committee: No report.

Tompkins County Council of Governments: Supervisor Rider stated there will be a study done to determine the economic impact of Cornell University on the community, Enfield needs to update its Hazard Mitigation Plan, and there will be more discussions on shared services.

Old Business:

Alarm System for Town Clerk's Office: Supervisor Rider checked with Alarm Tech and they will not offer any more of a discount than what was in their recent quote of \$1,573.88. An additional phone line would be needed at town hall if the system is installed. The annual charge for monitoring is \$335.85.

Supervisor Rider moved, with a second by Councilperson Carpenter to contract with Alarm Tech for installation of an alarm system in the town clerk's office, with the knowledge that another phone line will need to be installed.

Discussion: Councilperson Carpenter asked that the installation not be scheduled until after a decision on usage of the town hall/old highway facility is decided.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Policy Regarding Delivery of Firewood Logs on Town Property: Supervisor Rider moved, with a second by Councilperson Carpenter to establish a policy to deliver excess logs to people within a ten mile radius of the new highway facility, 475 Enfield Main Road, Ithaca, NY, to be delivered by the town highway department, with no more than one dump truck load every six months. for home use - not resale. Before delivery, a written agreement must be signed and left with the town clerk and the highway superintendent for every load that is delivered.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Councilperson McGee will take care of posting this on craigslist, in the Enfield newsletter, and on the town website.

Black Oak Wind Farm Final Environmental Impact Statement Progress: Dan Walker stated the FEIS is going through the chain of command. He has agreed to work on a road use agreement that the Black Oak Wind Farm will voluntarily enter into. Supervisor Rider's concern is that a clear definition of the condition of the one mile of town road be established prior to construction, done by

a third party. Then an inspection should be completed after the construction is complete to determine the amount of damage done by the construction.

Dan Walker stated a cost estimate should be obtained to totally rebuild the road and this amount should be put in escrow by the Black Oak Wind Farm. He envisions the road may require some pre-work, it will require maintenance work during the life of the project, and will require reconstruction at the end.

Supervisor Rider stated there will be a Community Host Agreement to benefit the town - one of the benefits has to be a historic component. The town will be reimbursed \$15,000 for the impact the wind farm has on noise and view.

Councilperson McGee feels this is not enough. Over a 20 year period that would be less than \$800 per year.

Disposing of Excess Town Properties: Supervisor Rider confirmed with the Enfield Volunteer Fire Department that they are not interested in leasing the **old highway facility**. She feels at this time the old highway facility should be used for cold storage and salt storage and the board should concentrate on selling other properties.

Councilperson McGee stated that since the board had considered leasing the building or looking for a buyer, it was a viable solution to keep the building. She would like to see the town invest in painting the old highway facility, but not white.

Councilperson Bryant agreed with painting the building a color other than white.

Councilperson Carpenter agreed to do an overview of the building and come up with a list of repairs and a process to complete improvements before winter. He will have this ready for the next meeting. In the future he would like to consolidate the town hall and other town offices into one new building and would like this to happen as soon as possible.

Councilperson Howe-Strait asked where funds for sale of other items would go. Supervisor Rider stated the funds would go to the general fund and be considered revenue.

Supervisor Rider has not yet been able to obtain an assessment of properties. She spoke with town attorney Guy Krogh, who suggested a sale be handled by a real estate agent.

Councilperson Carpenter felt not many real estate agents would be able to give a good assessment on the town gravel pit property since it has special issues. He suggested having a contractor look at the **gravel pit property on Route 327** and see how much it would take to put it in buildable condition. That figure could be subtracted from the value of the land if it was a buildable lot to obtain the value of the lot to be sold.

Councilperson McGee has a concern that there are about 7 old cars on the town property and about 30 other cars visible from the property. This will decrease the value and may be in violation of state law. She will research New York State laws regarding junk cars.

Code Enforcement Officer Teeter said he would take the first step and write a letter to the owners of the cars and make them aware of the town's concerns.

Supervisor Rider stated she spoke with John Rancich again regarding the purchase of **property across the road from the town hall**. He is interested in purchasing the property and would be willing to sign a 10 year lease with Tompkins Consolidated Area Transit (TCAT).

Councilperson McGee feels the town board needs to determine the fair market value of the property and justify if they are using that in order to avoid violation of the gift provision of the state constitution. The board determines if we're getting a benefit to the town that is worth more to us than the fair market value. She feels 10 years is not a long enough time period for the Park and Ride lease.

Supervisor Rider felt providing a TCAT Park and Ride would go towards the fair value. She has asked town attorney Guy Krogh to produce a draft purchase agreement. John Rancich has asked for a hold harmless clause to be added regarding environmental issues. She will contact Trevor McDonald who also owns adjacent property and see if he is interested in purchasing the land.

Councilperson Carpenter asked what the deadline was for getting the sale on the ballot as a referendum for this fall's elections. Supervisor Rider stated the deadline is September 29. The town would need to have a signed purchase agreement prior to the referendum being put on the ballot.

Supervisor Rider called for a special town board meeting for Tuesday, September 23 at 6:30 p.m. for the purpose of further discussing sale of town owned property, discussing sale of town owned items and presentation of the 2015 tentative budget.

Sale of Town Owned Items: Councilperson Bryant obtained a quote and estimate of final price from the Ithaca Antique Center as follows: rusted milk can \$20; Italian wooden box \$25; drive with wooden post \$30; wooden wagon wheel \$149; Tolkhie commercial gas pump \$850; Wayne Shell branded commercial pump \$750; hand oil pump \$25. The town has received an offer of \$500 for the pair of gas pumps.

Supervisor Rider moved, with a second by Councilperson Carpenter, to declare the rusted milk can, Italian wooden box, wooden drive with post, Tolkhie commercial gas pump, Wayne Shell branded commercial pump, wooden wagon wheel, and hand oil pump as excess and of no use to town functions.

Discussion: Councilperson Howe-Strait suggested the Enfield Town Historian be consulted to see if she has any interest in the items.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

New Business:

2015 Budget Process: Supervisor Rider stated the tentative budget needs to be presented by September 30, 2014. After that a public hearing needs to be held on the preliminary budget.

Supervisor Rider moved, with a second by Councilperson Bryant to hold a public hearing on the Town of Enfield 2015 preliminary budget at 6:00 p.m. on October 8, 2014 at the Enfield Community Building.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Local Law to Override the Tax Levy Limit: Supervisor Rider moved, with a second by Councilperson McGee to adopt Local Law #1 of 2014.

**TOWN OF ENFIELD
LOCAL LAW #1 FOR THE YEAR 2014
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, 2015 and ending December 31, 2015 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 2015 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: Supervisor Rider stated this is a precautionary measure, and not a statement intending to go over the tax limit.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Review of Town Culvert and Driveway/Entrance Paving Permit and Town Policy: Supervisor Rider presented board members with copies of minutes from previous meetings relating to town culvert and driveway/entrance paving permits. The current culvert fee is \$200 for 30' and \$50 for each additional 10'. She stated some residents don't feel the policy has been handled consistently. If someone puts in a new driveway, or their pipe collapses, the owner has to get a permit.

Councilperson Howe-Strait feels residents may ask why they should be responsible for something that has aged out. She would need to know circumstances if there was a specific problem.

Councilperson Carpenter stated in this case of a resident's complaint, the pipe wasn't aged out. If this policy was in place when the culvert was first put in, and the culvert was sized by the Town of Enfield and washed out because it was too small, then the Town of Enfield was incorrect by giving them the smaller size. A lot of these culverts were in place before the policies were put in place. There is no right answer, it is just what the board decides to do.

Councilperson McGee stated there was discussion about pipes being too small after the flood of August 2013 and the need to replace them. There is no way to foresee flooding and ruining of driveways and roads from a flood. She feels the current policy is good and shouldn't be changed. She would need to know circumstances of the feeling of inconsistent policy.

Supervisor Rider doesn't want the details to be a public discussion. She may call for this to be discussed in executive session at a later date.

Councilperson McGee stated she would want to meet with Highway Superintendent Rollins before an executive session is scheduled.

Resolution Urging State Leadership to Rescind Look-Back Period Associated with the Property Tax Freeze Legislation: Supervisor Rider moved, with a second by Councilperson Howe-Strait to adopt Resolution #2014-41.

RESOLUTION #2014-41

**RESOLUTION URGING STATE LEADERSHIP TO
RESCIND LOOK-BACK PERIOD ASSOCIATED WITH
THE PROPERTY TAX FREEZE LEGISLATION**

Whereas, the NYS Legislature and Governor Cuomo have adopted a voluntary program with financial rewards for constituents if local governments can adopt 2015 budgets within the limits of the Property Tax Cap Law and further rewards if by June 15, 2015 those same local governments can reduce property tax levy by 1%, and

Whereas, the intent of this law was to induce consolidation and collaboration of services and government entities, and

Whereas, Tompkins County and its local governments have been looking for ways to reduce property tax burden for years and have adopted the following protocols: County-wide assessment, Article 47 Health Insurance, Water Districts, Sewer Districts, a Community College, energy procurement highways operations, records management and youth programming and recreation partnerships to name just a few, and

Whereas, the NYS Legislature, when creating this "Property Tax Freeze" program, did not specify a limit of what could be used to show consolidation or collaboration that resulted in tax savings but subsequently the NYS Office of Taxation and Finance put a limit on the "look-back" period to 1/1/2012, and

Whereas, a short look back time limit has the perverse irony of preventing homeowners in jurisdictions where local governments have adopted innovations years ago to receive nothing,

NOW THEREFORE BE IT RESOLVED, that the Town of Enfield urges our NYS Senator and Assemblywoman to make this situation known to their leadership and, be it

FURTHER RESOLVED, that the Town of Enfield urges our NYS Senator and Assemblywoman to draft legislation and communicate it to their leadership that would rescind this look-back period and any other limits on actions local governments have made to reduce the property tax burden on their constituents through the years and use their good offices to have this legislation adopted well in advance of June 1, 2015.

Discussion: Supervisor Rider stated by July 15, 2015 each municipality is required to submit documentation stating how they have consolidated services from January 1, 2012 to the present. This resolution is asking for the look back period to be rescinded, as the Town of Enfield has consolidated many services with other municipalities and Tompkins County prior to January 1, 2012.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Purchase of a New Lawn Mower:

Supervisor Rider stated three bids were received for an Exmark zero turn mower, Model PNS710KC443:

The Repair Shop, Corning, NY: \$6,399.99

Endicott Tractor, Endicott, NY: \$5,524.99

Agway True Value, Ithaca, NY: \$5,520.99

Supervisor Rider moved, with a second by Councilperson Bryant, to purchase an Exmark zero turn lawn mower from Agway True Value in Ithaca, New York for \$5,520.99.

Discussion: Supervisor Rider stated two-thirds of the funds would come from cemetery funds and one-third would come from the general fund.

Councilperson Carpenter asked who would be in control of the lawn mower and where it would be stored.

Supervisor Rider stated Wayne Snyder, who is employed by the Town of Enfield to maintain town cemeteries, would be in control and the lawn mower would be stored at the old highway facility. She further stated there are sufficient funds in the contingency fund to support this purchase.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Howe-Strait aye, Councilperson McGee aye, Supervisor Rider aye.

Adjournment: Supervisor Rider moved, with a second by Councilperson Howe-Strait to adjourn at 9:40 p.m. Carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk