

Town of Enfield  
Regular Town Board Meeting Minutes  
Enfield Community Building  
Wednesday, July 8, 2015  
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Clerk Alice Linton. Excused: Town Councilperson Vera Howe-Strait, Town Councilperson Beth McGee.

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 Carpenter to approve the minutes of the June 10, 2015 regular town board meeting.

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

**Correspondence:** Letter from NYSEG dated June 30, stating the timeliness and completeness of the town's application has qualified the net metered project as eligible for grandfathering under the tariff provision to calculate the value of excess generation using a monetary process if the town decides to enroll in Remote Net Metering as a non-demand Host.

**Budget Amendments:** Councilperson Carpenter moved, with a second by Councilperson Bryant to approve Budget Amendment #2015-22.

**Budget Amendment #2015-22**

**WHEREAS**, expenses have exceeded the budget in the Highway Fund line DA5130.4 titled "Machinery Contractual", now therefore be it

**RESOLVED**, that the Highway Fund Account, line item DA9950.9 titled "Equipment Reserve" be decreased by \$15,000 and line item DA530.4 be increased by \$15,000.

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

Councilperson Carpenter moved, with a second by Councilperson Bryant to approve Budget Amendment #2015-23.

**Budget Amendment #2015-23**

**WHEREAS**, expenses have exceeded the budget in the General Fund line A1316.41 titled "Bookkeeper Contractual", now therefore be it

**RESOLVED**, that the General Fund Account, line item A1990.4 titled "Contingent Account" be decreased by \$200.00 and line item A1316.41 be increased by \$200.00.

Discussion: Supervisor Rider stated the cost of Williamson Law software was higher this year than figured in the budget.

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

**Audit Claims:** Councilperson Carpenter moved, with a second by Councilperson Bryant to authorize the supervisor to pay General Fund vouchers #204 to #231 dated July 8, 2015 in the amount of \$15,737.80 and Highway Fund vouchers #121 to #140 dated July 8, 2015 in the amount of \$61,263.98.

Discussion: Councilperson Carpenter questioned if a lift was rented to replace light bulbs downstairs in the Community Building, why it wasn't used at the highway department at the same time to have the heaters looked at. Supervisor Rider stated she was unable to arrange that.

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

**Highway Superintendent's Report:** No report

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter reported in June there were 8 permits issued or renewed, bringing the year to date total to 32. There were 3 solar permits issued, bringing the year to date total to 13. He issued 2 certificates of occupancy and 1 certificate of completion. He completed 8 inspections and 14 progress checks. He received 3 valid complaints.

**Supervisor's Report:** Supervisor Rider reported she attended meetings with TCCOG, Guy Krogh, the County Risk Manager, USGS, Dan Walker, Mike Carpenter, beautification employees and George Breuhaus. She completed drafts of an RFP for assessment of the highway building and a paint bid for town hall. She got appraisals for asbestos amelioration on the old town hall and wrote a letter regarding clearing town property of cars.

**County Legislator's Report:** Dave McKenna reported the proposed TC3 budget will be 2% greater than last year. The sale of the old library is still being discussed. He would like to see a plan that would keep Lifelong intact. A grant application is being submitted for TCAT to apply for a federal loan.

### **Committee Reports:**

Planning Board: Chair Dan Walker reported the Planning Board talked about comments from town attorney Guy Krogh on subdivision regulations. They felt there was no sense of urgency, so they will wait for the Comprehensive Plan to be completed, and then if anything comes out of that the subdivision regulations can be modified.

Supervisor Rider mentioned town attorney Guy Krogh sent an e-mail stating the subdivision regulations can be adopted as regulations and made part of the site plan review law. They would be enforceable, should reflect Enfield values, and should dove-tail with the Comprehensive Plan.

Health Insurance Consortium: No report

Enfield Community Council: No report

Recreation Partnership: Carolyn Tschanz reported the Recreation Partnership met to discuss the 2016 budget. There are 3 scenarios that were proposed. The first is with no change in the budget, the second is with a 2% increase, and the third is a 3% increase which is what the Recreation Partnership believes at this time to be the preferred budget. There is also a maintenance of effort increase that would be 9.7%. She asked what the Enfield Town Board would prefer so she can take that information back to the Partnership. Programs are balanced between who attends, what it costs to run the program, and where else the program is offered. They try to keep a balance between the arts and sports. Enfield has a participation rate of about 100, but some are duplicate kids that attend different programs.

The town board members present agreed that a 2% or higher increase would be acceptable.

County Youth Board: No report

Enfield Volunteer Fire Company: No report

Facilities Manager: Councilperson Carpenter stated his items will be under old business.

Comprehensive Plan Writing Committee: Councilperson McGee spoke with Supervisor Rider and gave an update that the process is moving along and they are on schedule to have the Comprehensive Plan completed by the end of the year.

Aquifer Study Fundraising Group: No report

Tompkins County Council of Governments: Supervisor Rider reported they wrote to Charter Communications, who would like to merge with Time Warner. TCCOG is opposed to the merger until the lapsed franchise agreements are settled. There is a community day of giving scheduled for August 28. It appears Clarity Connect will complete the broadband project in the next 10-12 months. A shared services committee to study town courts has been organized.

### **Old Business:**

New Highway Building Assessment: Supervisor Rider met with town attorney Guy Krogh. He feels we should approach this as a matter that will probably be taken up with the contractors from the job. He wanted someone he had worked with before to do the assessment, as there could potentially be litigation. The initial assessor would be important in the future. He recommended George Breuhaus who is an architect.

Councilperson Carpenter was not in favor of hiring George Breuhaus. He feels that although George has a very good understanding of how buildings have been built in the past, he doesn't have that good understanding of how buildings are built with today's energy efficiency levels. Unfortunately, the highway facility was built as one of those older buildings. There are two issues involved: one, what was done wrong at the highway facility and two, what was done not well. The problem is more in the design, as the architects didn't understand what they were doing very well and they designed a building that was half way between 20-30 year old architecture and trying to be a little more with current architecture, and they didn't put it together in any way that was knowledgeable. The building didn't do what it needed to do. The biggest issue with new building styles is moisture. This is a problem that is still trying to be figured out. George may not know what would make the building better.

Supervisor Rider stated that David Herrick of TG Miller feels it is a building envelope air exchange/ air handling problem.

Councilperson Carpenter would like to think of ways to make our 4 year old highway facility actually function and comply like a building that would be built 5 years from now. He suggested having George place a bid along with others. Supervisor Rider will take a list of names back to Guy Krogh to see if there is someone he'd like to do the job.

Councilperson Carpenter feels the building was probably built just as it was drawn and the contractors will be able to show the drawings and say this is what I was told to do and that is what I did. He feels the building needs to be looked at as a whole and figure out what the problems are and what is causing them. If the cause, and if the repair, seem to be something litigious, then the town can say this is a really poor design by the architect and engineer and we can go back and say you did this wrong and we need some kind of recompense, that would be part of the process, but the town still needs to know what the solution is to the problem and we may not want to go back to the original architect that designed the building.

Dan Walker mentioned that the Town of Ithaca highway facility works quite well and has the same kind of radiant heating system. It has 5 huge air handling units that bring in fresh air that is preheated in heat exchangers. The vented air goes out and the new air is preheated as it comes in.

Councilperson Carpenter suggested having a meeting for all those interested and explain to them very clearly what is to be accomplished and then get proposals from them of what they think they will do, how they will do it, the results to end up with, and the cost. Then decide which one has the best proposal and which one to hire.

Park & Ride Update - Asbestos Amelioration Bids: Supervisor Rider reported the lease with TCAT has not proceeded because TCAT doesn't understand what the town wants. They have been told the town wants a lease on the whole amount of the piece of property across from the town hall and we want a lease concerning a turn-a-round at the highway department.

Supervisor Rider stated the building on the lot across from town hall needs to be razed. This will require a demolition permit. In order to get a demolition permit you have to have an asbestos survey if a building is built prior to 1981. An asbestos report has been done and it shows asbestos in the window glazing compound. Two proposals have been obtained for the asbestos abatement.

Supervisor Rider moved, with a second by Councilperson Bryant to authorize the supervisor to enter into a contract with Sunstream Corporation, per their proposal, to remove and dispose of asbestos containing materials as listed in the Pre-Demolition Survey for Asbestos performed by Keystone Environmental Services in June of 2015 at a cost of \$1,850.00.

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

Solar Enfield: Supervisor Rider reported Councilperson McGee has received a copy of a new solar farm local law from the Town of Seneca which seems useful to our needs in Enfield. She will follow-up on having another working meeting to try to hammer out a solar farm law for the Town of Enfield.



Discussion: Supervisor Rider stated Councilperson McGee had previously stated that she felt \$15,000 per year for 3 years wasn't adequate compensation.

Black Oak Wind Farm representative Marguerite Wells stated residents in the Black Oak Wind Farm area will be compensated through a Good Neighbor Plan where everyone who lives in the foot print area of the project will be compensated for the life of the project. This will cost the wind farm \$40,000 per year for the life of the project.

Councilperson Carpenter asked if the Black Oak Wind Farm had any willingness to expand the payment schedule.

Marguerite Wells responded it has been difficult to get financing already and to add another burden would make it even more difficult. For the first 15-25 years of the project life, there will be no dividends to equity investors.

Councilperson Carpenter suggested that the possibility of future payments could be added to the contract. After the third payment is made, Black Oak Wind Farm and the town board could meet again and discuss the possibility of continuing payments through the Community Host Agreement.

Ms. Wells was fine with that idea. If the project is successfully built, and there was the ability to add revenue, then she would be happy to share that with the town.

Clerk Linton asked to confirm that the \$45,000 would be going to the Enfield Community Council for the purpose of a new community building.

Councilperson Carpenter stated there was discussion about other possibilities, but he was agreeable to this use of the money. Supervisor Rider stated the community building would benefit all residents that want it to benefit them, and the amount of money can be maximized for the benefit of the community, rather than having a public works project with restrictions.

Councilperson Carpenter liked the idea of a park and felt the ECC could combine it with the concept of what they have planned. A park could benefit everyone in the town.

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

Black Oak Wind Farm Road Use Agreement: Supervisor Rider stated Dan Walker has put forth a draft Road Use Agreement which is in the format used at the Howard Wind Farm. Town Highway Superintendent Rollins has asked that the town be given money and they will do the road repairs. He prefers this to the wind farm doing the repairs. A third party will assess the condition of the road prior to construction and put a dollar value on what they predict will be the cost of repairs. That will be put in an escrow account. At the completion of the project, the town portion of the road will again be assessed to see how much damage has been done, a dollar amount will be assigned, and the escrow account will be used to pay for the repairs. Dan Walker will work with Buddy Rollins on this Agreement and have a revised document for the August meeting.

Amendments to Black Oak Wind Farm SEQRA: Councilperson Carpenter moved, with a second by Councilperson Bryant to approve Resolution #2015-37.

WHEREAS, a predecessor-in-interest of Black Oak Wind Farm, LLC (the "Project Sponsor") filed a site plan application with the Town Board of the Town of Enfield (the "Town Board") pursuant to the Town of Enfield's Wind Energy Facilities Local Law #1 of 2009 for the development of a wind-powered generating facility to be located on leased private lands located within the Town of Enfield (the "Project"); and

WHEREAS, on June 9, 2010, the Town Board passed a resolution accepting its role as Lead Agency pursuant to the New York State Environmental Quality Review Act, and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), in order to complete an environmental impact assessment of the Project; and

WHEREAS, pursuant to its June 9, 2010 resolution, the Town Board issued a positive declaration pursuant to SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS") for the Project; and

WHEREAS, on June 12, 2013, a DEIS for the Project was accepted by the Town Board as complete; and

WHEREAS, the Town Board conducted the requisite public comment period pursuant to the SEQRA regulations in order to receive public input on the DEIS and the Project; and

WHEREAS, on November 12, 2014, the Town Board accepted as complete a Final Environmental Impact Statement ("FEIS") for the Project; and

WHEREAS, on January 19, 2015, the Town Board adopted a Findings Statement pursuant to SEQRA for the Project (the "Findings Statement"); and

WHEREAS, on June 24, 2015, the Town Board received a submission from the Project Sponsor outlining two (2) minor modifications to the Project including: 1) a change in the model of turbine from a GE 1.7-100 model to a GE 2.3-107 model increasing the rated capacity of the Project from 11.9 megawatts (MW) to 16.1 MG, as well as the height of the turbine by eight (8) feet; and 2) a shift in the location of the proposed interconnection substation to the south to avoid "cut and fill" and other earthwork impacts, and minor modifications to the alignment of the electric collection system.

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

Section 1. The Town Board has reviewed the June 24, 2015 submission by the Project Sponsor pursuant to 6 N.Y.C.R.R. §§ 617.9(a)(7) and 617.11(a) of the SEQRA regulations and determines that a supplemental environmental impact statement or modified findings statement is not required since the modifications do not represent new, significant potential adverse environmental impacts that have not been already addressed sufficiently in the Findings Statements, or require a substantive modification to the Findings Statement. To the contrary, the Town Board concludes that the modifications proposed by the Project Sponsor further avoid and/or mitigate to the maximum extent practicable the potential significant adverse environmental impacts associated with the Project.

Section 2. This Resolution shall take effect immediately upon adoption.

Discussion: Supervisor Rider stated this relates to changing the size of the turbines and Frank Pavia, attorney for the town in Black Oak Wind Farm matters, has recommended this resolution. The changes are not sufficient to require another SEQRA. The speed and noise of the new turbines will be the same as the old ones.

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

Public Hearing for Local Law to Override the Tax Levy Limit: Supervisor Rider moved, with a second by Councilperson Carpenter to approve Resolution #2015-38.

**Resolution #2015-38**

**PUBLIC HEARING ON 2% TAX OVERRIDE LAW**

**WHEREAS**, New York State has instituted a law that local municipalities should not adopt a budget increasing property taxes more than 2% and

**WHEREAS**, the cost of employee's benefits are increasing and the Highway Superintendent has concerns about equipment replacement, cold storage and salt storage facilities and

**WHEREAS**, it is unknown at this time what our 2016 budget will look like, therefore be it

**RESOLVED** that a local law be passed allowing there to be more than a 2% increase in local property taxes and that a public hearing on the matter be scheduled for Wednesday, August 12, 2015 at 6:30 PM.

Discussion: Supervisor Rider stated she is not comfortable enough with the budget process yet to take the chance on going over the tax cap.

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

**Adjournment:** Councilperson Carpenter moved, with a second by Councilperson Bryant to adjourn at 9:15 p.m.

Respectfully submitted,

Alice Linton, Enfield Town Clerk