

Town of Enfield  
Public Hearing and Regular Town Board Meeting Minutes  
Enfield Community Building  
Wednesday, December 9, 2015  
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Vera Howe-Strait, Town Councilperson Michael Miles, Town Highway Superintendent Buddy Rollins, Town Clerk Alice Linton.

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

Supervisor Rider stated the Old Business item of a Road Use Agreement with Black Oak Wind Farm was being postponed and the New Business item of a new fuel oil provider was being postponed.

**Public Hearing:**

Supervisor Rider opened the public hearing on the proposed local law - Creation and Affirmation of Existence of Planning Board, Authorizing Procedures Relating to the Appointment and use of Alternate Members, and Reducing Size of Existing Planning Board from Seven to Five Members at 6:33 p.m.

No one wished to speak on the proposed law. The public hearing was closed at 6:34 p.m.

**Privilege of the Floor:** No one wished to speak.

**Approval of Minutes:** Supervisor Rider moved, with a second by Councilperson Howe-Strait to approve the minutes of the November 18, 2015 regular town board meeting and public hearing.

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

Supervisor Rider moved, with a second by Councilperson Howe-Strait to approve the minutes of the November 20, 2015 special town board meeting.

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

**Correspondence:** Letter from Department of Public Service encouraging people to apply for assistance with winter heating bills.

**Budget Amendments:** None

**Audit Claims:** Councilperson Miles moved, with a second by Councilperson Carpenter to authorize the supervisor to pay General Fund vouchers #353 to #375 dated December 9, 2015 in the amount of \$18,864.68 and Highway Fund vouchers #218 to #243 dated December 9, 2015 in the amount of \$71,749.18.

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

**County Legislator's Report:** Legislator Dave McKenna reported the county passed their budget with a 1% increase from last year. They were able to maintain a lot of services. Construction on the mental health building is continuing. A drone law is pending.

**Highway Superintendent's Report:** Highway Superintendent Rollins reported the crew is enjoying the break in the weather. Supervisor Rider asked who determines the center line of a town road. Superintendent Rollins responded the highway superintendent determines this unless a resident wants to pay for a survey. The town has a right-of-way 24 foot from the center of the road.

**Code Enforcement Officer's Report:** Alan Teeter submitted his report showing there were 9 building permits issued in November, bringing the year to date total to 74. There were 2 solar permits issued, bringing the year to date total to 21. There were 15 inspections and progress checks completed, 1 valid complaint received and 1 complaint resolved. There was 1 address number issued.

**Supervisor's Report:** No report.

### **Committee Reports:**

Planning Board: Chair Dan Walker reported the Planning Board approved a site plan for a 200 kw solar farm on Mecklenburg Road with about 10,000 square feet of panels that are set back out of view from the road where there is an existing driveway. There is a potential sub-division on the corner of Route 79 and Applegate Road. The Planning Board discussed the possible change in their structure.

Enfield Volunteer Fire Company: Chief Roger Lauper submitted his report showing there were 14 total calls in November as follows: 1 service call, 2 CO calls, 2 fire calls, 5 EMS/rescue calls, 3 good intent calls, 1 false alarm. December trainings include general meeting and work detail. A CPR/AED class will be held on January 28, the next officer's meeting is January 5, 2016 and the next blood drive is scheduled for January 19, 2016.

Comprehensive Plan Writing Committee: No report.

Tompkins County Council of Governments: Supervisor Rider reported there was a discussion on municipalities supporting a living wage. She is stepping down as a co-chair of TCCOG.

### **Old Business:**

Local Law to Reduce Planning Board Members: Our town attorney was not certain our planning board was created by a law, so this proposed law will take care of the question. Supervisor Rider moved, with a second by Councilperson Bryant to adopt Local Law #3 of 2015.

### **Local Law #3 of 2015**

**CREATION AND AFFIRMATION OF EXISTENCE OF TOWN OF ENFIELD PLANNING BOARD, AUTHORIZING PROCEDURES RELATING TO THE APPOINTMENT AND**

**USE OF ALTERNATE MEMBERS, AND REDUCING SIZE OF EXISTING TOWN OF ENFIELD PLANNING BOARD FROM SEVEN TO FIVE MEMBERS**

**BE IT ENACTED** by the Town Board of the Town of Enfield as follows:

**SECTION 1: AUTHORITY AND SUPERSESSION** - This local law supersedes any prior Town of Enfield policy, local law, ordinance, or rule that is inconsistent herewith. This local law is enacted pursuant to the authority and power granted to the Town of Enfield under and pursuant to Town Law § 271, the Statute of Local Governments § 10, Municipal Home Rule Law § 10, and Article IX of the New York State Constitution. To the extent inconsistent with said Town Law § 271, this local law is intended to and does hereby supersede such statute with respect to Alternate Members of the Planning Board of the Town of Enfield, and the appointment, terms, functions, and powers of such Alternate Members.

**SECTION 2: PURPOSES –**

A. It is sometimes difficult to maintain a quorum on the Planning Board because members are ill or upon extended vacation, or find they have a conflict of interest situation on a specific matter before such Board. In such instances participation by a full Planning Board is impeded, and this can delay or impede adherence to required timelines. The use of Alternate Members in such instances is hereby authorized pursuant to the provisions of this local law, and the Town Board further enacts this local law to regulate the appointment and procedures governing Alternate Members and their use by the Planning Board.

B. The existing Planning Board is constituted by the filling of seven seats, and it currently has six members serving terms of appointment. Pursuant to Town Law § 271, this local law hereby reduces the number of members of the Town of Enfield Planning Board from seven to five members, and effects a plan to regularize such reduction and the appointment of Planning Board members based upon current vacancies, resignations and future vacancies, and existing members terming-out. No Public Officer is hereby removed, or intended to be removed, by this local law other than by resignation or the expiration of an existing term.

C. The existing Planning Board was formed by the Town of Enfield in 1989 to study planning and comprehensive plans in the Town of Enfield. The powers and operations of said Planning Board have grown organically from an advisory board, to undertaking subdivision review and site planning duties, among others. Yet, as Town Law § 271 evolved from its predecessor statutes of 1909 and 1932 (as well as numerous other ongoing amendments), the requirement has grown that planning boards should be, or need be, created by local law or ordinance. Hence, this local law is also adopted to both create and confirm the existence and authority of the Town of Enfield Planning Board.

**SECTION 3: REDUCING CURRENT PLANNING BOARD FROM SEVEN TO FIVE MEMBERS –**

A. This local law shall reduce the size and number of seats of the current Planning Board from seven members to five members, to take effect upon the next two expirations of terms or any sooner vacancies. For this purpose, the six existing Planning Board members shall each fulfill their terms, the current vacancy shall not be filled, and the next seat up for re-appointment shall not be reappointed or re-filled. Thereafter, each of the remaining five positions shall be filled for 5-year

terms such that one appointment shall thereafter occur each year (unless a vacancy occurs, in which case appointment to a vacant seat shall be only for the remainder of such term).

B. Nothing herein guarantees the tenure of any existing Planning Board member and the Town Board, consistently with existing Town Law, reserves the right to reappoint any current member or to appoint any new member to the Planning Board upon the expiration of any term or the vacancy of any office or seat. Similarly, this law creates no term limits for Planning Board members, and the Town Board is free to appoint any existing or future Planning Board member to an unlimited number of consecutive or non-consecutive terms.

#### **SECTION 4: AFFIRMATION AND RE-CREATION OF PLANNING BOARD –**

A. There is hereby affirmed, established, and re-established a Planning Board which shall function in the manner prescribed by law (except as may be superseded by the terms of this or any future local law or ordinance adopted by the Town of Enfield). All prior acts and all current matters under review or consideration by the Planning Board are affirmed and not affected by this declaration, other than as to ratify and affirm the past and present authority of such Planning Board.

B. After the reduction of the number of members of the Planning Board per other provisions of this local law, the Planning Board shall consist of five members.

C. The members of the Planning Board shall be residents of the Town of Enfield and shall be appointed by the Town Board to serve for terms as prescribed by law, including this local law. Vacancies occurring in said Planning Board by expiration of term or otherwise shall be filled in the same manner. No person who is a member of the Town Board shall be eligible for membership on the Planning Board.

D. To the extent reasonably possible, and in the sole discretion of the Town Board, one or more of the members of the Planning Board may be an agricultural member as defined in Town Law § 271.

E. The Planning Board shall, in accordance with this local law and the provisions of Town Law § 271, *et seq.*, hear and determine site plan approval requests, special permit requests, subdivision applications, and such other matters as may be referred to such Planning Board by law, by any future local law or ordinance duly adopted by the Town Board, or by other appropriate legislative act so referring such matter to the Planning Board. In making any determination the Planning Board shall have the powers granted to Planning Boards by, and shall apply the procedures and criteria set forth in, this local law, the laws of the State of New York, and any other local law, ordinance, or resolution duly adopted at any time by the Town Board or Planning Board.

F. In granting site plan approvals, special permits, subdivision approvals, or in taking any other actions in response to any application, the Planning Board may impose such reasonable conditions as are directly related to and incidental to the proposed use of the property or the period of time such special permit or other approval shall be in effect. Such conditions shall be consistent with the spirit and intent of law, shall be proportional to the harm to be mitigated, shall be within the proper embrace of land use regulations under the police power of the Town of Enfield, and shall be interposed for any lawful purpose, but mainly to minimize any adverse impact(s) such permit or approval may have on the relevant neighborhood or community.

G. The Town Board shall designate the Chairperson of the Planning Board. The Planning Board shall choose its own Vice Chairperson who shall preside in the absence of the Chairperson. In the absence of both the Chairperson and Vice Chairperson, the Planning Board shall choose one of its number as Acting Chairperson. Such Chairperson, or the party acting as Chairperson in the Chairperson's absence, may administer oaths and compel the attendance of witnesses.

H. The Planning Board may appoint a Secretary who shall take minutes of all its meetings and keep its records. However, any remuneration to a Secretary is and remains subject to approval and the appropriation of funds therefor by the Town Board, as required by law.

**SECTION 5: ALTERNATE MEMBERS AUTHORIZED –**

A. Up to two Alternate Members of the Planning Board may be appointed by the Town Board, each for concurrent terms of 3 years. The first terms of any such appointed Alternate Members shall be January 1, 2016, irrespective of the date they are appointed or qualify for office, such that the terms of such Alternate Members shall each and both expire upon December 31, 2018.

B. Prior to initial and future appointments of Alternate Members, the Town Board shall refer the names of the proposed Alternate Members, together with any application materials provided by such candidate Alternate Members, to the Planning Board for review and comment.

C. The Chairperson of the Planning Board may designate an Alternate Member to substitute for a regular Planning Board member when such member is unable to participate upon an application or matter before the Planning Board. When so designated, the Alternate Member shall possess all the powers and responsibilities of such member of the Planning Board. Such designation shall be entered into minutes of the meeting at which the substitution is made. If more than one Alternate Member is present at a meeting when the Chairperson, in designating an Alternate Member to substitute for a regular member, shall designate the Alternate Member who has not served on a case or matter the most recently.

D. All provisions of law relating to Planning Board member eligibility, vacancies in office, removal, compatibility of offices and service on other boards, as well as any provisions of any law or procedure relating to training, continuing education, compensation, and attendance, shall also apply to Alternate Members.

**SECTION 6: PLANNING BOARD RULES AND REGULATIONS -** Consistent with Town Law § 271 the Planning Board shall hereafter, and from time-to-time, recommend to the Town Board such proposed procedural and allowable substantive rules and regulations relating to matters over which the Planning Board has jurisdiction as it shall deem appropriate. Thereafter, and within 120 days of submission thereof, the Town Board shall approve or disapprove of the same, with or without modifications.

**SECTION 7: SAVINGS -** If any part or provision of this local law or the application thereof to any person or circumstances is adjudged invalid or unenforceable by any court or tribunal of competent jurisdiction such judgment or determination shall be confined in its operation to the part or provision or application directly involved in the controversy in which said judgment or determination shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Town Board of the Town of Enfield hereby declares that it would have adopted this local law, or the remainder hereof, had such invalid or unenforceable application or provision been apparent.

**SECTION 8: EFFECTIVE DATE** - This local law shall take effect immediately. The Town Clerk is directed to immediately file a copy of this local law with the New York State Secretary of State, as required by law.

Discussion: Councilperson Carpenter stated the Planning Board has by-laws in place and wondered if they would now be invalid if this law supersedes parts of the by-laws. Planning Board chair Dan Walker will have the Planning Board review the by-laws and make changes to conform with the local law. Councilperson Carpenter also asked about the process of getting to 5 members. As of January 1, 2016 there will be 3 vacancies on the board. At the town's organizational meeting they will appoint 1 person to a 5 year term. Councilperson Carpenter also mentioned the Planning Board should be represented by different demographic areas and different interest groups.

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

**New Business:**

Disposal of Excess Town Property: Town Clerk Linton asked for permission to dispose of 1 computer and 2 printers. Highway Superintendent Rollins asked for permission to dispose of 10 2-way radios. They are the old band that can't be used anymore.

Supervisor Rider moved, with a second by Councilperson Howe-Strait to dispose of a Dell Studio computer, an HP Deskjet F4280 printer, an HP Laserjet P3005n printer and 10 2-way radios at the Tompkins County recycling center after checking to see if any of the 2-way radios can be sold. The memory from the computer is to be wiped clean by Ed Thompson.

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

Special Meeting Regarding the Black Oak Wind Farm: Supervisor Rider decided to hold a special town board meeting with a primary focus on the Black Oak Wind Farm on December 17, 2015 from 7:00 to 9:30 p.m. at the Enfield Elementary School. The meeting will be moderated by Jeff Shephardson of the Community Dispute Resolution Center. The general plan will be to start with a welcome and meeting framework announcement, followed by a history of the wind project, current citings, and facts presented to the public. There will be 4-5 issues to be discussed and public comments will be given on the issues one at a time. At the end there will be a summarization and decision of how to move forward in discussing the project.

Councilperson Miles asked what actions might be expected as an outcome. Supervisor Rider stated there may be an advisory council formed that would be appointed by the town board to be charged with meeting with residents and the Black Oak Wind Farm to mediate concerns.

Planning Board chair Dan Walker stated there are a number of things still being worked on such as the storm water management plan and road construction plan. There are conditions that have to be met before final permitting. Black Oak Wind Farm has yet to determine where they will locate one of the turbines that has to be moved from the original site that was reviewed in the original Environmental Impact Statement. Supervisor Rider stated citing of the substation has been secured and approved by NYSEG. Our attorney for the wind farm, Frank Pavia, hasn't received enough

information to determine what parts of the SEQRA need to be redone because of the change of location of the turbine.

Councilperson Miles asked if the Enfield Wind Law should be reviewed to make sure it is consistent with current government regulations. He noted the industry has changed since the law was adopted. We need to see what the latest research is and make sure our law is consistent with this research.

New Highway Building: Highway Superintendent Rollins asked on the progress of an engineering review of the building. Supervisor Rider stated she is waiting for one more proposal, so there would be two to choose from.

**Adjournment:** Supervisor Rider moved, with a second by Councilperson Carpenter to adjourn at 8:04 p.m.

Respectfully submitted,

Alice Linton, Enfield Town Clerk