

TOWN OF ENFIELD
REGULAR TOWN BOARD
MEETING MINUTES
WEDNESDAY, JULY 11, 2007
7:00 P.M.

The regular monthly meeting of the Town of Enfield Town Board was held Wednesday, July 11, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York at 7:00 p.m. with Supervisor Jean Owens presiding.

Present: Supervisor Jean Owens, Councilperson Peggy Hubbell, Councilperson Sandra Small, Councilperson Robert Harvey and Town Clerk Alice Laue. Councilperson Jennifer Fisher absent.

Others Present: David Dimmick, Diane Aramini, Amber Achilles, Mildred Achilles, Jerry Achilles, Carolyn Tschanz, Mary Jo Lovelace, John Rancich, Ron Clark, Ed Hetherington, Greg Stevenson, Art Howser, Valeria Albanese, James Drader, Virginia Bryant, Pat Podufalski, Frank Podufalski, Roy Barriere, Carol Barriere

Pledge of Allegiance to the Flag: Supervisor Owens led the assemblage in the Pledge of Allegiance to the Flag.

Privilege of the Floor:

Valerie Albanese: Reported that she had read in the paper about the 5-day Musefest being held again this year, next door to her property. Last year she expressed her concerns about the event being pretty horrific. She called the sheriff's office and in particular, Pete Meskill and they did nothing. She asked if the Musefest would be receiving a permit this year and wanted to know if any of her concerns for the safety of her family and animals were conveyed. Supervisor Owens responded that the permit was issued and that the new organizer said he had seriously looked at her concerns and they would be addressed. Camping changes will be made, a fence will be put up, a music time limit will be imposed, no pets allowed this year, there will only be on-site parking and increased security. She asked if there was anything in writing on the matter. Ms. Albanese is not convinced the event will be any better than it has been in the past and that it was unbelievable that this event is allowed to take place in a residential area. Board members felt there would be changes this year. Supervisor Owens will contact the organizer and the Code Enforcement Officer and have them contact Ms. Albanese. Councilperson Hubbell said the Planning Board had discussed raising the permit fee but the suggestion never made it back to the Town Board.

Approval of May 9, 2007 Regular Town Board Meeting Minutes:

Supervisor Owens asked if anyone had any corrections to the May 9, 2007 Town Board meeting minutes.

Motion made by Councilperson Hubbell, seconded by Councilperson Small that the Town Board approved the May 9, 2007 Regular Town Board Meeting minutes.

Discussion:

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens abstained. Councilperson Fisher absent. Motion carried.

Committees/Board Reports:

Tompkins County Legislature: County Legislator Stevenson reported:

- (a) **County Budget:** A lot of time is being spent crafting the county budget and following the legislature directive of the 2% tax levy increase guideline set.
- (b) **Health Department Building:** It was made public that they are looking at leasing space from NYSEG or constructing a building on county-owned land across from the current Health Department building. Financial particulars to be public fairly soon. There is talk of a third site/location coming into play. Stevenson supports a west side location. More analysis needs to be done and if anyone has thoughts or ideas about the process, they should let him know.
- (c) **Highway Roads:** The issue of reconstruction of Weatherby Road is ongoing and some changes are in the works in regards to the schedule for Black Oak Road.

Beautification Committee: Supervisor Owens reported that Debbie Teeter had called regarding getting the holes dug for the “Welcome to Enfield” signs and hopes to have them dug within the week.

Code Enforcement: Code Enforcement Officer Clark was not present to report.

Enfield Community Council: Carolyn Tschanz highlighted that the Day Camp started with about 97 children attending. Field trips are being planned to Taughannock and Watkins Glen State Parks. They are searching for someone to help coordinate the children’s games and cake wheel for the Harvest Festival. Community wide garage sales will be August 11th. “Enfield Currents” newsletter will be mailed around August 15th. Still working on having the Science Center come and give a free event at the Enfield School in October for ages 1 ½ up through 15.

Councilperson Hubbell reported that she was concerned about a dog being at the day camp. Although the dog appeared to be friendly, she is afraid that someone may get bitten - it poses a liability issue for the Town. Ms. Tschanz said she would mention it to the camp director.

Enfield Volunteer Fire Company: Deputy Fire Chief Art Howser presented the Board with the Fire Company’s quarterly and year-to-date reports of members and responding calls along with training and other financial reports. Their lawyer has submitted the mortgage and equipment loan financial information and options. The Fire Company’s Board of Directors is reviewing that now. There are plus and minuses. Supervisor Owens said that the Board has not received the information yet from the Town Attorney. The new truck should be delivered this Thursday. Extensive training on the new truck will take place over the next few months. The truck will go into service once everyone has been trained on it and once the equipment from the old truck along with adaptors and fittings have been installed. The old truck was sold for \$20,000 and left a couple weeks ago. There is talk on coordinating the Fire Company’s Open House with the Harvest Festival.

Highway Report: No report from Highway Superintendent Miller. Supervisor Owens mentioned the Inter-municipal Shared Services Agreement and will put it on the agenda for next month. Ithaca, Caroline, Lansing, Dryden and Ulysses have already approved the agreement and she asked that Board member review the Agreement.

Personnel Committee: Supervisor Owens reported that there will be a retiree health insurance meeting on Friday to answer further questions concerning the new policy.

Planning Board: Supervisor Owens said that she was unable to get Debbie Teeter's report on the Planning Board's meeting and that if and when she does, she will forward it to the rest of the Board.

Tompkins County Council of Governments (TCCOG): Supervisor Owens reported that the TCCOG passed a resolution supporting the development of a county-wide evaluation of water and sewer infrastructure and the development of a conceptual plan of water and sewer infrastructure needs to support future planned growth to meet county housing and economic development goals. Also, TCCOG passed a resolution supporting measures to keep long haul trucks on interstate highways in Upstate New York as proposed by Senator Charles Schumer. The director of the SPCA expects contract dollars to double for 2008.

Old Business:

Code of Ethics Committee: Supervisor Owens reported that she had read through the Code of Ethics document, had some questions, did some research, recognizes the Committee put a lot of time into the document and hopes to have some discussion regarding the creation of a Town's Board of Ethics. She highlighted that she had talked with the chair of the County's Code of Ethics, received some information from County Attorney, Jonathan Woods, received a copy of the Town of Caroline's 2-page Code of Ethics, and also printed out the model Code of Ethics from the Association of Towns, all of which was circulated. She added that she could not find another township that had a Board of Ethics as well as a Code of Ethics and said that she understood that if you do not have a local Board of Ethics, the County Board of Ethics serves as your board and this is something the Town Board should consider. Councilperson Small responded that the Code of Ethics submitted by the Town of Caroline is from their personnel handbook, similar to the Town of Enfield. Supervisor Owens asked that the Town Board as well as the Code of Ethics Committee review the materials distributed, continue with the process and she will continue to leave it on the agenda for next month.

David Dimmick reported that Virginia Bryant resigned (today) from the Committee and will give her notice to Clerk Laue to make copies for the Town Board. He stated that Ms. Bryant appears to share some of Supervisor Owens' concerns given the size of Enfield. He thanked Ms. Bryant for her due diligence and for all the information she provided. He felt the document was very explicit and felt that if it were vague and open-ended, then you have a Code of Ethics without any teeth and no way to address ethical issues within this Town. He felt it important that the citizens of the Town have a place to go when there are ethical questions that come up in the Town.

Supervisor Owens stated that the County Board of Ethics is a resource that is there to assist a Town in establishing a Town Code of Ethics. Ms. Bryant felt that Enfield does not need a Board of Ethics within its Code of Ethics if there is one available through the County. Mr. Dimmick disagreed and believes the Town should be able to govern itself without going to the County.

Enfield Creek Project: Supervisor Owens reported that she had not been able to get an update but wanted to leave the item on future agendas.

Fire District Public Hearing: Supervisor Owens did nothing with the respect to the public hearing because of lack of communication from the Fire Company

Enfield Volunteer Fire Company 2008 Budget Meeting: Supervisor Owens received a letter from President Dennis Hubbell of the Enfield Volunteer Fire Company, Inc. addressed to Supervisor Owens saying: “In keeping with our commitment to enhance contract negotiations for 2008, I am looking at coming up with some dates that we can meet. If you could provide some dates that you and the Town Board members as well as the Town Attorney are available I will do the same on my end. Hopefully if we pool our dates together there will be one that all parties will be able to make.” Councilperson Hubbell said it appears to center around when the attorneys would be available and felt that the Fire Company should have come up with some dates. Supervisor Owens suggested that the Attorney for the Town contact the Fire Company’s Attorney to work out some dates and would send out an email copying the Board and Mr. Hubbell. Councilperson Small asked if it were possible to schedule a budget meeting with the Fire Company without involving the attorneys. Supervisor Owens said she liked the concept of getting the attorneys involved because it seemed more successful. Councilperson Harvey felt that the Board should try to approach it first without attorneys being involved and if the Fire Company was not in agreement, then to involve the attorneys. Supervisor Owens will check with Mr. Hubbell before contacting the Town’s attorney.

Enfield Community Council 2008 Budget Meeting: A meeting of the Town Board and Enfield Community Council was set for July 23 at 6:00 p.m. to present and discuss Enfield Community Council’s 2008 budget.

Wind Farm SEQR/DEC: Supervisor Owens reported that she had called the Association of Towns to inquire about the SEQR process and was told that Article 10 (which is no longer on the books but is before one of the committees) would basically give the authority for permitting renewable energy resources such as wind farms to the State. She indicated that the Association of Towns should be sending out a letter concerning this issue soon and once she received it, would make copies for Board members. This letter should include a request that the host community have a voice in the process. She did call DEC because it appears that the State is going to assume the role in permitting and being the lead agency. What it means exactly is unclear and poses the question whether or not the Town should begin to approach DEC rather than the Town incurring the expense. Councilperson Harvey added that he believes the Town does not want to incur this expense and asked if the Planning Board was looking at drafting a wind farm ordinance. Ms. Bryant reported that the Planning Board has talked about it but that the process could be taken out of the Planning Board’s hand if the State were to have something in place. Councilperson Harvey says that the Town needs to have something in place and that whether or not the State is working on something is not the issue, but the Town should have something in place for protection. Supervisor Owens says if DEC becomes the lead agency any ordinances or local law the Town had would be granted. Supervisor Owens says she will talk again to the permitting department in Albany and will continue with her research. She added that DEC says that if Article 10 stays in its present form it would mean that all wind farms would be considered under the State’s authority and if it is modified, they would be looking at the larger wind farms only.

Mr. Rancich spoke and believed it would be the wise if the Town were to allow DEC to be the lead agency in the SEQR process and said that if everyone were to work together, an ordinance could be formulated that would work for him and the Town. He says he does not want to stop what he is doing to wait for the State when he can be working on the SEQR process and his environmental review. He also said he would like some assurance from the Town Board that they are in favor of the idea. Supervisor Owens says that the Association of Towns advises that it is premature at this time for the Town to offer its stamp of approval before the SEQR work is done. However, the process can be in

motion. Mr. Rancich reports that he has been working on the SEQR process and it is about 85% completed. He hopes to have a formal application by the August Town Board meeting. Mr. Rancich also reported that he attended the Tompkins County Environmental Council meeting and that board came to a unanimous vote to back his wind farm project. He also had a meeting with the Tompkins County Emergency Communications people because they were concerned that the proposed wind farm might interfere with some of their emergency communications. After sitting down and reviewing the maps and materials, it was determined there was no interference with his proposed site. Councilperson Harvey asked for that statement to be put into writing and Mr. Rancich said he would follow up. Councilperson Harvey encouraged the Planning Board to work on an ordinance and said it would not stop the DEC process. Supervisor Owens agreed.

New Business:

Resolution #21, Budget Amendment #4:

RESOLUTION #2007-21; BUDGET AMENDMENT 2007-#4 BEAUTIFICATION COMMITTEE – TRANSFER APPROPRIATIONS

WHEREAS, the Town of Enfield has been awarded funds for Town beautification to be reimbursed by Tompkins County; and

WHEREAS, expenditures have been made for flowers.

NOW, THEREFORE, be it

RESOLVED, that General Fund Appropriations account A1990.4, titled “Contingency Contractual” be reduced by \$57.74 and General Fund Appropriations account A7550.4, titled “Celebrations Contractual” be increased by \$57.74 (originally typed as \$54.74 in error).

Moved by Supervisor Owens, seconded by Councilperson Hubbell.

Discussion: This was necessary to cover the bill from Early Bird Farms. Councilperson Harvey commented that there were still a lot of empty pots. Supervisor Owens explained that the Town has been decreasing Contingency and increasing the Celebrations lines as bills come in and once reimbursement comes in, it would go back into Contingency.

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher absent. Resolution carried.

Cemetery Committee: Supervisor Owens asked Councilperson Harvey if he had any interest in getting the Cemetery Committee formed. Councilperson Harvey commented that the laborers hired pretty much take care of things themselves. Councilperson Small added that Town Historian Sue Thompson sent an email saying she was willing to help and suggested that Howard Stamp might be interested also. Councilperson Harvey to keep the Board updated.

Emergency Radio Communications Protection Law

Supervisor Owens had distributed to the Town Board prior to the meeting, Town of Caroline's Emergency Radio Communications Protection Law and stated that most municipalities have approved it. Copies were also given to the Planning Board. This law does not mean that construction will be prohibited. In particular anything 50 feet and over should go through a process of making sure they are not erecting something that would be in the way of telecommunications towers because it may restrict the communications from the towers. Does not exempt agricultural. Enfield does not have a lot of buildings that are 50 feet or higher. Supervisor Owens asked for direction from the Board. Councilperson Hubbell asked why there is not a county law and said it should have been in the works sooner. Supervisor Owens commented that she was glad it was being done this way because in the past there was some issue where the county was taking charge and not involving the municipalities.

Motion made by Councilperson Hubbell, seconded by Councilperson Harvey that a public hearing be scheduled for August 8, 2007 at 7:00 p.m. to hear public comment and input on the Emergency Radio Communication Protection Law.

Discussion:

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher absent. Motion carried.

2008-2012 Inter-municipal Recreation Partnership Agreement:

RESOLUTION #2007-22

2008-2012 INTERMUNICIPAL RECREATION PARTNERSHIP AGREEMENT

WHEREAS, the Town of Enfield is currently a member of the Inter-municipal Recreation Partnership; and

WHEREAS, the Recreation Partnership has been an excellent model of inter-municipal collaboration which enables the Towns of Caroline, Danby, Dryden, Enfield, Groton, Ithaca, Newfield and Ulysses, the Village of Lansing, and the City of Ithaca and Tompkins County to jointly plan, finance, and share a more diverse set of high quality recreation programs than any single municipality could offer on its own; and

WHEREAS, the current Inter-municipal Recreation Partnership Agreement will end December 31, 2007; and

WHEREAS, the Recreation Partnership Board, comprised of representatives from participating municipalities wishing to continue this innovative partnership, has reviewed the current agreement and voted on June 7, 2007 to adopt the attached, updated Agreement for the period January 1, 2008 through December 31, 2012; and

WHEREAS, municipalities in the Recreation Partnership value Tompkins County's commitment to building collaborative inter-municipal solutions to meeting needs of youth, and Tompkins County's contribution is essential in enabling smaller municipalities to participate affordably; and

WHEREAS, the Agreement must be approved by the elected board of each participating municipality to take effect,

NOW, THEREFORE, be it

RESOLVED, that the 2008-2012 Inter-municipal Recreation Partnership Agreement is approved, and it is further

RESOLVED, in approving the Agreement, the Town of Enfield agrees to abide by its terms and conditions, and it is further

RESOLVED, that the Town of Enfield strongly urges Tompkins County to maintain its keystone financial and planning support for the Recreation Partnership, and it is further

RESOLVED, that a copy of this resolution be sent to the Recreation Partnership Board care of Tompkins County Services Department at 320 W. State Street, Ithaca, NY 14850.

Moved by Supervisor Owens, seconded by Councilperson Hubbell.

Discussion: Supervisor Owens said the new contract includes a little more adaptability, which allows a municipality to comment on the types of programs and participation they want.

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher absent. Resolution carried.

Resolution Establishing Mandatory Planning Board Training:

RESOLUTION #2007-23

RESOLUTION ESTABLISHING MANDATORY PLANNING BOARD TRAINING

WHEREAS, the adoption and implementation of Local Land Use decisions have a profound effect on the character of a community and the well being of its citizens; and

WHEREAS, the administration of Land Use Laws is a complex and highly diverse process that requires specialized knowledge and familiarity with the applicable laws and regulations; and

WHEREAS, the Town of Enfield desires to provide, for the benefit of its citizens, a well trained and knowledgeable body of officials to administer the Local Land Use process.

NOW, THEREFORE, be it RESOLVED as follows:

1. Pursuant to the provisions of Town Law Section 267 and 271 all Planning Board members shall be required to complete at least four (4) hours of suitable training per year.
2. The authority to determine suitable training is hereby delegated from the Enfield Town Board to the respective Planning Board chair(s), who shall note annually in Board minutes the selected training.

3. The training requirement may be satisfied by educational activities substantially devoted to planning, zoning or other land use issues such as (1) attending conferences, seminars or workshops; (2) participating in on-line training or tutorials; (3) attending college courses; (4) reading journal articles or books; (5) any other educational activities considered acceptable by the respective Board chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
4. A record of annual completion of training shall be maintained by the Town Clerk and a copy provided to the Enfield Town Board prior to considering a Planning Board member for reappointment. Eligibility for reappointment to this Board shall be conditioned upon completion of training prior to the end of each calendar year.
5. Suitable training in excess of four (4) hours per year may be accumulated and carried over into the succeeding year for the purpose of satisfying these training requirements.

Moved by Supervisor Owens, seconded by Councilperson Harvey.

Discussion: The Board felt that yearly training was important and necessary for Planning Board members.

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher absent. Resolution carried.

Audit Claims:

Supervisor Owens presented bill and vouchers for payment. Motion made by Councilperson Hubbell, seconded by Councilperson Small that the Town Board authorizes the Supervisor to pay:

- General Fund vouchers #139-158 in the total amount of \$6,990.05, and
- Highway Fund vouchers #41-54 in the total amount of \$16,261.99.

Discussion:

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher absent. Motion carried.

Announcements:

- Councilperson Small reported that she had emailed Town Historian Sue Thompson with respect to the installation of the Baker's Historical Marker. Ms. Thompson emailed back saying she had called dig safe and they were going to mark the front of the cemetery for the digging of the hole by July 3 and the markings are good until July 18. Marker to be installed soon.
- Councilperson Small asked for an update on the SARA grant for the indexing of minutes. Supervisor Owens said it is being wrapped up, that she needed to talk with the typist about putting together a summary statement and will submit it soon for payment.

- Councilperson Small asked for an update on the housing rehabilitation grant. Supervisor Owens said the Town would find out in September whether or not they received the grant. The notebook of eligible property owners is at the Town Hall but needs to remain confidential.
- Councilperson Small asked if Supervisor Owens had anything to report on behalf of the Facilities Committee to which she replied no.
- Councilperson Hubbell asked about the justice grant application. Councilperson Harvey took pictures and offered information. Justice Poole is in the process of putting the application together. Should be available at the August Town Board meeting for approval.

Privilege of the Floor:

Mary Jo Lovelace: Agreed with Councilperson Harvey that the Planning Board needs to work on an ordinance for the wind farm for the Town's protection.

Jerry Achilles: Asked Supervisor Owens to remind the workers at the food give-away to park on top behind the Community Building and to leave the parking by the Grange available for the elderly.

Adjournment:

Motion made by Councilperson Hubbell, seconded by Councilperson Harvey that the July 11, 2007 Regular Town Board meeting adjourn.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye, Councilperson Fisher absent. Motion carried.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Alice Laue
Town Clerk