

TOWN OF ENFIELD
REGULAR TOWN BOARD
MEETING MINUTES
WEDNESDAY, JUNE 13, 2007
7:00 P.M.

The regular monthly meeting of the Town of Enfield Town Board was held Wednesday, June 13, 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 Jennifer Fisher, Councilperson Peggy Hubbell, Councilperson Sandra Small, Councilperson Robert Harvey and Town Clerk Alice Laue.

Others Present: Pat Dougherty, Byron Smith, Calvin Rothermich, Doris Rothermich, David Dimmick, Diane Aramini, Amber Achilles, Mildred Achilles, Jerry Achilles, Jon Neagley, Debbie Teeter, Carolyn Tschanz, Carl Emery, Mary Jo Lovelace, Kay Callahan, Craig Schutt, Ron Updike, Barry Goodrich, Ron Clark, Dave Owens, Robert Delphous, Gene Brennan, Brian Watson, Greg Stevenson, Louis Loiselle, Art Howser, Ann Owens.

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

Enfield Creek Projects/Highway:

County Legislator Greg Stevenson addressed the Town Board with respect to grant money potentially available for work in Enfield Creek. Tompkins County Soil & Water Conservation District (TCSWCD) has been the lead agency in acquiring potential funds for stream work in Enfield Creek in the Bostwick Road area. Several representatives from TCSWCD were in attendance – Craig Schutt, Jon Neagley, Ron Updike, and Barry Goodrich (T. Caroline). Supervisor Owens added this was the first time that Enfield Town Board had any exposure with respect to this project. Highway Superintendent Miller called TCSWCD about his concerns on Bostwick Road and Jon Neagley came out to look at the stream. The stream has started to scour around toward the road and he worries the stream will take out Bostwick Road at the bridge area. DEC and Fish & Wildlife Service came out to look at the stream and ideas were offered. The grant would address Bostwick Road and East Enfield Center Road. A landowner called with some concerns on Route 79. TCSWCD applied for a DEC grant in the amount of \$200,000 and received approval. DEC Grant is a matching 50/50 grant - 50% of the grant would have to come from local town sources – in-kind services such as equipment, trucking, diesel fuel, Town workers, volunteers, Town Board members, secretarial work, etc. by keeping track of hours spent on the project. Barry Goodrich added that tonight's discussion gets counted towards the match at \$17.48/hr., the Town may not end up spending one dime and believes the Town will not have any trouble matching dollar for dollar. He added there are places to get more money from and TCSWCD can help find funds from other places. Equipment from other municipalities can be borrowed. Town of Caroline was a big project, which started out at \$200,000 and end up \$650,000 over a three to four year period. The Town of Caroline project was a learning experience. Ron Updike added that the project should be done soon and felt there was some urgency because the Town could lose Bostwick Road. He felt that highway employees are being paid their salary regardless and felt the machinery and employee time could be written off against the grant.

Greg Stevenson offered his help to facilitate this project and felt it an excellent opportunity for the Town. TCSWCD are waiting for DEC contract and permits. TCSWCD would like to hear from people living around the stream, they will administer the permits, money, and will be working on the project. Councilperson Harvey asked how the work would affect the wetlands. TCSWCD responded that it would have to be worked out, DEC would get involved and permits would be issued. Supervisor Owens said she would be willing to share landowner names and addresses. A CD of the Town of Caroline project and some maps were handed to the Town Clerk for distribution.

Privilege of the Floor:

Kay Callahan who is working with John Rancich on the Enfield Energy Wind Farm Project thanked those who visited the Fenner Wind Farm and asked the board for direction.

Debbie Teeter wanted to encourage the Town Board to go to Town of Caroline and look at the Burliegh project. She had seen the original damage and the new construction and added it was well designed and very strong.

Byron Smith asked if a wind farm proposal had been presented to the Town and, if so, could it be posted on the website for Enfield residents to review. Supervisor Owens said there has been an initial proposal presented to the Planning Board but no action has been taken by the Town Board. Kay Callahan will email Supervisor Owens a copy to be posted on the Town's website

Approval of April 11, 2007 Public Hearing and Regular Town Board Meeting Minutes:

Supervisor Owens asked if anyone had any corrections to the April 11, 2007 Town Board meeting minutes. Hearing none, she asked that the words "information on" be replaced with the words "formation of" on page 1, fourth line from the bottom.

Motion made by Councilperson Hubbell, seconded by Councilperson Small that the Town Board approved the April 11, 2007 Public Hearing and Regular Town Board Meeting minutes as amended.

Discussion:

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

Committees/Board Reports:

Tompkins County Legislature: County Legislator Stevenson reiterated that the Enfield Creek Project would be a good opportunity for the Town and added that the people that spoke are the best resources to learn more about the possibilities.

He highlighted that a budget goal has been finalized and that he ended up supporting the 2% tax levy increase goal. This would require a cut of approximately 1.7 million dollars in local spending from 2007 in the proposed 2008 fiscal year package and he is not sure how that will happen because it is a significant amount to cut. Others were hoping for a 3.6% and greater. This creates a goal that is given to the County Administrator to be used for the preparation of his budget.

Stevenson added that as Chair of the Government Operations Committee, which has been dealing with the Assessment data on the Internet issue, are presently debating and deliberating on what assessment

data is and is not available for free on the Internet. Privacy concerns have been dominating the debate and there is no resolution headed for the floor to change the way business is done currently.

David Dimmick asked for an update on Black Oak Road. Stevenson responded the work should be started soon and he had not talk with anyone recently. On June 21 he will be going on the Spring Highway Tour and will learn more about the project. He added he would take Mr. Dimmick's concerns to Highway Manager, Bill Sezney or he could furnish Mr. Dimmick with Mr. Sezney's contact information.

Mr. Dimmick commented on the budget increase and cutting some programs and/or positions that can be critical to the public. He has yet to see anybody look at entitlement programs for city, county and state employees. The example given was sharing of the health insurance burden. Stevenson said there is progress being made in that direction and sees it in CSEA units labor agreements where the County is looking for greater contributions. Stevenson added that the Tompkins County Council of Governments (TCCOG) was awarded \$266,000 from NYS as part of its Shared Municipalities Services Incentive program. The grant will help local municipalities to consolidate their health care packages.

Councilperson Harvey asked Stevenson if he had an opinion with respect to the assembly proposal to levying the school taxes at 4%. Stevenson said he hadn't heard anything about it and would check into it. He says real property taxes are the biggest concerns for him and said if it would lessen the tax burden, he is generally in favor of it.

Beautification Committee: Debbie Teeter reported that the "Welcome to Enfield" signs are completed and ready to be put up. First sign should be up next week or at the very least the structure for it. Have talked with DOT and NYSEG, conversations were great and there are no problems with the site. Waiting on the underground people to give their okay. The Committee will be replanting barrels within the next week or two. Cooperative Extension should be able to reimburse the Town once the first sign is up.

Cemetery Committee: Councilperson Hubbell reported that the flags are up and thanked Amber Achilles for her help in putting up the flags. Councilperson Hubbell again recommended an increase in the amount charged for a burial plot.

Motion made by Councilperson Hubbell, seconded by Councilperson Harvey that the cemetery burial plot price be increased from \$250 to \$300 per plot effective June 13, 2007.

Discussion:

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

Councilperson Hubbell submitted her written letter of resignation as Chairperson of the Enfield Cemetery Committee and added that there is no committee. Supervisor Owens asked if Hubbell saw work that should be taking place that cannot take place with the caretakers of the cemeteries. Hubbell responded that the caretakers could be doing more than just mowing and weedeating.

Code Enforcement/Musefest Application: Code Officer Clark went over his monthly written report. Clark spent three hours in Tompkins County Supreme Court with respect to 216 Sheffield Road in a lawsuit between McRae v. Blake, et al. and was asked to present all records and files relating to the

construction at the property and believes this matter is concluded. Musefest is asking for the issuance of a Mass Gathering Permit for the 2007.

Musefest Coordinator Robert Delphous reported on proposed changes in this year's event. He added that this is his first year as Coordinator. Last year 1,100 people attended. Family camping will be moved closer to residents, should be quieter for residents. Only on-site parking – there will be no off-site parking. Amplified music to stop at 1:00 a.m. No drugs, no public display of alcohol, no pets. Will have increased security and will make it an effort to talk with all neighboring residents. Has contacted the Health Department and will supply them with a list of vendors. Will be in contact with the Sheriff's Department and the Enfield Volunteer Fire Company. Musefest to be held August 24, 25, and 26, 2007 at Newhart's Lodge. Code Enforcement Officer Clark added that he has a completed application that lacks insurance requirements and Health Department approval. Clark will require fire extinguishers on site, a list of people who are certified nurses, emergency medical technicians and a letter from the Sheriff's Department saying they will be patrolling the area. Clark will sit down with Delphous to go over the new parking and to make sure the Fire Department has proper access. Clark assures the Board that everything will come together and would like to issue the permit once all the paperwork is submitted and he has Town Board approval.

Motion made by Councilperson Harvey, seconded by Councilperson Hubbell that the Town Board support and approve the issuance of a Mass Gathering Permit for Musefest 2007 pending receipt of all necessary documentation to the Enfield Code Enforcement Officer.

Discussion: Discussed who is to be called if there is a security problem – Sheriff's Department.

Delphous said a letter will be issued to nearby residents inviting them to the event and advising them who to contact should a problem arise.

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

Enfield Community Building: Councilperson Harvey reported that he is waiting on electrical inspections and is putting up sheetrock. He needs to contact Verizon and Haefele TV.

Councilperson Hubbell said she received a call last week from a member of the exercise class that the basement of the Community Building smelled so bad that she had to leave. Councilperson Hubbell checked it out and agreed that it smelled terrible and sees no need for it. She added that if fresh vegetables were going to be distributed at the food give-a-way, that the leftover vegetables should be removed and not left to rot. Supervisor Owens agreed and shared that there will be four volunteers coming in at the end of the food distribution day to make sure that if the vegetables do not make it in the cooler they will be taken out of the building. She agreed there should be no odor from the food and if it does, it needs to be addressed because others are using the building.

Enfield Community Council: Carolyn Tschanz highlighted that the Teen Youth programs are wrapping up for the year. Enfield Movie Makers group is presenting new films that they have composed at Cooperative Extension - June 27, 2007 from 5:30 to 7:00 p.m. Fifth grade photographs to be on display at the 5th grade graduation ceremony in Enfield. Summer Day Camp is July 2 through August 10, 2007 at the Enfield Elementary School. Harvest Festival will be Saturday, September 15, 2007 at the elementary school. Need a chair for the Silent Auction. Next month she will be asking for volunteers. Science Center has a grant to bring science events to rural communities. Three events planned for Enfield, first event is in the Fall (October-November) - there will eight to ten different free science activities for youth of ages to do, second event is free night for Enfield residents at the Science Center, third event will be a Star Lab from the Science Center to Enfield Gymnasium for a weekend to

study the stars and constellations, planned for Spring of 2008. Next ECC meeting is Monday, July 9, 2007 at 6:30 p.m. at Community Building. ECC will be requesting a private, joint meeting sometime in July with the Town Board regarding their 2008 contract. Councilperson Harvey volunteered to help with the Silent Auction for the Harvest Festival.

Enfield Volunteer Fire Company: Deputy Fire Chief Art Howser reported there were 23 calls for May – 1 building fire, 3 grass fires, 12 EMS calls, 2 motor vehicle accidents with injuries, 1 unauthorized burning, 2 mutual aids, 1 authorized control burning and a smoke detector activation. Training got rained out last month and has been rescheduled. Councilperson Small asked if there were any more developments being made for a Fire Company open house. Howser said he would check into it and report back.

Ethics Committee: David Dimmick presented a draft of the Code of Ethics and asked that it be reviewed by the Board and the Attorney for the Town. Supervisor Owens suggested that the Board take a couple of weeks to review it and that changes and/or comments be forward to Mr. Dimmick. Councilperson Small added that changes should be forwarded to Mr. Dimmick by the end of June and suggested that once those changes have been made, then the document should be forwarded to the Attorney for the Town for his review and recommendation.

Highway Report: No report.

Personnel Committee: Councilperson Small presented a revised Town of Enfield Policy & Procedures Manual incorporating new policy 700.1 – Fire Contract. Cemetery policy will need to be corrected reflecting the increase burial plot. Supervisor Owens reported that the change over of health insurance is in process and three refunds have come in. Another check has come in that needs more clarification. She believes it will take a month or two to finish the yo-yo effect of changing over and getting feedback from employees/retirees as to coverage.

Planning Board: Councilperson Hubbell

Debbie Teeter presented June 7, 2007 Planning Board minutes. Planning Board minutes are to be e-mailed to Board members and kept on file at the Town Clerk's Office. Approved copies are e-mailed to Sue Thompson for the website. Councilperson Hubbell stated that there are too many copies of the subdivision regulations floating around and that the Planning Board members were confused as to which is the current document. Planning Board members need the correct copy.

Wind Farm Visit: Supervisor Owens reported that 13 people from the Town of Enfield visited the Fenner Wind Farm and she encouraged others to visit it. She said that the Town Supervisor in Fenner did indicate that the first year it was operational (six years ago), property taxes were cut in half. Councilperson Harvey added that the property the wind farm sits on, is owned by the same person who owns most of the rental housing around that area. Supervisor Owens reported that she had asked about the dead bird count issue and they responded they could not determine any significant count. She also noted that there was no pollution coming off the windmills. Debbie Teeter added that when it was quiet, she could hear a small amount of background noise coming from the windmills and agreed that would not be pleasant on a continued basis and thought that the 500 feet set back may not be far enough. Mr. Dimmick asked if it was the same size as the one being proposed in Enfield. Debbie Teeter believed it was 50 feet shorter. Fenner Wind Farm has 20 windmills and 10 are being proposed for Enfield. Councilperson Harvey added that there are numerous farms in the Fenner area, which help lower the taxes, not just the one farm.

Old Business:

Youth Services 2007 Agreement: Supervisor Owens presented the 2007 Youth Services Agreement for authorization to sign.

Motion made by Councilperson Fisher, seconded by Councilperson Harvey that the Town Board approves and authorizes the Supervisor to sign the Town of Enfield 2007 Youth Services Agreement. Discussion: Councilperson Small asked for explanation on the dollar amount. Supervisor Owens explained the dollar amount has to do with the reimbursement rate for the summer camp and municipal jobs programs and confirms that it comes in as revenue and then goes back out.

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

New Business:

Resolution #19, Budget Amendment #2 – Town of Enfield Justice/Court Clerks Salary

Adjustment: [Although the Resolution/Budget Amendment was not read, it is included here for reference.]

RESOLUTION #2007-19; BUDGET AMENDMENT 2007-#2
ENFIELD TOWN JUSTICES/COURT CLERKS
SALARY ADJUSTMENT

WHEREAS, due to a 2006 annual salary rate increase misunderstanding for Town Justices wherein the Town Justices wished to forego their 3% salary increase and instead asked that their 3% salary increase be given to their Court Clerks making a 6% annual rate increase for the Court Clerks in 2006; and

WHEREAS, the Town Board in 2006 did not approve a rate increase of 6% for the Court Clerks and instead approved a 3% rate increase; and

WHEREAS, because of a misunderstanding the 2006 budget line titled “Justices - Personal Services” did not reflect a 3% increase for Town Justices, however, the Town Justices salaries were figured on the 3% increase; and

WHEREAS, to allow for the shortfall in the Town Justices 2006 salary line, Resolution #39, Budget Amendment #16 was passed at the December 27, 2006 Special Town Board meeting increasing the “Justices - Personal Services” by \$582.00 to compensate for the 3% shortfall in the Town Justices salaries; and

WHEREAS, as a result of further discussion on the matter at the January 17, 2007 Special/Audit Town Board meeting, the Town Justices wished to waive their 2007 annual salary increase of 3% and instead asked that their Court Clerks receive their 3% increase, making a total increase for Court Clerks 6% and the Town Justices salaries will remain the same as 2006; and

WHEREAS, the Town Board of the Town of Enfield agreed at the January 17, 2007 meeting to approve such arrangement and the Town Supervisor advised that she would prepare a resolution outlining same to be presented at the next regular Town Board meeting; and

WHEREAS, the Town of Enfield Town Board wishes to honor the Town Justices request and to transfer money to “Justices - Personal Services” line to reflect such arrangement.

NOW, THEREFORE, be it

RESOLVED, that for 2007, the annual salary for Town Justice will remain at the 2006 rate after the December 27, 2006 budget amendment (\$10,190.76/Judge), and it is further

RESOLVED, that for 2007, the annual salary for Town Clerks will increase 6% over the 2006 amount (\$3,593.40/Court Clerk), and it is further

RESOLVED, that account code A1990.4 titled: “ Contingency Contractual” be decreased by \$203.52 from \$26,951.37 to \$26,747.85 and that account code A1110.1, titled “Justices - Personal Services” be increased by \$203.52 from \$27,365.04 to \$ 27,568.56.

Moved by Councilperson Harvey, seconded by Councilperson Hubbell.

Discussion:

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

Resolution #20 – Budget Amendment #3: Beautification Award - Transfer Appropriations

RESOLUTION 2007-#20 – BUDGET AMENDMENT 2007-#3
BEAUTIFICATION AWARD – 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 the creation of two welcome signs to Enfield and the purchase of banners for the light posts situated within the hamlet of Enfield Center for the combined cost of \$1,927.82.

NOW, THEREFORE, be it

RESOLVED that General Fund Appropriations account A1990.4, titled “Contingency Contractual” be reduced \$1,927.82 and General Fund Appropriations account A7550.4, titled “Celebrations Contractual” be increased \$1,927.82.

Moved by Supervisor Owens, seconded by Councilperson Hubbell.

Discussion: When the Town gets reimbursed by Cooperative Extension, the money will go back into Contingency.

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

Fire Company/Fire District Public Hearing: Public Hearing date could not be set because further information and documentation is need. Fire Company attorney Mark Butler will be putting together a public hearing notice for the discussion of a fire district for review by the Attorney for the Town, Tim

Mattison. Both attorneys recognizing it may go beyond the July 1st deadline date and that it is important to write the legal notice properly.

Superior Disposal Service Contract: Supervisor Owens presented a letter from Superior Disposal asking for the renewal of their contract. Motion made by Councilperson Small, seconded by Councilperson Harvey that the Town Board approve the continuation of the Superior Disposal services for one year at the contract price of \$85 a month and authorizes Supervisor Owens to sign the agreement.

Discussion: No change in amount of monthly service, remains at \$85 a month for weekly pick up of a two yard dumpster.

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

Audit Claims:

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

- General Fund vouchers #117-138 in the total amount of \$16,256.04, and
- Highway Fund vouchers #34-40 in the total amount of \$38,519.56.

Discussion:

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

Announcements:

- Special Commission on the Future of NYS Courts meeting to be held June 26, 2007 at the Old Tompkins County Courthouse, 2nd floor, from 10 a.m. to 5 p.m. to hear comments concerning the future of the NYS Courts. They will be looking at the efficiency and organization of the local judicial system, the adequacy of protection of litigant rights, sufficiency of training and court resources and management of those resources.
- Local Law #1 for the year 2007 entitled: “A Local Law Providing for the Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code” was filed with the NYS on May 18, 2007.
- Supervisor Owens was unable to attend the Tompkins County Council of Government (TCCOG).
- Councilperson Small asked if there was anything to report from the Facilities Committee and Supervisor Owens responded that there was not.
- Councilperson Fisher has been unable to attend the Tompkins County Youth Board meetings and Supervisor Owens asked if there was anyone else who could attend those meetings. Councilperson Harvey expressed an interest and asked Councilperson Fisher to advise him of the meeting dates and times.
- The Recreation Partnership contract will be discussed at the July Town Board meeting.
- Councilperson Small reported that at the Spring Clean-Up, Superior Disposal removed 37.58 ton, emptied 13 rollofs at a cost to the Town of \$4,425.12. Weitzman removed 11.12 tons of light iron and paid the Town \$556.00, which amounts to \$50/ton.

Community Building:

Furnace Maintenance: Councilperson Harvey asked for a motion giving him approval to contact Hubbard Heating to come in and service the furnaces while they are shut down. Motion made by Councilperson Hubbell, seconded by Supervisor Owens authorizing Councilperson Harvey to contact Hubbard Heating to service the furnaces.

Discussion:

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

Remodeling Photos: Councilperson Harvey said he has taken some photos of the remodeling to the upstairs at the Community Building and will be giving a set to Code Enforcement Officer Clark for the file.

Privilege of the Floor:

Diane Aramini spoke with respect to the spoiled food from the Food Distribution Program being dumped in the Town's dumpster and suggested that the Food Distribution Program contribute to the cost of using the dumpster – possibly splitting the cost 50/50. She asked if the program was contributing towards utilities. Supervisor Owens responded that it was a very competitive year and the program did not receive any money for utilities this year. Supervisor Owens added that a good way to dispose of the leftover produce would be to give it to a farmer and if anyone knew of a farmer that could use it, to let her know.

Mary Jo Lovelace wondered if the community yard sales were going to take place this year. Supervisor Owens responded that the Enfield Community Council is considering the event again this year.

Adjournment:

Motion made by Councilperson Harvey, seconded by Councilperson Small that the June 13, 2007 Regular Town Board meeting adjourn.

Discussion:

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

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Alice Laue
Town Clerk