

TOWN OF ENFIELD
SPECIAL TOWN BOARD
MEETING MINUTES
WEDNESDAY, MARCH 28, 2007
7:00 P.M.

A Special Town Board meeting was held Wednesday, March 28, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York at 7:00 p.m. with Supervisor Owens presiding. Two public hearings were to be held. One on a Housing Rehabilitation Grant and the other on a proposed Local Law #1-2007 – Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

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

Others Present: Gary Fisher, Jim Rohan, Art Howser, David Dimmick, Bertha Hubbell, Jerry Achilles, Amber Achilles, David Owens, Ann Owens, Patrick Blais.

7:00 p.m. - Public Hearing on Housing Rehabilitation:

John Spence, Director of Better Housing for Tompkins County spoke with respect to the Town applying for funding with Better Housing for Tompkins County to provide moderate rehabilitation (repairs valued between \$5,000 and \$25,000) to the residence of qualified homeowners within the Town. The program would be funded by a grant for \$400,000 from the New York State Office for Small Cities and would assist about 15 homeowners.

The Town helped over 70 households with past housing rehabilitation programs. This application was based on the need that still remains in the Town. According to a survey of external housing conditions, there is still a great deal of housing with issues to be fixed. There are currently over 140 names of people who have indicated they would be interested in participating if the Town receives the grant. A year ago Enfield applied and did not get the grant. There was no real reason why Enfield did not get the grant except that past history has shown that the first year a municipality applies, they usually do not get the grant until the second year.

Q: Who qualifies?

A: Homes must need \$5,000 in rehabilitation, and include at least one structural or mechanical component. Examples of projects include roof repair/replacement, wells, septic, electrical work, plumbing and heating systems, window replacement, and lead paint hazard controls. Homeowners must be low-income, according to HUD guidelines. Participating households will need to carry homeowners insurance, must be current on all taxes and must own the property or have legal evidence of life use.

Q: What will it cost for the homeowners?

A: Funding repairs will be provided through a no-interest, diminishing-balance loan made to the homeowner. A percentage of the loan is forgiven every year, the balance is paid off in

5 years. As long as a homeowner does not move for five years following the repairs, the entire loan is forgiven. Repayment of remaining balance is due only if the homeowner sells the home and moves before the five years is completed. In addition, homeowners are required to sign a property maintenance agreement, which requires them to keep up any improvements that were funded by the grant. Town has two years to spend grant.

Q: Are the people on the eligible list public knowledge?

A: No. However, information is shared with the Town's Oversight Committee, which is appointed by the Town Board. In the past, the Oversight Committee has been comprised of Town Board members, County Legislators and someone from the Planning Department. Make up of the Oversight Committee can vary.

Q: Why not do more big jobs than small jobs? Why not try to get the maximum to the people, do an "x" number of large jobs and an "x" number of small jobs?

A: Other sources for small jobs up to \$5,000, very few sources for \$25,000 worth of work on a home. State is restricted in the amount of administration funds.

Public hearing closed at 7:20 p.m.

RESOLUTION NO. 2007-15 – HOUSING REHABILITATION

WHEREAS, The New York State Office for Small Cities has issued a Notice of Funding Availability for Small Cities Community Development Block Grant (CDBG) Funding, and

WHEREAS, municipalities in New York State are eligible to apply for assistance with community development needs such as housing, micro-enterprise, public facilities or economic development, and

WHEREAS, The Town of Enfield is an eligible community with significant housing rehabilitation needs, as evidenced by survey work completed by Better Housing for Tompkins County, Inc, and

WHEREAS, Enfield has completed other housing rehabilitation programs successfully in the past, but over 120 people remain on the waiting list;

THEREFORE BE IT RESOLVED, that the Town Board authorizes an application to the New York State Office for Small Cities for \$400,000 to assist low-income homeowners with housing rehabilitation on a town-wide basis.

Moved by Supervisor Owens, seconded by Councilperson Hubbell.

Discussion: Total cost \$2,000 or under for resubmission of grant? Mr. Spence said he would check and let the Board know and that it depends on the reliance of the old information or if circumstances have changed.

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

7:20 p.m. - Public Hearing on Proposed Local Law #1 – 2007 – Providing for the Administration and Enforcement of the New York State Uniform Fire Protection and Building Code

Supervisor Owens read notice of public hearing advertised in the legal section of the March 19, 2007 issue of the Ithaca Journal and stated copies of the Local Law were available for those wishing a copy.

Gary Fisher: Commented that the way the local law is structured, it may be premature to act on it at this point. Several discussions have taken place concerning agriculture buildings, the way the law is currently structured and worded, all farm buildings would have to be brought up to code. There is no way the older structures could be brought up to code. State guidelines are still being discussed and suggested the Board pass on this matter until issues get resolved.

Supervisor Owens responded that she had talk with Code Enforcement Officer Clark who had attended a conference on this matter and that he will not be inspecting agricultural buildings in this township except for safety, where a building permit was applied for and it is widely recognized that he is not going to be looking for the enforcement of residential codes in an agricultural building. The Town cannot make the law more lenient and the Town is required to pass a local law. Discussion will continue to take place.

Public hearing closed at 7:30 p.m.

Special Town Board Meeting

Amendment of March 14, 2007 General Fund Warrant

Supervisor Owens reported that after the March 14, 2007 Town Board meeting there appeared to be some confusion concerning payment of the bills in that the numbers of the vouchers were not consistent so Town Clerk Laue went through and renumbered the vouchers.

Motion made by Councilperson Hubbell, seconded by Councilperson Small to amend the March 14, 2007 General Fund Warrant and to authorize the Supervisor to pay vouchers nos. 51-68 for the total of \$13,361.05.

Discussion:

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

Reappointment of Ellie Hobbie as Deputy Town Supervisor

Supervisor Owens reported that she had omitted the appointment of Ellie Hobbie as Deputy Town Historian from the January Organizational resolutions and Historian Sue Thompson has submitted a voucher that the Deputy Historian attend along with the Historian an annual conference costing \$20 a person.

Motion made by Supervisor Owens, seconded by Councilperson Fisher that the Town Board approve the appointment of Ellie Hobbie as Deputy Town Historian.

Discussion: Councilperson Hubbell does not believe there was ever a position and asked when was a position created? Councilperson Small asked what was the purpose of a Deputy Town Historian? Supervisor Owens replied that she would work with the Town Historian and Ms. Hobbie is interested in town history. Councilperson Small thought maybe Ms. Hobbie could continue to do what she is doing without being appointed and highlighted that during her four years on the Board, why had it not been vouchered in the past? After further review of the voucher, Supervisor Owens noted the voucher was for a renewal of membership to the Association of Public Historians of New York State and not to attend an annual conference. Owens felt that Ms. Hobbie had been paying the \$20 annually out of her own pocket. The consensus of the Board was that they would like to meet Ms. Hobbie, needed to see how the position fits in with County Civil Service requirements and that the appointment not be made until the Town receives authorization from County Personnel.

Motion withdrawn pending further research.

Trash Clean-up Week

Trash Clean-up week will be held Monday, May 7 through Thursday, May 10, 2007 from noon to 7:00 p.m. Councilperson Small asked that the Board refer to the event as the Spring Clean-up instead of Trash Clean-up.

Motion made by Councilperson Small, seconded by Councilperson Hubbell that the Town Board continue with the Spring Clean-up for four days, May 7 through May 10, 2007 from noon to 7:00 p.m.

Discussion: Councilperson Small talked with Superior Disposal and they will charge the Town the same rates as last year. She further reported that Weitsman Steel paid around \$40 a ton last year. The price per ton is still up but they will not have a quote on how much until May 1st. Councilperson Small asked Supervisor Owens to follow up with the Baptist Church for permission to hold the event on their property and to contact Sprague Insurance for the necessary binder. Supervisor Owens said she would. Jerry Achilles interrupted by saying that steel is up to about \$120/ton this year.

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

Local Law #1-2007- A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Protection and Building Code:

Motion made by Supervisor Owens, seconded by Councilperson Hubbell that the Town Board approve the adoption of Local Law #1-2007 – A Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Protection and Building Code.

Discussion: Councilperson Hubbell said that she had received several phone calls from farmers in the Town who do not want it and agrees with them. She added that if the state made a mistake it should be corrected before voting on it. Councilperson Harvey thought that maybe the Board should hold off until further information is obtained. Gary Fisher interrupted and asked if it is a state law now, why does the Town need to pass it as a law?

Motion withdrawn pending further research. Item to be added to the April agenda.

Audit Claims:

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

- General Fund Vouchers #69-75 in the amount of \$986.26.

Discussion: Erhart gas bill shows a huge increase from previous bills. Supervisor Owens said she would look into it.

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

Announcements:

- Cornell Cooperative Extension of Tompkins County will be hosting agricultural events on March 31 from 10-4:00 at the Pyramid Mall. Exhibits such as antique tractors, meet the dairy ambassadors, watch chicks hatch, etc.
- Rabies Clinic will be held May 10, 2007 from 7-9 p.m. at the Town Highway Garage.
- Assessment Review will be held May 10, 2007 from 3-6 p.m. at the Community Building.
- Virginia Bryant, co-chair of the Planning Board would like a joint Town Board and Planning Board meeting for the purpose of jointly reviewing the request for the wind farm. Supervisor Owens asked Board members to think about it and she will include it in the April agenda. Councilperson Small brought it to the Board's attention that a lot of municipalities are passing a resolution establishing mandatory training for Planning Boards.

Fire Company – March Voucher:

Councilperson Small asked Supervisor Owens if the March 20, 2007 payment to the Fire Company for fire protection was ever paid. Supervisor Owens answered that she had made the payment after the March 14th Town Board meeting in the amount of \$95,000. Councilperson Small said that the payment did not qualify as a prepayment and that it needed Board approval. Supervisor Owens indicated that she had talked with the Attorney for the Town and he said it was the correct amount and she should issue payment. Councilperson Small said it was not a call for the Attorney for the Town to make, that the matter needed to be vouchered and come before the Town Board for approval just like any other payment.

Councilperson Small made a motion that the Town Board vote no to the Town Supervisor issuing a check to the EVFC on or about March 14, 2007 in the amount of \$95,000.00 due to the fact that the Supervisor was not authorized by the Town Board to do so, that the incident failed

to comply with proper Town Law accounting procedures and the amount reflects an overpayment over the 2006 fire contract. Seconded by Councilperson Hubbell.

Discussion: Councilperson Small said it was an overpayment of \$3,750 and that the Supervisor cannot take it upon herself to make a \$95,000 payment without Town Board approval and especially given it was not vouchered properly. Supervisor Owens felt it was an oversight on the Town Board not to voucher for it that night. Councilperson Small added that the Supervisor had plenty of time in which to call a Special Town Board meeting or an Emergency Special Town Board meeting to submit a voucher for payment, which according to the 2006 fire contract was due by March 20th. Small felt the Supervisor should have never taken it upon herself to make the payment. Supervisor Owens responded that an agreement was made between the attorneys and the understanding was the Board would be issuing a check for \$95,000 that night. Councilperson Small responded that there was an offer made early in Executive Session of \$95,000 along with some additional terms but that the Fire Company rejected that offer. Small said the \$95,000 figure never surfaced again and that proper procedure would be to submit a voucher and have it come before the Town Board for approval. Councilperson Harvey agreed that the Fire Company should have only received a check in the amount of \$91,250 and the procedure was wrong. Supervisor Owens asked Art Howser for his opinion and he responded that it was the Town Board's problem and felt the agreement was they were to receive a check that night.

Vote: Councilperson Fisher no, Councilperson Hubbell aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens no. Motion carried.

Supervisor Owens asked the Board for guidance and felt the Board could authorize the issuance of the payment, ask the Fire Company to return \$3,750, or just leave it at the \$95,000 amount with the last payment being \$91,250. Councilperson Harvey wanted to do some research on the matter before further action was taken and suggested that the issue be put on the April agenda.

Privilege of the Floor:

Gary Fisher: Asked that electronic equipment not be put in the dumpsters at cleanup but set aside and taken to the recycling center separately. Also explained that payment on a one-year contract cannot be made without vouchering and if it was made, it was done illegally.

Bertha Hubbell: Wondered how the difference of opinions came about with respect to the payment of \$95,000 to the Fire Company if everyone was present and wondered what the big rush was to issue the check that night. Supervisor Owens responded that \$95,000 was discussed between the attorneys who in turn spoke directly with their Board's and payment needed to be made because the Fire Company was in a financial crisis in terms of making a truck payment and was about to be in default.

David Dimmick: The way he understands the procedure is that anything requiring an action in Executive Session needed to be voted on out of Executive Session and that vote should be reflected in the minutes. Councilperson Small responded that nothing was reported in the minutes.

Gary Fisher: Highlighted that it does not matter if it was \$95,000 or \$1, it still had to be vouchered and voted on by the Town Board before payment could be made.

Jerry Achilles: If proper procedures are not followed then the Supervisor is not doing the Town justice and wanted to know what was going to be done to make it right.

Jim Rohan: Felt that with respect to the March payment to the Fire Company, the Supervisor had been chastised, the incident will be documented in the minutes and suggested that the Board move forward.

Adjournment:

Motion made by Councilperson Hubbell, seconded by Councilperson Harvey that the March 28, 2007 Special Town Board meeting adjourn.

Discussion:

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

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Alice Laue
Town Clerk