

**Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, April 14, 2010
6:45 p.m.**

Present: Town Supervisor Roy Barriere, Town Councilperson Chris Hern, Town Councilperson Jean Owens, Town Councilperson Debbie Teeter, Town Highway Superintendent Barry Rollins, Town Clerk Alice Linton, Town Attorney for Wind Farm Frank Pavia of Harris Beach
Excused: Town Councilperson Stephanie Gaynor

Supervisor Barriere opened the meeting at 6:45 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Black Oak Wind Farm Application resolution declaring completeness:

Frank Pavia explained the application was originally submitted in December 2009. The application was not determined to be complete at that time. A supplemental submission was made by the applicant that contained additional information and was discussed at the February 10, 2010 town board meeting. The supplemental application was then reviewed. A memorandum was submitted to the board from Harris Beach showing that some studies and information is lacking, but the board has been advised that this information can be submitted at a later date, particularly when a draft Environmental Impact Statement is prepared by the applicant and submitted to the town board for review and assessment. As long as the applicant realizes that more information will be needed at a later date, Harris Beach is prepared to recommend to the town board that the application is substantially complete for purposes of continuing the review under the Wind Law and commencing the SEQRA review process. That recommendation is conditioned upon the fact that those remaining pieces of information would be provided as part of a draft Environmental Impact Statement and as part of the SEQRA review. Once interested and involved parties have been notified of the resolution, they will have 30 days time in which to object to the town board's declaration to act as lead agency. If there is no objection filed during that time frame, it will come back to the board to pass a resolution accepting lead agency status and issuing a determination of environmental significance under SEQRA which is again either a positive declaration, which is Harris Beach's recommendation; or a negative declaration.

Resolution #2010-33

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ENFIELD
DECLARING ENFIELD ENERGY, LLC APPLICATION COMPLETE
AND COMMENCING SEQRA PROCESS**

WHEREAS, Enfield Energy, LLC (the "Applicant") has submitted an application pursuant to the Town of Enfield's Wind Energy Facilities Law (the "Wind Energy Law") proposing to develop a commercial site at Black Oak Road and at various other locations within the western portion of the Town of Enfield for the purpose of constructing a commercial-scale wind farm (the "Project"); and

WHEREAS, the Applicant desires to facilitate a review of the Project pursuant to the Wind Energy Law which will include, but not necessarily be limited to, an evaluation of the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation

Law and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"); and

WHEREAS, in addition to submitting its application, the Applicant also submitted an expanded Full Environmental Assessment Form ("FEAF") as required by SEQRA; and

WHEREAS, pursuant to Article III, Section 2.D of the Wind Law, the Town has concluded its completeness review of the Project's application.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the members of the Town Board of the Town of Enfield, as follows:

1. The Town determines that the Project's application is complete in order to continue its review of the Project pursuant to the Wind Energy Law.
2. The Town declares its intent to act as Lead Agency of a coordinated review of the Project subject to the requirements concerning the establishment of a lead agency as set forth in 6 N.Y.C.R.R. § 617.6 of the SEQRA regulations.
3. The Town preliminarily determines that the Project constitutes a "Type I" action, as that term is defined by 6 N.Y.C.R.R. § 617.4 of the SEQRA regulations.
4. The Supervisor of the Town of Enfield is directed to undertake any and all steps necessary to carry out the Town's obligations as Lead Agency pursuant to SEQRA.
5. This resolution shall take effect immediately.

Supervisor Barriere moved to accept the resolution, with a second by Councilperson Teeter.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Attorney Frank Pavia left the meeting at this time.

Privilege of the Floor:

No one wished to speak.

Presentation: Tom Doheny of Time Warner Cable presented a sample resolution asking the town to give Time Warner Cable permission to construct transmission lines and ancillary equipment. This would be to provide high speed internet service to businesses. It would not be for video (TV) service.

Discussion: At this time no roads have been specified. The town's attorney, Guy Krogh, has some recommendations, so a new resolution will be put together and brought back to the board in May.

Approval of Minutes:

Councilperson Owens moved, with a second by Councilperson Hern, to approve the minutes of the March 10, 2010 regular town board meeting and the minutes of the March 31, 2010 public hearing and special town board meeting.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Correspondence:

Invitation from Enfield School to the 5th Annual Art Gallery Opening/Fundraiser on Friday, April 16. Tompkins County Area Development Annual Meeting will be held June 4, 2010, 8 a.m., Holiday Inn. Cayuga Medical Center's Annual Corporate Meeting will be held April 28, 20310 at 6:30 p.m. in the Bonnie Howard Howell Education Center.

Tompkins County Office for the Aging announced Spring Support Groups for Family Caregivers. NYMIR, our municipal insurance carrier, provided requirements for drivers of municipal vehicles and a special topic handout on protecting electronic data.

Free Rabies Clinic to be held at the highway facility Thursday, May 13 from 7 – 9 p.m.

Certificate of Final Special Franchise Full Value within the town from the State of New York, State Board of Real Property Services, which includes NYSEG, Verizon, Trumansburg Telephone Company and Haefele TV, Inc.

Tompkins County Water Resources Council 2009 Annual Report.

Audit Claims:

Councilperson Owens moved, with a second from Councilperson Teeter, that the Town Board authorize the supervisor to pay General Fund Vouchers #93-122 dated April 14, 2010 in the amount of \$12,872.41 and Highway Fund Vouchers #60-78 dated April 14, 2010 in the amount of \$24,734.87.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

County Legislator's Report:

Dave McKenna reported that with the state budget in flux, it puts the county highway department in limbo. Therefore they are getting a slow start on some of their projects. Cornell Cooperative Extension has chosen an architect for their project.

Committee Reports:

Highway: Highway Superintendent Barry Rollins reported they have a good start on ditching and grading the roads. They have crusher run on some roads since much of the base is gone. The broom tractor has broken down. A 20" chainsaw has turned up missing from the shop. A police report was filed. Someone put big rocks in the middle of Enfield Center Road West.

Councilperson Teeter moved, with a second by Councilperson Hern to authorize the highway superintendent to purchase a replacement chainsaw.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Presentation on Aquifer Studies by Joan Jurkowich, Deputy Commissioner of Planning in Tompkins County Planning Department and Todd Miller, Hydrologist, of U.S. Geological Survey. The county has had in place, for a couple of years, a program to help municipalities who want to undertake aquifer studies. There has been a long term contract with USGS where USGS picks up 30% of the cost, the county picks up 35%, which is half of the remainder, and the municipality is asked to pick up the rest with their own funds or grant funds. This program can identify aquifers, water quality, faults, wells, water levels, planning maps, and determine potential for municipal water supplies. The cost of the program, if spread over 4 years and divided roughly by 3, would be about \$22,000 per year.

Additional Correspondence:

Tompkins County Department of Planning – Tompkins County is applying for funding in the 2010 NYS Division of Housing and Community Renewal Community Development Block Grant for continued funding of the county's Home Ownership Program. The Department would appreciate a letter of support from the Town of Enfield to assist with the application process.

Councilperson Owens moved to authorize the supervisor to send a letter of support. Motion seconded by councilperson Teeter.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Code Enforcement: Alan Teeter reported 6 building permits were issued, which brings the year to date number to 15, 2 of which were new homes; 7 certificates of occupancy/completion were issued; 12 building inspections were completed along with 5 progress checks; 3 meetings with builders or owners were held; 2 complaints were received, both of which were valid; 1 letter of voluntary compliance was sent; 3 house numbers were installed; and fire inspections have begun.

Enfield Voluntary Fire Company: Alan Teeter reported for the month of March there were 24 EMS calls, 1 structure fire, 2 motor vehicle accidents, 1 smoke condition no fire, 1 mutual aid to Ithaca canceled in route, 1 mutual aid to Trumansburg canceled in route. Trainings for the month of April are for new engine, brush fires, and EMS burn treatment. There will be station and truck maintenance, truck obstacle course and driver training along with SCBA advanced skills and obstacle course and EMS bleeding protocol. The new engine has been delivered and is now in service. The fire company also responded to a brush fire in Newfield a couple of weeks ago which lasted through the night.

Planning Board: Debbie Teeter reported the board has finished its review of the site plan law update, and it appears everything required by the state is included. They will review the final document to make sure all the corrections are included and then the document will be forwarded to the Town Board for review, possibly in June. They started looking at maps and what they might do in terms of critical environmental area identification.

Enfield Community Council: No report.

Facilities Manager: Councilperson Hern had nothing new to report.

Communication Access Committee: Councilperson Hern reported this committee has not met yet.

Facilities Development: Councilperson Owens reported she is gathering information required by the bond attorney with help from the town clerk and deputy town clerk.

TC Council of Governments: Supervisor Barriere reported a final draft of the water and sewer study was approved. There were no updates on the health insurance consortium. There was an interesting presentation on the emerald ash borer.

Personnel Committee: No report.

Old Business:

Spring Clean-up: Traditionally this event is held the same week as the rabies clinic, which will be held in Enfield May 13. There is money in the budget for this event. A discussion followed on whether tires should be accepted and if there should be a charge for them.

Supervisor Barriere moved, with a second from Councilperson Owens to hold Spring Clean-Up May 10-13 from noon to 7 p.m. and accept tires only if they are on rims.

Discussion: Councilperson Teeter will have this information in the Enfield newsletter which should be coming out soon.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Highway Resolution for purchasing a backhoe: Highway Superintendent Rollins reported he had a price on a new backhoe - \$69,971 plus delivery. The backhoes at the municipal auction don't look promising. If the town puts out bids, it would take several months to get a machine and the warranty would be 30-60 days. Supervisor Barriere and Rollins are working on a vehicle equipment inventory list. The current replacement cost of equipment is not listed, but will be added to the inventory list in the future. A backhoe would get around faster if there was storm damage to clean up, and it has a front bucket. It would be a versatile machine. Supervisor Barriere said our main revenue concern is whether sales tax will come in as budgeted. Rollins stated a backhoe could be rented at \$2,200 per month from Beck or Volvo. A discussion followed on how long pieces of equipment could be expected to last and what is most important to replace and what repair costs can be expected.

Supervisor Barriere recommended we authorize Superintendent Rollins to rent a backhoe this year, based on the tight budget we have. Councilperson Owens felt renting is a stop gap until we have a good sense of an equipment replacement plan. Rollins reminded the board that April 30 is the end of the state contract. Starting May 1 the prices will likely go up.

Councilperson Teeter moved to authorize the highway superintendent to rent a backhoe at his discretion and according to his needs for the next month in anticipation of reviewing the vehicle equipment inventory. Motion seconded by Councilperson Owens.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Approval of the Mass Gathering Law: A public hearing was held to revise the law which will be Local Law #1 for 2010. Our town attorney recommended a number of changes so it ended up being a new law with more pages. After the public hearing it was revised again based on recommendations.

Supervisor Barriere moved to approve the Mass Gathering Law as written, seconded by Councilperson Teeter.

Discussion: None

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Councilperson Teeter was asked to update the permit application and work on the rate fee which should be brought before the Board next month.

Approval of the Highway Excavation and Construction Law: A public hearing was held and a few minor changes were made to the proposal.

Supervisor Barriere moved to approve the Highway and Construction Law, Local Law #2 for 2010, seconded by Councilperson Hern.

Discussion: Councilperson Teeter was asked to work on permit applications for this as well. We can use county applications to start with.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

New Business:

Youth Services Agreement: Supervisor Barriere received the Agreement from the Youth Services Department pertaining to the state aid fund for recreation and youth services.

Councilperson Owens moved to authorize the supervisor to sign the Agreement for Youth Services with Tompkins County. Motion seconded by Councilperson Teeter.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Town Clerk's request for budget increase:

A request was submitted to restore funds that were cut from this year's budget - \$2,000. Dog licensing is being brought up to date in anticipation of the state turning dog licensing over to the town in 2011. Indexing of minutes was not included in the budget this year, and has only been completed through 2008.

Councilperson Teeter moved to authorize the supervisor to move \$2,000.00 from the contingency fund to the Deputy Town Clerk line; seconded by Councilperson Hern.

Discussion: If revenues continue to be low, the Board will need to look at the entire budget to see where cuts can be made.

Budget Amendment #2010-7

Councilperson Owens moved to add to the motion a budget amendment: WHEREAS the Town Clerk has requested additional funds to pay her deputy, and WHEREAS the need has been stated that the activities of the clerk include additional work to bring our records and services up to date for the Town Clerk's Office; THEREFORE BE IT RESOLVED to reduce the contingency fund account A1990.4 by \$2,000.00 and increase account A1410.12 by \$2,000.00. Motion seconded by Supervisor Barriere.

Vote: Councilperson Hern aye, Councilperson Owens aye, Councilperson Teeter aye, Supervisor Barriere, aye.

Announcements:

The Town of Ulysses had a presentation by Delta on a Road Preservation Law and Road Use Agreement. This is a good presentation and we may want to have the presentation in Enfield also. They will work with our Local Law #2 for 2010 that was just approved. This may be expensive, but in the long run will be cheaper than starting from scratch. The advantage of going with a company like this is that there are a number of municipalities in Tompkins County that are interested in this.

Supervisor Barriere suggested that we start the May 12 Town Board meeting at 6 p.m. in order to have a presentation by Delta. The board was in agreement on this.

Board members were reminded that if they are part of the state retirement, they need to give town bookkeeper Pat Podufalski a log of their hours for 90 days during the first 5 months of their term. This information will go for town records and NYS retirement records.

The resolution for Time Warner Cable will be tabled until next month.

Councilperson Owens reported the Hazard Mitigation Plan has been located at the Town Hall. It was created in 2004.

Councilperson Owens has been working with Supervisor Barriere's suggestion to take a look at the possibility of getting some good information for the board concerning how the town can raise revenues. We have limited possibilities – sales tax, property tax, user fees. In the past our tax base has chiefly been property tax. A number of years ago we voted on moving our tax base to the sales tax revenues. We should look at this again to make sure we're making the right choices as to how we levy taxes and collect them, especially if wind farm development does occur. Councilperson Owens will plan to present information to the board on this.

Highway Superintendent Rollins asked if there was any intention to put fill along Route 327 and taper it down by where the highway facility will be built. The state is digging ditches and could dump the fill in that area, along with the Town of Enfield when they have clean fill available. The board agreed that would be an excellent idea.

The Board of Assessment Review will meet from 3 – 6 p.m. on May 13, 2010 at the Town Hall.

Adjournment: Councilperson Owens moved with a second by Councilperson Hern to adjourn at 10:00 p.m.

Respectfully submitted,

Alice M. Linton
Enfield Town Clerk