

Town of Enfield
Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, April 13, 2016
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Henry Hansteen, Town Councilperson Michael Miles, Town Clerk Alice Linton, Town Highway Superintendent Buddy Rollins.

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

Supervisor Rider stated she would be pulling the Resolution on Future Intent Relative to Moratoria and Amendments or Updates to the Wind Farm Local Law from the agenda.

Privilege of the Floor:

Jude Lemke of Enfield spoke about the sale of Black Oak Wind Farm to Onyx, the decommissioning bond for the Black Oak Wind Farm, and her feeling that LaBella did not previously address all comments made on the Draft Environmental Impact Statement.

Mimi Mehaffey of Enfield asked the town board to take a hard look at the impact of changes to the Black Oak Wind Farm Draft Supplemental Environmental Impact Statement (DSEIS). She has asked, and continues to ask, for raw data from the noise reports on turbines. Time is needed to analyze the data.

Dawn Drake of Enfield stated she appreciates all the work the Wind Farm Advisory Committee has done. However, she doesn't feel concerns have been addressed. She asked what compensation residents can expect who live in the area of the wind turbines. She would like to see a moratorium put in place.

Marcus Gingerich of Enfield reiterated Black Oak Wind Farm documents state initial construction began 3 years ago, commencing with the excavation of road access for the wind farm which was completed in December of 2013, and also recently completed excavation of a foundation hole for a permanent meteorological tower. He feels by their own documentation Black Oak Wind Farm has circumvented the SEQRA process. He would like the town board to consider a moratorium so the issues being raised can be addressed.

Tom Fucillo, Esq. of Syracuse stated he represents Jude Lemke. He feels the SEQRA process has not been completed and the project cannot be started until the process is complete. If construction has not legally been started, there are no vested rights. He suggested the Town of Enfield Wind Farm Law should be modified, especially on the issue of noise. He feels there is no need to rush this project through. LaBella had indicated in documents that there were additional comments to the DSEIS that needed to be addressed. He would like to see the town board involved in the process and not just rubber stamp it.

Marguerite Wells of Enfield, project manager of the Black Oak Wind Farm, stated a hole was dug to qualify for federal tax credits. A \$600,000 electrical transformer has been purchased that cannot be returned, and if sold will only bring pennies on the dollar. She hears the fears of residents, but feels

the fear of losing property values aren't borne out by actual data. Enfield has no zoning, and there is no reason to penalize one business over another.

Beverly Gingerich of Enfield read an article about the Hardscrapple Wind Farm in Madison Township, PA where residents are having issues with noise and flicker from wind turbines. She asked if the town wants an industrial energy facility or a place to raise families. She thanked the town board for giving residents time to address concerns.

Consent Agenda: Supervisor Rider asked if anyone would like an item removed from the Consent Agenda for discussion. No request was made. She asked Councilperson Carpenter to read the audit claim motion out loud and she asked that "town board" and "attorney" be capitalized on pages 2 and 3 of the March 16 minutes.

Supervisor Rider moved, with a second by Councilperson Miles to approve all items on the Consent Agenda as follows:

Approval of Minutes of the Enfield Town Board Regular Meeting of March 9, 2016, the Special Meeting of March 16, 2016 and the Special Meeting of March 25, 2016.

Budget Amendment #2016-12

WHEREAS, bills cannot be paid from budget line DA9950.9 titled "Transfers to Capital Funds Equipment Reserve", but have to be paid from an active budget line, now therefore be it

RESOLVED, that Highway Fund line DA9950.9 be decreased by \$150,000.00 and Highway Fund line item DA5130.2 titled "Machinery-Equipment" be increased by \$150,000.00.

Audit Claims: The Town Board authorizes the Supervisor to pay General Fund vouchers #99 to #138 dated April 13, 2016 in the amount of \$41,276.20, and Highway Fund vouchers #52 to #76 dated April 13, 2016 in the amount of \$41,021.97.

RESOLUTION # 2016-44 Bond Payment

WHEREAS, The Town of Enfield borrowed funds to construct a highway facility in 2012 and

WHEREAS, this money has to be repaid, now therefore be it

RESOLVED, the bookkeeper is authorized, prior to April 15, 2016, to wire \$65,000.00 in principal and \$19,284.38 in interest to the bank holding the bonds.

RESOLUTION #2016-45 Acceptance of Bid to Paint the Town Hall

WHEREAS, the Town of Enfield put out a bid to paint the Town Hall on March 3, 2016 and

WHEREAS, a legal notice was placed in the Ithaca Journal on March 4, 5, and 7, 2016 and

WHEREAS, bids were received on March 23, 2016 and opened at 5:00 p.m. at the Enfield Town Hall in front of the Town Clerk and

WHEREAS, the following bids were received for painting the Enfield Town Hall:

First General Property and Restoration Specialists, Endwell, NY	\$ 13,536.78
James and Sons Construction Co., Inc, Skaneateles, NY	\$ 24,300.00
Blue Spruce Painting & Decorating, Inc., Ithaca, NY	\$ 23,735.00
Wright Bros. Painting, Trumansburg, NY	\$ 13,500.00
Marchuska Bros. Construction, LLC, Endicott, NY	\$ 14,800.00 and

WHEREAS, references were sought for Wright Bros. Painting, First General and Marchuska Bros. and they were all favorable, now therefore be it

RESOLVED, that the lowest responsible bid is awarded to Wright Bros. Painting, 6211 Burr Rd., Trumansburg, NY 14886 and the Supervisor is authorized to enter into a contract for this work with Wright Bros. Painting to begin after May 1, 2016 and be completed by November 1, 2016.

Vote on Consent Agenda: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Correspondence: Letter from NYS Department of Taxation and Finance with a Notice of Tentative Telecommunications Ceiling for the 2016 assessment role and Notice of Tentative Special Franchise Full Value.

Tompkins County Youth Services Department update.

Press release from Tompkins Consolidated Area Transit asking for stakeholders to push for better funding at the state level to meet passenger demand.

Notice from the NYS Department of Public Service of public statement hearings regarding proposed increases to delivery rates for NYSEG and Rochester Gas and Electric Corporation.

Presentation by Jay Franklin of the Tompkins County Board of Assessment: Mr. Franklin stated each taxing jurisdiction can choose what exemptions they would like to offer. He explained how the county determines income levels and that residents need to apply each year. The Town of Enfield is the only town in Tompkins County that doesn't currently offer a disability exemption. He also explained how the tax burden would shift if exemptions were increased. A change would need to be done by local law and would take effect on the 2017 assessments, which would be reflected in 2018 tax bills.

County Legislator Report: Dave McKenna stated the County Legislator accepted a homeland security grant of \$27,500 for the Tompkins County Sheriff's Office. He announced Tompkins County Soil and Water will be accepting old tires on April 23 from 11 a.m. until 2 p.m. at the Lansing Town Barns. There will be a charge for the old tires.

Highway Superintendent Report: Highway Superintendent Buddy Rollins reported the crew is getting ready for summer work. They have replaced a pipe on Teeter Road with help from the Town of Ithaca. He asked if the money had been budgeted for clean-up week and if there were plans to schedule it. He suggested June 7-11 with hours of Tuesday through Friday from 12-5 and Saturday from 7-12. Supervisor Rider stated money was budgeted and she will arrange advertising. Superintendent Rollins will arrange for dumpsters. He asked if there was a franchise agreement with Clarity Connect and if they had permission to install a pole in the Town of Enfield right-of-way on the last mile of Fish Road. Supervisor will research this. Superintendent Rollins stated Local Law #2 of 2010, Excavation and Construction in Municipal Roadways, needs a permit application in order to

be enforced. Fees would need to be determined for the permit. Superintendent Rollins asked how the Park and Ride work was done without board approval. He stated he will provide an updated vehicle replacement chart in September as he does each year.

Code Enforcement Report: Code Enforcement Officer Alan Teeter reported in March there were 6 building permits issued or renewed bringing the year to date total to 10. There were 2 solar permits issued bringing the year to date total to 4. He issued 1 certificate of completion, completed 1 foundation inspection, 2 framing inspections, 3 plumbing inspections and 1 final inspection. He completed 11 progress checks, and received 1 valid complaint. He completed 1 fire and safety inspection and issued 1 house number. He stated new building codes came out last week and new code books will be provided for free by New York State.

Councilperson Miles asked how much construction could be done on the Black Oak Wind Farm without a permit. Officer Teeter replied no structure could be built. Roads are governed by the Department of Environmental Conservation - if over 1 acre is disturbed a permit would be needed, but cutting trees is not included.

Supervisor's Report: Supervisor Rider reported she attended the monthly TCCOG meeting, a meeting on solar power, a TCAD board meeting, a Wind Farm Advisory Committee meeting and a meeting of the Health Consortium's Joint Committee on Plan Structure and Design. She wrote an article for the Currents Community Newsletter, met with Anna Long regarding an Enfield Town Flag Policy, met with Laura Shawley, Danby Deputy Supervisor and Carl Seamon, Danby Highway Superintendent. She held 3 special town board meetings on wind farm matters, opened paint bids, arranged 2 public hearings and had a meeting regarding cyber-security.

Committee Reports:

Wind Farm Advisory Committee: Councilperson Miles stated the written report of the committee has been submitted. The town board can use it as they see fit. Each section has conclusions and guidance. The committee met almost weekly since being formed, and spent a lot of time reading and researching. They could have spent more time, but wanted to get information to the town board during the public comment period for the DSEIS. The next step for the committee could be to make recommendations on changes to the Town of Enfield Wind Farm Law.

Councilperson Bryant stated for the record that she appreciated all the work done by the committee. Supervisor Rider thanked the committee for their diligence. Councilperson Hansteen also thanked the committee.

Councilperson Miles briefly went over some of the sections in the written report.

Planning Board: Chair Dan Walker reported the board did not meet this month as there were no actions in front of the planning board. They will be going through the Site Plan Review Law as there are concerns about thresholds for businesses. He noted that the law regarding membership on the planning board allows for 2 alternate members. A formal process for determining those 2 members is not stated. Dan Walker will write up something that can go on the town's website.

Councilperson Bryant moved, with a second by Councilperson Carpenter to accept letters of interest for 2 alternate members to the Enfield Planning Board until June 15, 2016.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Recreation Partnership: No report.

Enfield Volunteer Fire Company: There were 31 calls in March of which 17 were EMS calls, 7 service calls, 2 false alarms, 3 fires and 2 good intent calls. Trainings in April will include vehicle extrication scene safety and Treman Park rescues. There will be an open house at the fire station on April 23 from 10:00 a.m. until 2:00 p.m. It was noted a burning ban is in place until May 15.

Supervisor Rider moved, with a second by Councilperson Bryant to adopt Resolution #2016-46.

Resolution #2016-46 Approval of the "Approval of Borrowing" for the Enfield Volunteer Fire Company

RESOLVED, that the undersigned members of the Town Board of the Town of Enfield, Tompkins County, New York upon reading the Appointment of Hearing Officer executed by Ann Rider, Supervisor dated March 9, 2016; the Notice of Public Hearing published on March 14, 2016 in the Ithaca Journal; and the Report of Hearing Officer dated March 29, 2016 for the Public Hearing held on March 29, 2016 at 7:00 p.m.; hereby approve the "Approval of Borrowing" attached hereto and further direct that the Enfield Town Supervisor execute such "Approval to Purchase" on behalf of the Enfield Town Board.

Ann Rider, Town Supervisor
Michael Carpenter, Councilperson
Virginia Bryant, Councilperson
Henry Hansteen, Councilperson
Michael Miles, Councilperson

Approval of Borrowing by Elected Representative of Political Subdivision Contracting for Firefighting Services

I, Ann Rider, Supervisor of the Town of Enfield in accordance with the requirements of section 147 and related sections of, and regulations under, of the Internal Revenue Code, and in reliance upon certain recommendations and other information submitted to me, and subsequent to a dully conducted public hearing concerning the matter, do hereby approve borrowing and the issuance of an obligation evidencing such indebtedness by the Enfield Volunteer Fire Company, Inc. (the "Volunteer Fire Department") from the Bank of Greene County to refinance the existing mortgage and finance certain improvements of the fire station facility by such Volunteer Fire Department, which fire station facility is located at 172 Enfield Main Road, Enfield, New York.

The proposed refinancing of the existing mortgage and finance certain improvements of the fire station facility located at 172 Enfield Main Road, Enfield, New York, which is used for housing and storage of firefighting apparatus, vehicles and related equipment as well as for training, administrative and related facilities in order to render fire protection service to the Town of Enfield pursuant to a contract for the period January 1, 2013 through December 31, 2017 between the Volunteer Fire Department and the Town of Enfield. The proposed refinance will be in the maximum face amount of \$612,000.00. The Enfield Volunteer Fire Company, Inc. is the owner, operator and manager of the fire station facility described herein.

Execution of this document in no way creates liability on the part of the Town of Enfield and the Town of Enfield is not responsible for the repayment of any bonds issued pursuant thereto.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Facilities Manager: Supervisor Rider stated she has been receiving frequent calls from Alarm Tech. Highway Superintendent Rollins remarked whenever the phone line has a glitch, the alarm goes off. Supervisor Rider stated Haeefele agreed to meet with her about this problem, but they have never followed through. She will make one more attempt to meet with Haeefele regarding this problem. Highway Superintendent Rollins mentioned a power surge in the building a few weeks ago blew all the fuses for the overhead doors. Councilperson Carpenter will check with the NYSEG engineer for this area and see what they can do about power surges that may be causing this.

Old Business:

Update on Broadband: Supervisor Rider stated residents who are interested in receiving broadband service from Clarity Connect need to sign up.

Solar Farm Law Update: Supervisor Rider stated she has sent information to town board members, but the information has not been made available to the public yet, so there was no discussion.

Town Solar Panel Installation Update: The Town of Danby will be contacted to see how their system is set up.

Update on the Park and Ride: Supervisor Rider stated at the March 9, 2016 regular town board meeting no vote was taken on this subject after a motion was made. She suggested a solution would be to revisit the motion.

Councilperson Miles felt 2 quotes were needed according to the procurement policy. It was questioned whether the price of materials should be included in the total cost.

Highway Superintendent Rollins stated his crew could have done the job for about \$500, not including the expensive of the large rocks. Supervisor Rider stated she e-mailed Superintendent Rollins about doing the job. Superintendent Rollins stated he only received an e-mail asking about using logs for delineation. He felt this was an unnecessary use of taxpayer's dollars.

Councilperson Carpenter asked if the work was already done. Supervisor Rider stated that the job was completed.

Councilperson Bryant moved, with a second by Councilperson Miles to hire Patrick Head to do the preparation work for a Park and Ride and Jeff Juber to haul the materials for the Park and Ride, and to pay Patrick Head and Jeff Juber for their work.

Discussion: Councilperson Hansteen asked for clarification that the work had already been completed. Supervisor Rider stated it had, but the work still needed to be authorized.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Councilperson Bryant moved, with a second by Councilperson Miles to pay Patrick Head per his contracted amount, not to exceed \$4,999.00.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Councilperson Bryant suggested there should be better communication between elected officials in the future so a situation like this doesn't come up again.

Highway Superintendent Rollins asked why 2 quotes weren't obtained for the work since the cost was \$7,800 without the gravel.

Supervisor Rider stated she will ask the town attorney what should be done about this situation.

Highway Superintendent Rollins stated if he had been given seasonal help as he originally requested, the painting of the town hall could have been done for approximately \$8,000. The town is now going to pay \$14,000 for the job to be done.

Highway Building Assessment: Supervisor Rider stated a bill has been received, but no report has been presented. Dan Walker will check into the progress of the report from LaBella.

Setting a Public Hearing on Local Law #1 of 2016 "Senior and Disabled Citizens" Real Property Partial Tax Exemptions: Supervisor Rider stated the local law has not been looked at for many years. In order to update the local law, a public hearing needs to be held.

Councilperson Bryant moved, with a second by Councilperson Carpenter to adopt Resolution #2016-47.

Resolution #2016-47 Public Hearing on Local Law # 1 of 2016 - Senior and Disabled Citizens' Real Property Partial Tax Exemptions

WHEREAS, the Town of Enfield passed a local law in 1990 providing certain exemptions from Real Property Tax to persons 65 and older, pursuant to Section 467 of the New York Real Property Law and

WHEREAS, Enfield has never granted an income exemption to low income disabled landowners and

WHEREAS, these limits have not been reviewed in several years and after review of other municipalities income limits, and

WHEREAS, a Public Hearing has to be held on any proposed new Local Law, now therefore be it

RESOLVED that a Public Hearing be held on May 11, 2016 at 6:30 p.m. at 182 Enfield Main. Rd., Ithaca, New York on the proposed LOCAL LAW # 1 OF 2016 - SENIOR AND DISABLED CITIZENS' REAL PROPERTY PARTIAL TAX EXEMPTIONS which is attached and made a part of this resolution. The Town Board further directs the town clerk to advertise this public hearing and file and circulate this resolution to the extent required by any applicable ordinance, statute or regulation.

**TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER __ OF 2016**

**SENIOR AND DISABLED CITIZENS' REAL
PROPERTY PARTIAL TAX EXEMPTIONS**

SECTION 1: Repealer and Effective Date: All prior local laws, ordinances, resolutions and other prior

legislation of the Town of Enfield relating to senior citizen and disabled citizen tax exemptions, as allowed under and pursuant to the authority granted to the Town of Enfield as a taxing authority by and through the New York State Real Property Tax Law § 467, be and hereby are repealed and superseded hereby. In the event of any irreconcilable conflict between this local law and the New York State Real Property Tax Law, such state statutes shall govern. This local law shall take effect immediately upon adoption.

SECTION 2: Authority and Purposes: Pursuant to the provisions of § 467 of the Real Property Tax Law of the State of New York, real property located in the Town of Enfield, County of Tompkins, owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, or real property owned by persons with disabilities, shall be partially exempt from taxation by said Town of Enfield for the applicable taxes specified in said § 467 based upon the qualifications and income of the owner, or the combined income of the owners, pursuant to the provisions of this local law as set forth herein.

SECTION 3: Exemption Tables: Such partial exemption shall be to the extent set forth in the following schedule:

Percentage of Assessed Valuation of Property Subject to Exemption

Up to \$24,000	50%
More than \$24,001, but less than \$24,999	45%
More than \$25,000, but less than \$25,999	40%
More than \$26,000, but less than \$26,999	35%
More than \$27,000, but less than \$27,899	30%
More than \$27,900, but less than \$28,799	25%
More than \$28,800, but less than \$29,699	20%
More than \$29,700, but less than \$30,599	15%
More than \$30,600, but less than \$31,499	10%
More than \$31,500, but less than \$32,399	5%

SECTION 4: Qualifications: The partial exemption provided by this local law shall be limited to such property and persons as meet the conditions, qualifications, exclusions, and limitations set forth in § 467 of the Real Property Tax Law of the State of New York. This Local Law shall be administered in accordance with the Real Property Tax Law, as now adopted and as may be amended from time to time.

SECTION 5: Application Procedures: Application(s) for such exemption(s) must be made by the owner or all of the owners of the property on forms prescribed by New York State as furnished by and to the Tompkins County Assessment Department. All of said owners shall furnish the required information and execute the forms in the manner required by in such forms. Such completed form(s) shall be filed in the Tompkins County Assessment Department’s office on or before the appropriate, applicable, or required taxable status date.

SECTION 6: False Statements and Penalties: In addition to any other provision of law generally, or the New York State Penal Law specifically, any willfully false statement made in (or in relation to) any application for an exemption shall also be punishable by a civil penalty of not more than \$500.00 to be recovered by the Town in a civil action. For purposes of this local law the Justice Court of the Town of Enfield is hereby vested and imbued with jurisdiction to hear and adjudicate allegations relating to the civil violation of this local law. In addition: (i) making any willfully false statement in connection with any application for an exemption shall disqualify the applicant(s) from seeking any of the exemptions provided by this local law for a period of five years; and (ii) the making of any false statement in connection with any application for an exemption may disqualify the applicant(s) from seeking any such exemptions for a period of five years. Such determinations shall be reasonably made and, without creating any right of review or action that does not already exist in law or equity, such determination may be subject to review under Article 78 of the Civil Practice Laws and Rules. Nothing herein precludes the imposition of other actions, determinations, penalties, losses, or sanctions from other governmental agencies arising from or in relation to the making or transmittal of any false information in or in relation to any application, and no remedy or penalty specified in this local law shall be the exclusive remedy available to address any violation of, or non-compliance with, the requirements of this local law.

SECTION 7: Effective Tax Years and Amendments: This Local Law shall apply to each of the several next successive tax years, and the exemption levels for this local law may be updated by the Town of Enfield by amending the tables or schedules of this local law in any manner as allowed by law.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

USDA Grant for New Town Hall: Councilperson Bryant stated she has not looked into this grant yet, but will do so now.

Next Steps in SEQRA Process: Supervisor Rider stated the public comment period was extended until April 22, 2016 and there was a second public hearing held April 12, 2016. The public and interested and involved agencies have until April 22, 2016 to comment. She asked the board if they wanted to be active in the preparation of the Final Supplemental Environmental Impact Statement (FSEIS). Councilperson Miles, Councilperson Hansteen and Councilperson Carpenter all stated they want the board to be active.

Supervisor Rider noted the town board members do not have technical expertise. Dan Walker stated often the consultants will meet with town boards so they can work together to develop the final document. Councilperson Miles noted the FSEIS is ultimately the town board's responsibility. LaBella Associates have stated they would be willing to work with, and meet with, the town board.

Councilperson Miles asked if communication between Black Oak Wind Farm and LaBella can be public. He feels the town has hired LaBella so the communications should be available. He would like to see copies of all documents copied to the town board and the town clerk so they would be public and transparent.

Councilperson Carpenter stated the town board is the client and they should be able to waive confidentiality.

Councilperson Bryant felt information should be public and transparent. Both LaBella and Frank Pavia of Harris Beach are working for the town board so their communications should be transparent.

Councilperson Carpenter asked if the report of the Wind Farm Advisory Committee would be submitted as a public comment, including his comments. It was determined the document would be regarded as a public comment to be submitted.

Supervisor Rider asked if there should be another special town board meeting called before the end of the comment period. Other board members felt there was no need for another special meeting.

Councilperson Carpenter commented the town should be part of the writing of the FSEIS and that there should be communications between the town board, LaBella and Black Oak Wind Farm. He wants to be part of the process of developing the FSEIS. Attorney Fucillo stated The Findings Statement can issue conditions based on the record.

Councilperson Miles moved, with a second by Councilperson Bryant that all communications between the Enfield Town Board, LaBella Associates, Frank Pavia of Harris Beach, and the Black

Oak Wind Farm be public, with the town board copied on all communications, and they will be made public.

Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider nay. Carried

Councilperson Bryant left the meeting at this time.

Councilperson Carpenter asked for a discussion of the Town of Enfield Wind Law, page 17, Article V, Section 3.

Supervisor Rider stated part of the law is the administrative process. Administrative appeals may be in opposition to town law. There has been some litigation on it. Advice of counsel is, under the local law, it would be prudent that if an appeal came to Supervisor Rider she would deny it and it would go straight to an Article 78 and be decided on. One possible decision is it could be referred back to go through the administrative appeals process. The other decision would be it could stay in Supreme Court.

Councilperson Carpenter asked if it went immediately to court, and if the court denied the appeal, would it come back to the town and would the process take effect. He would like a written opinion for the file. He is concerned about making an incorrect determination.

Supervisor Rider will pass on the e-mail regarding this to see if this will be sufficient for the town board records for the future.

Dan Walker stated the appeals process would normally go to someone not a part of the original discussion.

New Business:

Flag Policy: Councilperson Miles moved, with a second by Councilperson Carpenter to adopt a Resolution regarding a town flag policy.

Resolution Town Flag Policy

WHEREAS, the Town of Enfield has no United States Flag Policy; and

WHEREAS, United States Flag Code (Chapter 1 of Title 4 of the United State Code) establishes advisory rules for display and care of the national flag; and

WHEREAS, a community member, Anna Long, Buck Hill Rd., N, Trumansburg, NY has volunteered to carry out the United States Flag Policy; now therefore be it

RESOLVED, that the Town of Enfield adopts the United States Flag Code and the flag will be flown in accordance with the Federal Law and will be flown at ½ staff on the following days:

May 15: Peace Officers Memorial Day (unless it is the third Saturday in May, Armed Forces Day then full-staff)

- Last Monday in May: Memorial Day (until noon)
- July 27: National Korean War Veterans Armistice Day

- September 11: Patriot Day
- First Sunday in October: Start of Fire Prevention Week, in honor of the National Fallen Firefighters Memorial Service.
- December 7: National Pearl Harbor Remembrance Day
- For 30 days: Death of a president or former president
- For 10 days: Death of a vice president, Supreme Court chief justice/retired chief justice, or speaker of the House of Representatives.
- From death until the day of interment: Supreme Court associate justice, member of the Cabinet, former vice president, president *pro tempore* of the Senate, or the majority and minority leaders of the Senate and House of Representatives. Also for federal facilities within a state or territory, for the governor.
- On the day of and the day after the death of: Senators, members of Congress, territorial delegates or the Resident Commissioner of the Commonwealth of Puerto Rico.
- In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders.

Discussion: Councilperson Miles asked about lowering the flag for the death of a local person. Supervisor Rider stated a list of such people would need to be provided to add to the resolution.

Councilperson Miles tabled his motion.

Vote to table the motion: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Carried

Beautification Grant Agreement: Supervisor Rider moved, with a second by Councilperson Carpenter to adopt Resolution #2016-48.

Resolution #2016-48 Beautification Grant Agreement

WHEREAS, the Town of Enfield has applied for a Beautification Grant available through the room tax money of Tompkins County in the amount of \$3,075.00 and

WHEREAS, Cooperative Extension of Tompkins County, the supervising agency for this grant, will be forwarding an Agreement and

WHEREAS, this grant pays for labor and a volunteer coordinator/supervisor, now therefore be it

RESOLVED, the Supervisor be authorized to sign this Agreement and

RESOLVED, that Zachery Snyder be hired at \$10/hr. for up to 15 hours this season and

RESOLVED, that Michael Predmore be hired at \$10/hr. for up to 15 hours this season and

RESOLVED, that Sam Hubbell be hired at \$10/hr. for up to 15 hours this season and

RESOLVED, that Justin McNeal be hired at \$12/hr. for up to 25 hours this season.

Discussion: Supervisor Rider stated funds for the grant come from a portion of room tax money in Tompkins County. The town would be reimbursed for all expenditures which usually include plants in planters around town, lights and wreaths at Christmas, and flags. The patriotic flags will need to be

replaced this year as they are becoming worn.

Councilperson Carpenter asked what the expected grant would be. Supervisor Rider stated around \$2,000. Councilperson Carpenter stated he would like to see the expenditures kept under the cap. Councilperson Miles asked what work would be done. Supervisor Rider answered the kids weed whack, help maintain the "Welcome to Enfield" signs and memorial garden at Enfield School, and plant barrels.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Decommissioning Bond for Black Oak Wind Farm: Supervisor Rider moved, with a second by Councilperson Hansteen to adopt the following resolution:

RESOLUTION ESTABLISHING AMOUNT AND TERMS OF DECOMMISSIONING BONDS AND OTHER SECURITY FOR FUTURE PERFORMANCE OF DECOMMISSIONING AND REMMOVAL OBLIGATIONS OF DEVELOPER

WHEREAS, the Town’s Wind Farm Law requires a decommissioning bond, or equivalent security as approved by the Town Board, to be determined in amount for each tower in relation to each permit, but not less than \$125,000 per tower as delineated in Article I § 1(10) and Article VI §§ 1(D through F); and

WHEREAS, a permit application and review are in progress and while no permits have issued to erect towers, it is necessary to attend to many details, including decommissioning costs and securitization of the developer’s obligation to decommission and deconstruct towers and facilities upon obsolescence, loss, closure, and other like circumstances; and

WHEREAS, the general form of a decommissioning bond, written as a surety bond guaranteeing developer’s performance, has been generally, but not specifically, reviewed and approved by the town attorney pursuant to said Articles I, § 1(10) and IV, §§ 1(D),(E), and (F) of the local law; and

WHEREAS, engineering estimates, duly reviewed by the Town, establish a cost per tower for decommissioning and deconstruction, and such amount of \$125,000 be and hereby is established as the gross initial decommissioning amount that developer shall duly guarantee or securitize in a manner as approved by the Town, with such amount to be applied severally in proportional allotments to each tower; and

WHEREAS, the developer has proposed a plan whereby it may, in the future, displace bonds with cash deposits (and pledged accounts) and, subject to approval of the same at such future time as substituted security is proposed, and the approval of the terms and amounts thereof by the Town Board per Article VI § 1, it is agreed in principal that the developer may replace the initial bonds with a cash escrow or similar pledge accounts in the amount of \$875,000.00 to securitize the decommissioning obligations of developer; and

WHEREAS, upon due consideration and deliberation thereupon by the Town Board of the Town of Enfield,

BE IT RESOLVED AS FOLLOWS:

1. The amount of \$875,000 be and hereby is set and approved as the gross project

decommissioning cost, and a proportionate amount must be securitized by surety bond for each tower permit issued. Such amount is subject to change over the life of the tower and facilities as periodic reviews of the decommissioning costs may hereafter occur under the local law.

2. Subject to the approval of the Town Board as to the terms and amounts of such escrow or other pledge, the developer may substitute cash or cash-based accounts in lieu of, and in replacement of, surety bonds, upon such schedule and at such times as developer may elect. For this purpose the sum of \$875,000 be and is hereby set as the initial cash or depository pledge amount to securitize the future decommissioning costs and removal obligations of the developer. Such amount is subject to change over the life of the tower and facilities as periodic reviews of the decommissioning costs may hereafter occur under the local law.

Discussion: Councilperson Miles asked what the difference was between surety bonds and other forms of a guaranty.

Supervisor Rider stated a surety bond is an instrument bought on the financial market as insurance. A 3rd party guarantees the amount and the bond has to be redone every year. It is a cheaper way to guarantee the decommissioning for a beginning company. As the company progresses in growth they are able to put cash aside and not have recurring costs of buying surety bonds.

Councilperson Miles asked if there was a risk to the town board. He questioned what would happen if in 3 years the bond is denied because the bond company is not satisfied with the financial condition of the wind farm. If the bond expires and no one will issue a new one, that is a risk for the town. He suggested maybe there should be a time frame so that before one bond expires, a new one would be in place. He questioned if that should be part of the language of the resolution.

Councilperson Carpenter questioned where Article I § 1(10) was in the Town of Enfield Wind Law. He asked what the procedure would be to keep track of whether the bonds were always in place. Also, what would be the procedure if the bond is not in place. What is the recourse? He would like legal advice on this so there is language to protect the town. He would like to be able to raise the amount over \$125,000 if necessary. He would also like someone with financial expertise to look at the bond form. He would like to understand the process more before signing off.

Supervisor Rider moved to table the resolution, with a second by Councilperson Hansteen.

Vote: Councilperson Carpenter aye, Councilperson Hansteen aye, Councilperson Miles aye, Supervisor Rider aye. Councilperson Bryant excused. Carried

Road Use Agreement with Black Oak Wind Farm: Supervisor Rider submitted the following resolution:

**APPROVING ROAD USE AGREEMENT AND GENERAL ROADWAY RESTORATIVE
PLAN IN COORDINATION WITH TOMPKINS COUNTY**

WHEREAS, the Town's Wind Farm law requires as part of the permit review process that adequate roadway protection and restoration obligations be met by the developer to restore, replace, or otherwise ensure the viability of public highways used, affected, or altered during the project construction phase (and future construction phases), and the requirements therefore are set forth in Article IV § 16 and address traffic, road condition, roadway impacts, roadway remediation and like issues by regulating, specifically, traffic routes, traffic controls, and roadway remediation; and

WHEREAS, the SEQRA EIS and, as applicable the SEIS (once and if adopted), have implemented a mitigation plan more specifically requiring a road use agreement to securitize and define the roadway obligations of the developer so as to protect the Town's roadway infrastructure, guarantee its maintenance and restoration, and to otherwise effect mitigation of potential roadway impacts; and

WHEREAS, a road use agreement (RUA) has been developed in a draft but now near-final form, and the same addresses obligations of developer for various types of roadway charges and restoration obligations as based upon the current condition and structural integrity of the roadway, the need to upgrade or change the road, the need for ongoing maintenance during project construction phases, and the need to repair and restore and resurfacing or rebuild of the base and subbase of the roadway; and

WHEREAS, part of the highway system to be utilized by the developer includes Tompkins County public highways, and the Town has endeavored to coordinate with the County, to the extent possible (given that the County has a road use law and the Town does not), to ensure that the roadways are built and restored in one coordinated process to ensure proper oversight, save costs, and minimize disruption to road usage; and

WHEREAS, the town attorney and special town counsel for the wind farm SEQRA review have reviewed the RUA as drafted and have generally approved the same; and

WHEREAS, subject to minor amendments to calculate the roadway reconstruction costs payable by the developer, the county, and town relative to a whole-road reconstruction and resurfacing at project completion in accord with the roadway plan developed by the County, to be implemented by and for the Town, among and along with other goals, through the RUA, and all with the town's costs not to exceed \$ _____, the Town Board wishes to move forward and approve the RUA; and

WHEREAS, upon due consideration and deliberation thereupon by the Town Board of the Town of Enfield,

BE IT RESOLVED AS FOLLOWS:

1. The RUA as submitted to this meeting be and hereby is approved and adopted in its general form.
2. The Town Supervisor be and hereby is authorized to sign and execute the same by, for, in the name of, and on behalf of the Town, once and after the final changes are made to the form of such agreement to implement the developer-county-town restoration plan in language and a form as approved by the town attorney and the Town Highway Superintendent.

Discussion: Councilperson Miles stated he had no opportunity to read the Road Use Agreement.

Councilperson Carpenter asked if LaBella had looked at the Road Use Agreement. Supervisor Rider stated they hadn't, but town attorney Guy Krogh had drafted it. There would be a similar agreement between Black Oak Wind Farm and Tompkins County.

Councilperson Carpenter stated he wanted to be sure Highway Superintendent Rollins, our lawyer and the engineering firm would be comfortable with it before voting.

Dan Walker felt the document was more of a law than a Road Use Agreement.

Supervisor took the item off the agenda as an action item.

Adjournment: Supervisor Rider moved with a second by Councilperson Hansteen to adjourn at 10:25 p.m. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk