

Town of Enfield  
Public Hearing and Regular Town Board Meeting Minutes  
Enfield Community Building  
Wednesday, May 11, 2016  
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant (arrived at 6:53 p.m., Town Councilperson Mike Carpenter, Town Councilperson Henry Hansteen, Town Councilperson Michael Miles, Town Clerk Alice Linton.

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

**Public Hearing on Local Law #1 of 2016 "Senior and Disabled Citizens' Real Property Partial Tax Exemptions"**

Supervisor Rider opened the public hearing at 6:32 p.m. As no one wished to speak, Supervisor Rider closed the public hearing at 6:33 p.m.

**Privilege of the Floor:** No one wished to speak.

**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. She asked for the wording to be changed on the April 13, 2016 minutes, page 11, to "Supervisor Rider stated that this part of the law is the administrative process. Administrative appeals may be in opposition to New York State or town law". On page 12 at the bottom of the page she recommended that town be a capital T.

Councilperson Carpenter 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 April 13, 2016, the Special Meeting of April 6, 2016 and the Public Hearing of March 28, 2016.**

**Budget Amendments:**

**Budget Amendment #2016-13**

**WHEREAS**, expenses have exceeded the budget in the General Fund line A1910.4 titled "Unallocated Insurance", now therefore be it

**RESOLVED**, that line A1990.4 titled "Contingent Account" be decreased by \$500.00 and General Fund line A1910.4 be increased by \$500.00.

**Budget Amendment #2016-14**

**WHEREAS**, expenses have exceeded the budget in the General Fund line A8020.12 titled "Personnel (Comp Plan Clerk), now therefore be it

**RESOLVED**, that line A8020.12 be increased by \$800.00 and line item A1990.4 titled "Contingent Account" be decreased by \$800.00.

**Budget Amendment #2016-15**

**WHEREAS**, expenses have exceeded the budget in the Highway Fund line DA9050.8 titled “Unemployment Insurance”, now therefore be it

**RESOLVED**, that line DA9060.81 titled “Medical Insurance” be decreased by \$350.00 and line DA9050.8 be increased by \$350.00.

**Supervisor's Financial Report** of moneys received and disbursed during the month of April, 2016.

**Audit Claims:** The Town Board authorizes the Supervisor to pay General Fund vouchers #139 to #172 dated May 11, 2016 in the amount of \$45,980.84, and Highway Fund vouchers #77 to #85 dated May 11, 2016 in the amount of \$7,895.31.

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

**Correspondence:** Letter from NYS Department of Public Service regarding information sessions and public statement hearings on a Clean Energy Standard program.

A document entitled Wind Power: Frequently Asked Questions.

E-mail from Ron Feldstein to MEGA participants with notice of webinar on May 12th.

Notice of Tompkins County Personnel Agency User Training/Discussion May 17 and May 18.

Letter from NYSEG regarding safety issues.

Letter from Tompkins County Finance Department with 1st quarter sales tax report and check for \$11,000 as semi-annual mortgage tax distribution.

Letter from NYS Department of Taxation and Finance regarding 2016 Final Special Franchise Assessments/Full Values.

Notice from NY Public Interest Research Group that they will be conducting door-to-door research in Enfield this summer.

Memorandum from LaBella Associates regarding NYS 2016 Consolidated Funding Application.

**County Legislator Report:** No report.

**Highway Superintendent Report:** No report.

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter reported in April there were 9 building permits issued or renewed bringing the year to date total to 19 with 4 being for new homes. There was 1 solar permit issued. He issued 7 certificates of completion, completed 2 foundation inspections, 2 insulation/energy code inspections, 1 plumbing inspection and 7 final inspections. He completed 15 progress checks, and received 2 valid complaints, 1 of which was resolved. He installed 7 house numbers. He received information on a proposed solar farm on Mecklenburg Road which will be about 5 times the size of the solar farm recently installed. This will max out that section of power lines.

**Supervisor's Report:** Supervisor Rider reported she met with Earl Wright regarding painting the town hall and with Norm Smith regarding pre-paint repairs needed to the town hall. She attended a flood plain management training, met with Frank Pavia of Harris Beach and Kathy Spencer of LaBella regarding steps going forward in finalizing the Draft Supplemental Environmental Impact Statement, held a special town board meeting, talked to Albany Department of Environmental Conservation regarding a complaint they received regarding Black Oak Wind Farm doing

excavation, arranged final well drilling for the Aquifer Study, conferred with the ICSD on the malfunctioning blinking light at Enfield Elementary School, attended a retreat regarding health insurance.

**Committee Reports:**

Wind Farm Advisory Committee: Councilperson Miles stated there has been no recent meeting held, but the committee plans to start meeting again to work on revisions to the current wind farm law.

Planning Board: Chair Dan Walker reported there is one action coming up, but there was no action at the last board meeting. The committee will start reviewing the Site Plan Review Law and the Sub-Division Regulations. They want to look particularly at the threshold for commercial buildings which is currently 10,000 square feet before a site plan review is needed. He feels 5,000 square feet may be more appropriate.

Councilperson Bryant arrived at this time.

Recreation Partnership: No report.

Enfield Volunteer Fire Company: There were 26 calls in April of which 20 were EMS calls, 2 MVAs, 1 service call, 1 fire and 2 hazardous conditions. Trainings in May will include hose rolls and lays; fire training; park and fire police training at Treman Park. A blood drive will be held on May 17.

Facilities Manager: Councilperson Carpenter stated he has not received a report from LaBella yet.

Tompkins County Council of Governments: Supervisor Rider stated she did not attend the last meeting.

**Closed Session with Town Attorneys:** Supervisor Rider moved, with a second by Councilperson Bryant to move into a closed session with attorneys at 6:57 p.m.

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

The meeting was reconvened at 8:15 p.m.

**Old Business:**

Clean Up Days: Supervisor Rider stated flyers with information are available at town hall.

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

**New Business:** Supervisor Rider moved, with a second by Councilperson Carpenter to adopt Resolution #2016-49.

**Resolution #2016-49      Senior and Disabled Citizens' Real Property Partial Tax Exemptions**

**WHEREAS**, a public hearing was held on May 11, 2016 to hear comments from the public regarding proposed Local Law #1 of 2016, entitled “Senior and Disabled Citizens’ Real Property Partial Tax Exemptions” and

**WHEREAS**, the Board has heard a presentation from County Assessment Assistant Director, Jay Franklin and has had an opportunity to ask Jay questions and express any concerns they may have, now therefore be it

**RESOLVED**, that proposed Local Law # 1 of 2016 as set forth below be enacted to take effect immediately and the Town Clerk is directed to file a certified copy with the State.

**TOWN OF ENFIELD, TOMPKINS COUNTY, NEW YORK  
LOCAL LAW #1 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

Rescind Motion from April 13, 2016 Meeting: Councilperson Bryant moved, with a second by Councilperson Hansteen to rescind the motion made April 13, 2016, stating 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" as it violates lawyer/client privilege.

Discussion: Supervisor Rider stated she heard in the closed session that the motion should be rescinded. Councilperson Carpenter stated he felt the issue that needed to be talked about wasn't discussed. In the interest of being accurate and figuring out what is going on, he would like to go back to Frank Pavia and Guy Krogh to be sure we're talking about the same thing.

Councilperson Bryant feels we should take this under advisement when we go forward.

Councilperson Miles stated the original motion was well intentioned, but the mechanism was not correct. The board should now work towards doing it right.

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

Schedule Special Meeting:

Supervisor Rider stated she feels the board needs to hold another special meeting as there are other things to discuss regarding the Black Oak Wind Farm such as a Decommissioning Plan and a Road Use Agreement.

Councilperson Carpenter feels there should be a better understanding of what Councilperson Miles was trying to accomplish with his previous motion, that was just rescinded, and how to develop a process and give town residents what they want and what attorneys Guy Krogh and Frank Pavia feel is best for the town. If Guy Krogh develops a document, the board should make sure he understands what the board is looking for - he should be given direction. He asked if there was a revised Decommissioning Plan received from Black Oak.

Supervisor Rider stated there was not enough time to investigate a revised Decommissioning Plan since the last meeting.

Councilperson Carpenter stated he would like to have the agenda available early enough so town board members can be prepared for meetings and so residents can know what will be discussed at meetings.

Supervisor Rider stated she needs to have minutes of meetings one week after the meeting so she can have an agenda prepared one week before the next meeting.

Councilperson Carpenter stated when there is discussion on the Road Use Agreement he would like to have Highway Superintendent Buddy Rollins present, or have Dan Walker present if Highway Superintendent Rollins is unable to attend and can pass his information on to Dan Walker.

Supervisor Rider scheduled a special town board meeting for Wednesday, May 18, 2016 at 7:00 p.m. at the Enfield Community Building to discuss Black Oak Wind Farm matters.

Public Hearing for Local Law to Override the Tax Levy Limit: Supervisor Rider stated her peers suggested passing a law early in the year so the budget discussions do not get inflamed by the local law procedure. The tax cap for Enfield may not be exactly 2% this year.

Councilperson Carpenter asked how long after the public hearing the board can wait before voting on the law.

Supervisor Rider will put off scheduling a public hearing until she finds an answer.

**Announcements:** Supervisor Rider stated Clean Up Days will be held June 7-11, 2016 at the new highway facility.

**Adjournment:** Supervisor Rider moved with a second by Councilperson Carpenter to adjourn at 8:58 p.m. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk