

Town of Enfield
Public Hearing and Regular Town Board Meeting Minutes
Enfield Community Building
Wednesday, July 13, 2016
6:30 p.m.

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

Supervisor Rider lead the assemblage in the Pledge of Allegiance to the Flag at 6:30 p.m.

Public Hearing for Local Law "Authority to Override the 2017 Tax Levy Limit":

Supervisor Rider opened the public hearing at 6:35 p.m., which had been advertised in the Ithaca Journal on June 25, 2016. The following comments were made:

Dawn Drake of Enfield stated Black Oak Wind Farm should pay the amount they owe to the town. That would assure that all the town's money was available and help prevent an increase in taxes.

Theresa Guler of Enfield stated last year taxes were raised 30%. If taxes are raised again this year it will be very hard for residents with mortgages to make their payments. She would like the board to look at the budget and find ways to save money. Many residents are already struggling to pay their taxes.

Jude Lemke of Enfield stated taxes were raised 30% last year and questioned what could require the town to go over the cap again.

Marcus Gingerich of Enfield stated taxes have already been increased 30% and now the town is asking for authorization to raise taxes again. Although he doesn't have complete knowledge of the town's finances, he feels there should be a very good reason for taxes to be raised, and he will have a lot of questions if that happens.

Judy Perkins of Enfield asked the board to vote against raising taxes and start looking at ways to cut expenses and taxes.

Councilperson Hansteen asked what the consequences would be if this law isn't passed. Supervisor Rider replied that a budget could not be passed that was over the limit.

Supervisor Rider closed the public hearing at 6:40 p.m.

Privilege of the Floor:

Supervisor Rider stated Councilperson Bryant had been arrested. She had received several questions regarding Councilperson Bryant's conflicts with her official duties on the town board. She stated under Section 30 of the Public Officials Law, she has to be convicted of a felony or misdemeanor regarding her official duties. Any other arrest or conviction does not become a matter of town business. Recent happenings are not town business. She asked for police back-up for tonight's meeting.

Jude Lemke of Enfield thanked the supervisor for sending a letter to Black Oak Wind Farm asking them to replenish their escrow funds. She asked, in light of the proposed Town of Newfield law on wind farms, how Black Oak Wind Farm's plans may change going forward.

Theresa Guler of Enfield asked if the town board would consider letting the public have privilege of the floor both at the beginning and end of all town board meetings.

Judy Perkins of Enfield stated she also feels it is important to let the public speak both at the beginning and end of all meetings.

Marcus Gingerich of Enfield addressed the agenda item of a decommissioning bond for the Black Oak Wind Farm. It had been suggested that Black Oak Wind Farm say what they were planning to do. He hasn't heard anything yet and wondered if that is still part of the process. He wonders how this can continue until Black Oak Wind Farm comes forward with what they are required to provide.

Presentation by Janice Johnson regarding Recreational Partnership: Ms. Johnson presented information on youth programs and participation. The Town of Enfield's contribution to the Recreational Partnership in 2015 was \$5,527. In 2014 there were 117 participants from the Town of Enfield. In 2015 there were 110 participants. In 2015 there were 64 scholarships given to Town of Enfield residents with a total value of \$4,720. Her hope is that the Town of Enfield will continue to support youth programming.

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

Approval of Minutes of the Regular Town Board Meeting of June 8, 2016 and the Special Town Board Meeting of June 22, 2016.

Budget Amendment #2016- 17

WHEREAS, expenses have exceeded the budget in the General Fund line A1420.4 titled "Attorney-Contractual", now therefore be it

RESOLVED, that line A1620.4 titled "Buildings Contractual" be decreased by \$5,000.00 and General Fund line A1420.4 be increased by \$5,000.00

Budget Amendment #2016- 18

WHEREAS, expenses have exceeded the budget in the General Fund line A1316.42 titled "Bookkeeper – Williamson Programs", now therefore be it

RESOLVED, the line A1316.41 titled "Contractual" be decreased by \$130.00 and line A1316.42 be increased by \$130.00.

Audit Claims: The Town Board authorizes the Supervisor to pay General Fund vouchers #195 to #229 dated July 13, 2016 in the amount of \$31,811.98, and Highway Fund vouchers #104 to #128 dated July 13, 2016 in the amount of \$136,642.81.

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

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

Correspondence: Letter dated June 23, 2016 from Tompkins County Health Department summarizing selected Tompkins County current drinking water issues.

Notice of contest from Tompkins County Workers' Center. Submissions will be accepted until September 15, 2016 of original creative work that gives artistic voice to contestants' vision of how their life and the life of their family would change if they were paid a living wage.

County Legislator Report: Dave McKenna, County Legislator, reported the legislature authorized a shredding agreement with Challenge Industries and they authorized snow and ice agreements with various towns. The county sales tax is down 1.43% below last year. Lower fuel prices are having an impact on sales tax revenue.

Highway Superintendent Report: Highway Superintendent Buddy Rollins reported clean-up days were about the same as last year. Three 30 yard dumpsters were filled along with half of a 40 yard dumpster. A 40 yard dumpster of steel was filled and about 20 tires on rims were received. This is one 30 yard dumpster less than last year.

Three cross pipes on Enfield Center Road were replaced, along with one on Sage Road that had collapsed. Another will be replaced on VanDorn Road. The highway department is repairing a dump box on a dump truck for about \$5,000. A new box would cost about \$30,000. He reported the excavator is still having repairs made that are covered under warranty.

Supervisor Rider asked if there were wood chips the beautification committee could use. Superintendent Rollins responded there is now a small pile by the rocks at the highway facility, but more will be there in the next week or so. Supervisor Rider asked if the highway department could use the excess stone and gravel from the Park and Ride. Superintendent Rollins said it could be used and he will take care of cleaning it up.

Superintendent Rollins asked the board for authorization to dispose of excess equipment and have the funds from the sale put in the equipment savings fund. He would like to try selling at Empire Farm Days this year.

Councilperson Carpenter moved, with a second by Councilperson Hansteen to declare the 2003 Chevy pickup truck, the old (approximately 1978) Dinopac rubber tire roller, the 2009 8-10' salt/sand spreader for the small truck, and the 2002 Chevy Blazer (old Code Enforcement vehicle), as surplus property. He further moved that the Highway Superintendent be authorized to dispose of the pickup truck, the roller, and the sand spreader and the Code Enforcement Officer be authorized to dispose of the Chevy Blazer at an auction at the time and place of their choosing and that the funds be put in accounts as allowed by the New York State Office of the State Comptroller.

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

Superintendent Rollins stated he will put in a request for CHIPS money in August or September once the work is done and cancelled checks for payment to vendors are received. An extra \$23,760 was received from Pave NY. The reimbursement for these funds will be the same as for CHIPS.

Code Enforcement Report: Code Enforcement Officer Alan Teeter reported in June there were 5 building permits issued or renewed bringing the year to date total to 32 with 4 being for new homes. There were 2 solar permits issued. He issued 2 certificates of completion, completed 2 framing inspections, 2 insulation/energy code inspections, 1 plumbing inspection and 14 final inspections. He received 1 valid complaint, sent 1 letter of voluntary compliance, issued 1 property number and installed 2 house numbers.

He has found a Jeep Patriot on New York State bid for about \$21,000 which has 4 wheel drive that he intends to purchase to replace the Chevy Blazer.

He asked town board members if they had recommendations on whether non-profit organizations should pay for building permits. In the past he has charged the regular fees. Councilperson Carpenter stated he felt that was a good practice to continue.

Supervisor's Report: Supervisor Rider reported she met with Earl Wright regarding painting the town hall, met with Norm Smith regarding repairs to the town hall, held a special town board meeting regarding Black Oak Wind Farm matters, purchased a laptop for the town, held a Workplace Violence training session, met with a representative of the Comp Alliance, attended the monthly TCCOG meeting, sent Black Oak Wind Farm a letter requesting they bring their escrow account up to date, notified 24 interested and involved parties of the town board resolution extending the time to complete the Supplemental Environmental Impact Statement for Black Oak Wind Farm.

One of the recommendations the Comp Alliance representative had was to lock the chairs in the town court room. Supervisor Rider has purchased bicycle locks so the chairs can be locked together. Councilperson Carpenter stated he doesn't feel the chairs should be locked together.

Committee Reports:

Wind Farm Advisory Committee: Councilperson Miles stated the last two meetings have been to get reorganized and decide how to approach the wind law. The law has been divided up into sections that will be compared with other wind laws. There is a meeting scheduled for next Tuesday with permitting sections being the first to be worked on.

Planning Board: Chairperson Dan Walker reported there were 2 action items and 1 sketch plan at the last meeting. There was a public hearing on a 3 lot sub-division on Mecklenburg Road for a new solar farm and the site plan was approved for that solar farm. The sketch plan was for a 3 lot sub-division on Sheffield and Iradell Road (part of the old Thompson farm). The committee hasn't had time to look at the Site Plan Review Law yet. They will be watching a video on Workplace Violence at their August meeting.

Councilperson Miles asked if there is potential for a problem since the town doesn't have a Solar Farm Law in place yet. Dan Walker responded that if the farm was high risk, decommissioning could be considered. This would not be part of the Site Plan Review Law.

Councilperson Carpenter asked if the town is protected for the future. Dan Walker responded the Site Plan Review Law would kick in if a solar farm was over an acre in size.

Highway Superintendent Rollins reminded the town board that a Road Preservation Law has yet to be passed. Such a law would prevent overweight vehicles from running on roads when they could go around. *Councilperson Carpenter asked to have this item put on the agenda for the August meeting.*

Recreation Partnership: Carolyn Tschanz reported the last two meetings were for discussion of their budget. They looked at programs and voted to put forward a proposal that would maintain all current programs. This would entail about a 5% increase to their budget, or \$243 for the Town of Enfield. If a budget increase of 3% was chosen, several programs for Pre-K students would be eliminated. Carolyn asked the town board if they would be willing to support the 5% increase. Board members stated they would be willing to support this increase.

Enfield Volunteer Fire Company: There were 20 calls in June of which 10 were EMS calls, 1 brush fire, 1 house fire, 1 MVA, 5 service calls, 1 mutual aid received, 1 dispatch error and 1 CO detector. All big trucks have been serviced and inspected by Caskey's, hose testing has been completed, gas vent fans and generator in the shop area have been serviced, blown lights on 601 and 621 have been replaced.

EVFC Fire Chief Roger Lauper sent a written thanks to Highway Superintendent Rollins and the highway department for coming to their aid when a truck broke down after hours, and for supplying oil and manpower to get the truck back to the station.

Facilities Manager: Supervisor Rider reported the painters are scheduled to arrive this week to begin painting the town hall. She believes all the repair work is finished except removing the wooden letters from the front of the building.

Tompkins County Council of Governments: Supervisor Rider stated sending up fireworks in Tompkins County is illegal unless a permit is received from a Code Enforcement Officer. There was a report on lead in the water of the Ithaca City School District at their last meeting.

Old Business:

Building Assessment on Highway Garage: Councilperson Carpenter reported he has found someone who will probably be able to take on the job, but is waiting for a report/proposal.

Local Law "Authority to Override the 2017 Tax Levy Limit":

Supervisor Rider moved, with a second by Councilperson Carpenter to pass a local law for "Authority to Override the 2017 Tax Levy Limit".

Discussion: Supervisor Rider stated the board has heard comments from the public. Passing this law does not mean the budget will go over the tax cap. It is a precautionary measure. She has no reason to think the 2017 budget will go over the tax cap.

Councilperson Hansteen asked if the law could still be passed later if it was found to be needed, or did it have to be in place now. He does not want the budget to go over the set limit. Supervisor Rider stated she felt it was good practice to do it now. The law would have to be instituted prior to adoption of the budget.

Councilperson Miles stated no one spoke in favor of the law during public comments and doesn't feel the board should pass a budget that goes over the limit. He feels it would send the wrong

message to the public if the law is passed now and he would rather wait until the law is needed, even if it meant holding a special meeting.

Councilperson Carpenter stated the budget is a complicated process. He does not want to raise taxes this year unless it is mandatorily necessary. He will try to stay at or below last year's rate. It took him a long time to understand the budget process, but would like to see more people involved in the process.

County Legislator Dave McKenna said the proposed local law would protect the town from possible fines.

Vote: Councilperson Carpenter aye, Councilperson Hansteen nay, Councilperson Miles nay, Supervisor Rider aye. Councilperson Bryant excused. Motion Failed

Decommissioning Bond for Black Oak Wind Farm: Supervisor Rider asked board members what they feel still needs to be submitted.

Councilperson Miles found an analysis of costs to decommission wind turbines that was thoughtfully done. It appears that a figure of \$175,000 to \$180,000 per turbine, with a percent increase each year would be a starting point.

Councilperson Carpenter asked, when decommissioning occurs, what happens to the road. He questioned if a bond would be included in the Road Use Agreement for decommissioning. Would bonding needed for decommissioning be in the Road Use Agreement for the life of the project?

Supervisor Rider stated the Road Use Agreement kicks in again at decommissioning.

Councilperson Miles suggested the portion of the Road Use Agreement regarding decommissioning could be included in the Decommissioning Agreement.

Supervisor Rider stated it appears questions include whether bonding for the repair of roads at decommissioning is addressed. If so, should the cost of decommissioning be added, and is bonding an acceptable financial guaranty for the town.

Councilperson Carpenter asked what is the point of discussing a decommissioning bond at this time.

Supervisor Rider stated this is requiring Black Oak Wind Farm to have a decommissioning bond in a set amount and so Black Oak Wind Farm will know their financial obligation.

Councilperson Carpenter feels bonding is questionable at this point as there is not enough information yet. He stated the board should know more about bonding and determine what is the safest method of security for the town.

Highway Superintendent Rollins reminded the board that even if the material cost of repairing the road is \$400,000 to \$500,000 he prefers turnkey to the town doing the work. If the highway employees repair the road, it will take them away from their regularly scheduled work. If the Road Preservation Law was in place, a lot of these issues would be addressed.

Councilperson Miles figured that at \$180,000 per turbine times 7 turbines, plus \$500,000 for road repairs, the total would be \$1,760,000.

New Business:

Public Hearing for Local Law "Procedures for Public Access to Records of the Town of Enfield Under the Freedom of Information Law":

Supervisor Rider moved, with a second by Councilperson Carpenter to approve the following Resolution:

**TOWN OF ENFIELD
PUBLIC HEARING ON LOCAL LAW FOR THE YEAR 2016
PROCEDURES FOR PUBLIC ACCESS TO RECORDS OF THE TOWN OF ENFIELD UNDER THE
FREEDOM OF INFORMATION LAW**

WHEREAS, the Town of Enfield adopted a resolution regarding the Uniform Rules Relating to the Administration of Public Access to Public Records on June 12, 2002 and

WHEREAS, the State of New York has made several changes and additions to the Freedom of Information Law in the intervening years, including the application of strict rules pertaining to FOIL responses, such as very changing archiving rules for FOIL demands and responses, the Town Board opts to update its FOIL procedures to bring them up to 2016 standards as recommended by the Committee on Open Government, and

WHEREAS, the Town Clerk and the Deputy Town Clerk have met with the Town Attorney, Guy Krogh regarding this draft Local Law, and

WHEREAS, a draft of a Local Law is on file with the Town Clerk for public review and has been provided to Town Board members for review and discussion, and

WHEREAS, this proposed Local Law would be a Type II SEQRA and not require the preparation of an EAF0, now therefore be it

RESOLVED that a Local Law be considered for adoption pursuant to the authority granted by and in the Statute of Local Governments, the Municipal Home Rule Law and Public Officers Law Article 6 and the regulations promulgated there under. Such Public Officers Law, Article 6, is more commonly known as the Freedom of Information Law and together with its rules and regulations, and as amended from time to time, it is hereinafter referred to as "FOIL" and it is further

RESOLVED that a public hearing on the matter be held at 182 Enfield Main Rd., Ithaca, NY 14850 on Wednesday, August 10 at 6:30 PM to consider the aforesaid Local Law, and to hear all persons interested in the subject thereof and concerning the same, to take and consider such evidence as may be submitted, and to take such action thereon as is required or permitted by law and it is further

RESOLVED, that the Town Clerk of the Town of Enfield, Tompkins County is hereby authorized and directed to cause a proper Notice of Public Hearing to be duly and timely published in the official newspaper of the Town, and to further post a copy thereof on the Town signboard maintained by the Town Clerk, in accordance with law.

Discussion: Supervisor Rider stated in the proposed law she put the Enfield Town Board as the designated persons who shall determine appeals regarding denial of access to records.

Councilperson Carpenter questioned what the methodology is for the administrative appeals process. If no action is taken within 10 days, or if the appeal is denied, the requestor can take the matter to the court.

Supervisor Rider withdrew her motion.

Special Meeting Agenda Procedure:

Supervisor Rider stated the agenda for regular meetings is set out yearly in the organizational

meeting held in January. Special meetings tend to be working meetings, and the format of special meetings has never been addressed.

Councilperson Miles stated he would like to have a public comment period at the end and beginning of all meetings. Councilperson Hansteen agreed with this. Councilperson Carpenter felt a public comment period at the beginning of all meetings was necessary, and maybe at the end would be a good idea.

Councilperson Miles moved, with a second by Councilperson Hansteen to include Privilege of the Floor similar to that held at the beginning of regular town board meetings at the beginning and end of all regular and special Enfield Town Board meetings.

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

Supervisor Rider stated Jay Franklin of the Tompkins County Assessment Office asked for clarification of the recently passed law regarding **Senior and Disabled Citizens' Real Property Partial Tax Exemptions**. He wanted to be sure the town board meant to have an allowance for low income disabled citizens as well as low income seniors. All board members agreed that was their intent. Supervisor Rider will pass this information on to Jay Franklin.

Councilperson Carpenter stated LaBella, the engineering firm for the town in Black Oak Wind Farm matters has received nothing from Aldrich, the engineering firm for Black Oak Wind Farm regarding comments on the **Supplemental Draft Environmental Impact Statement**. He feels this is not required by New York State law and that it is time for the town board to start working with LaBella on this. He would like to have a special meeting with Kathy Spencer of LaBella. Supervisor Rider will try to schedule a special meeting in two weeks.

Privilege of the Floor:

Joe Dawson of Enfield suggested conduit pipe with clamps could be used to attach chairs together in the courtroom.

Dawn Drake of Enfield stated she felt it was disrespectful of Enfield residents to have a sheriff on call for the board meeting as the supervisor was worried about violence.

Adjournment: Supervisor Rider moved, with a second by Councilperson Carpenter, to adjourn at 10:15 p.m. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk