# Town of Enfield Regular Town Board Meeting Minutes Enfield Community Building Wednesday, October 12, 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 Highway Superintendent Buddy Rollins, Town Clerk Alice Linton.

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

Brad Rappa, a professor at Ithaca College was introduced, who, along with some of his students, videoed the meeting.

Changes to Agenda: Supervisor Rider announced she has deleted the closed session from the agenda along with budget amendments. Also, under Old Business, The Black Oak Wind Farm (BOWF) Decommissioning Plan, the BOWF Landscaping Plan, the BOWF Invasive Species Plan, the BOWF Fire and Emergency Plan and the BOWF Community Relations and Dispute Resolution Plan were deleted. Under New Business discussion of the process going forward on the BOWF was added.

### **Privilege of the Floor:**

Art Howser of Enfield spoke regarding the large tax rate increase in 2016 for the town, and his hope that this year's tax rate will be a large decrease - he suggested a 26% decrease. Councilperson Carpenter responded that in 2015 there was a tax decrease. He feels the concept of decreasing taxes in 2017 is good.

Robert Tesori of Enfield stated he has questions and concerns regarding the BOWF. He continues to hear about the fiduciary responsibility to investors and shareholders of BOWF. He questioned if the BOWF escrow account was paid up, with money in the bank. He would like the town board to use due diligence - he has a laundry list of incomplete items that he feels need to be addressed before moving forward. He questioned if there was damage to a homeowner's property, post-construction, what would happen? He would like everything to be correct and scrutinized before moving forward. Supervisor Rider responded \$34,500 has been provided by the BOWF and is now in the escrow account.

Anne Koreman of the Town of Ulysses stated she is an investor and on the BOWF Board of Directors. She feels bills have been reconciled with the town, and there is \$15,000 in escrow, so she is looking forward to moving on towards getting the wind energy permit.

Marguerite Wells of Enfield stated if there is damage done to a homeowner's property, the BOWF's insurance would cover that.

Dawn Drake of Enfield stated she doesn't believe copies of full leases have been submitted to town board members. She questioned where the proof is that the old BOWF project will work and feels the sub-station is still an issue. If there are future legal bills, they may fall on taxpayers. BOWF does not have vested rights - no permit has been issued. She hopes the process will be done on the town's time, not on BOWF's time and that decisions will be based on health, safety and the local law.

Melynda Tesori of Enfield stated she is a member of the Enfield community and is concerned taxes and the budget are being overshadowed by the BOWF. She would like to see a 90 day moratorium put in place. Although BOWF has been asked for specifics, she doesn't believe anything has been produced yet. She would like to see all specifics laid out and discussed as a whole.

Jude Lemke of Enfield stated it is important for the town board to comply with town law. A public hearing needs to be held on the application before issuing a wind energy permit, and there has been no information provided of where a sub-station will be built. It appears the sub-station cannot be built on leased land. Turbines 4 and 5 will need to be moved to meet set-backs. She has provided town board members with an 8 page list of items she feels are still needed before the wind energy permit can be issued. She is also concerned about the noise standard that is in the local wind energy law.

Marcus Gingerich of Enfield recalled that a town board member had asked for a letter from the BOWF saying all configurations would remain exactly the same, but has heard no word that the town board has received such a letter. He has sent the town board some comments showing where he feels information is deficient. There has been criticism saying the town board is stalling, but he feels the board is doing things according to the town law and asked that the town board continue their due diligence and doing things by the law, and consider health and safety.

Beverly Gingerich of Enfield read some comments from residents in the area around the Shirley Wind Farm in Wisconsin. Some residents had health problems, but they improved when the turbines were shut down. She hopes Enfield will be on the map because of its natural beauty, and not become infamous like the Shirley Wind Farm.

Brad Connors of Enfield stated he feels the town board needs to do due diligence. There will need to be sacrifices made, and the benefits should outweigh the negatives. There are far better places to site these wind turbines. The main advantage of this location is avoiding the cost of a transmission line. Efficiency is the key - placing turbines somewhere else could produce twice the energy.

Ron Riddle of Enfield asked the town board to please take their time with this permitting and make sure they know what all the wording means. He is against the project. He is for green energy, but feels these turbines are not made to be around people and their homes.

Joanne Cipolla-Dennis of Freeville stated she is an investor in the BOWF. She feels the town board has been given everything they've asked for and doesn't understand what the problem is. She feels stalling techniques are being used to keep the project from happening. She stated there will be benefits to the town - tax benefits and a new community center can be built. She recommends the next funds that be spent by BOWF should be for an attorney to file a lawsuit against the town. Councilperson Carpenter responded that he appreciated the comments, but this is a very complicated project.

Tammy Alling of Enfield feels there are a lot more complications than there seem to be. There are generations of families living on land in the area who will have to deal with the turbines. She is all for green energy. She stated we are a community and should be coming together.

#### **New Business:**

**Consent Agenda:** Supervisor Rider asked if anyone would like to pull an item from the consent agenda. Councilperson Carpenter asked to have the September 28, 2016 minutes pulled.

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

## Approval of Minutes of the Regular Town Board Meeting of September 14, 2016.

**Audit Claims** authorizing the supervisor to pay General Fund vouchers #287 to #309 dated October 12, 2016 in the amount of \$21,647.88 and Highway Fund vouchers #169 to #185 dated October 12, 2016 in the amount of \$89,512.61.

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

Discussion of September 28, 2016 minutes: Councilperson Carpenter asked to have his remark on page 3 relating to the BOWF sub-station reflect that he doesn't know if Rich Teeter is required to put the sub-station on his property.

Supervisor Rider moved, with a second by Councilperson Carpenter to approve the September 28, 2016 minutes reflecting the change discussed.

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

#### **Correspondence:**

Letter from the City of Ithaca enclosing a Proclamation and Resolution entitled "Resolution Supporting Adoption of the Equal Access to Abortion Coverage in Health Insurance (EACH) Woman Act".

**County Legislator Report:** No county legislator was present.

**Highway Superintendent Report:** Highway Superintendent Buddy Rollins reported summer projects are finished and clean-up work is being done now. There are two major cross pipes on VanDorn Road that he plans to replace. He asked, since the budget amendments he had requested were not on the agenda, if he should proceed with business as usual. Supervisor Rider stated the budget amendments would be on the November agenda.

Supervisor Rider mentioned that an Enfield resident, Larry Saulsgiver, was pleased with the work done in front of his house and his neighbor's house with driveway pipes. Councilperson Carpenter added that intersection of Enfield Center and VanDorn Roads looks good also.

Superintendent Rollins further reported that 14 yellow and blue highway delineators on green stakes have come up missing on Enfield Center Road East and West - 6 last week and 8 last night. The whole post was taken. One bridge marker on Fish Road is also missing. He asked if anyone has information about them to let him know. Also, over the last two weeks, portions of roads have been torn up by hot rods.

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter presented his report for September showing there were 9 building permits issued or renewed with 1 being for a new home. There was 1 solar permit issued, bringing the year to date total to 10. There was 1 certificate of occupancy issued. He completed 3 foundation inspections, 3 framing inspections, 2

insulation/energy code inspections,1 plumbing inspection and 1 final inspection. He completed 19 progress checks. There were 2 fire and safety inspections completed and 2 house numbers installed. **Supervisor's Report:** Supervisor Rider stated she had no report for September.

#### **Committee Reports:**

<u>Wind Farm Advisory Committee:</u> Councilperson Miles reported the committee met on October 11. They are working on recommendations for an updated wind law. Everyone is not in agreement on the affects of sound, but the committee is planning to make a recommendation to the town board at their November meeting for changes to the wind law.

<u>Planning Board</u>: Chairperson Dan Walker reported the committee met last week but had no action items on the agenda. Rob Tesori has expressed his interest in filling the vacant position on the planning board.

Supervisor Rider moved, with a second by Councilperson Hansteen to accept letters of interest from Town of Enfield residents until November 20, 2016 for the vacancy of a regular member on the Town of Enfield Planning Board along with 2 alternate positions. The term of the regular member would commence January 1, 2017 and would be for 5 years.

Discussion: Councilperson Carpenter stated he would like the board to vote on filling the positions at the December regular town board meeting. This would give the planning board time to make their recommendation to the town board.

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

Recreation Partnership: No report

Enfield Community Council: No report

<u>Enfield Volunteer Fire Company</u>: Chief Roger Lauper reported there were 31 calls in September of which 3 were fires, 19 were EMS calls, 2 MVA with injuries, 1 hazmat call and 4 service calls. There were 2 mutual aids given, both to Mecklenburg. October trainings will include RIT packs, EMS training and fire training.

<u>Facilities Manager:</u> No report

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

#### **Old Business:**

<u>Building Assessment on Highway Garage:</u> Councilperson Carpenter feels a longer discussion is needed on this topic once the town board has determined how much to budget for this project.

Councilperson Miles suggested making a list with items prioritized with dollar amounts shown for each item. Councilperson Carpenter agreed to do this.

Highway Superintendent Rollins stated there are fire and safety issues involved and that the town's insurance company is concerned. He questioned if fans might not be helpful with the moisture problem.

<u>Road Protection Law:</u> Dan Walker has a draft law and will review it and then forward to town board members.

<u>2017 Tentative Budget:</u> There was a general discussion on problems with the 2015 and 2016 budgets. Councilperson Hansteen asked about the center line miles in Enfield, which are about 44, and how the costs compared per mile with other towns in the state. Highway Superintendent Rollins stated he believed the figures provided were for materials only, and the average was about \$8,000 to \$10,000 per mile.

Supervisor Rider stated she included a 2% salary increase for everyone. Councilpersons Carpenter and Hansteen stated they were willing to take a 0% increase. Councilperson Hansteen stated he was ok with giving the town clerk more of an increase than the 2%, while Councilperson Carpenter wanted to know what the wages were for those in similar positions with the same education and skills. People in similar jobs with similar skills should get similar wages.

Councilperson Carpenter asked how it could be determined how much was actually spent for lines such as attorney contractual. It would be useful to have a worksheet that showed actual expenditures in addition to the proposed budget. Dollar-wise the general fund expenses are down from last year.

Under the highway budget, it was questioned why the diesel and gas fuel line was high. It was a new line added instead of being included with material money, and was broken out in the 2015 budget. Also summer and winter overtime was separated.

Supervisor Rider stated for the last 3 years the line item for equipment reserve has never had money locked into it. At the end of 2015, the equipment reserve was \$32,561. In the highway savings account at the end of the year the balance was \$43,375. The equipment reserve can only be used for equipment, but the highway savings can be used for any highway expense. Highway Superintendent Rollins stated there is also an equipment savings account which has \$52,290 as of the end of September.

Councilperson Miles suggested the equipment reserve account should be built up so when a new piece of equipment is needed there will be funds to purchase it.

Councilperson Carpenter continues to suggest an equipment plan is needed. The true cost of running a town may show that we either need to raise taxes or repair less road.

Supervisor Rider stated there is no way to change the fire protection budget since the town has a contract with the fire department. She will e-mail a revised tentative budget to town board members.

<u>Process of Getting Through the Permitting Process with the BOWF:</u> Supervisor Rider asked if board members would like attorney Frank Pavia of Harris Beach to recommend ways to proceed toward issuing a wind energy permit, and what has to be produced to issue the permit.

Councilperson Carpenter mentioned a list has been compiled by Jude Lemke - "BOWF Compliance Checklist" that could be used as a starting point.

Councilperson Hansteen stated he feels BOWF should pay the close to \$20,000 in attorney fees related to FOIL requests for the wind farm. He believes the Developer's Agreement makes it very clear that the project pays for any and all reviews. Councilperson Miles read the agreement this way also. The Developer's Agreement states it is at the sole discretion of the town to determine what should be reimbursed.

Supervisor Rider stated that as Chief Financial Officer, she was taking the town attorney's advice.

Councilperson Carpenter asked to get a written interpretation from the town attorney. He also asked Supervisor Rider to show him, at the next meeting, the section of town law that gives her the right to make a decision based on being the Chief Financial Officer.

Supervisor Rider stated the BOWF project has a right to due process and a vote will need to be taken.

Councilperson Miles feels the town board has been working diligently on this process. BOWF decided to go from their original plan to a supplemental plan and then went back to their original plan.

Supervisor Rider moved, with a second by Councilperson Miles to ask attorney Frank Pavia of Harris Beach to review the BOWF Compliance Checklist of October 12, 2016 and give a recommended way to proceed toward issuing a wind energy permit by the Town of Enfield.

Discussion: Supervisor Rider stated she would see this as legal advice. Town board members can choose whether to take this advice.

Councilperson Miles suggested having another meeting with Frank Pavia to go over his recommendations.

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

Councilperson Carpenter spoke previously with Marguerite Wells of the BOWF and she stated her lawyer did not want her to write a letter to the town board stating where the sub-station would be located. Councilperson Carpenter believes the wind farm law states the town board can ask for copies of leases with landowners who will be leasing their land to the BOWF. A copy of that lease can be taken to the town's lawyers, they can look at it, and make a determination if they think BOWF has the right to put the sub-station on their land, or not, in keeping with NYSEG's requirements.

Supervisor Rider moved, with a second by Councilperson Carpenter, to schedule a special town board meeting for Wednesday, October 26, 2016 at 7:00 p.m. based on the assumption that attorney Frank Pavia will have recommendations on proceeding with the wind energy permit.

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

<u>Time Limit for Town Board Members to Speak on a Certain Subject:</u> Supervisor Rider asked how board members felt about placing a time limit for speaking on a certain subject. She indicated a time limit would keep the meeting at a reasonable length of time, keep to the point, and move forward.

Councilperson Bryant stated it was possible to get off track and spend too long a time on one subject.

Councilperson Miles feels it sometimes takes time to talk things out and doesn't feel it's a waste of time. The board needs to follow due process and that often takes time and discussion.

Councilperson Hansteen would be frustrated if he wanted to speak about a topic and found his time was up.

#### **New Business:**

Schedule Public Hearing on 2017 Preliminary Budget: Supervisor Rider moved, with a second by Councilperson Bryant, to schedule a public hearing on the 2017 Preliminary Town of Enfield Budget, for November 9, 2016 at 6:35 p.m. at 182 Enfield Main Road, with all advertising requirements met under the law.

Supervisor Rider stated at the special meeting to be held in two weeks, the tentative 2017 budget can be moved to the preliminary 2017 budget.

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

### **Privilege of the Floor:**

Jude Lemke of Enfield stated she hopes the town will continue to pursue collecting attorney FOIL fees from BOWF. Previously BOWF sent an e-mail stating if they did not receive a wind energy permit by the middle of October, the project would be dead. If the project is dead, why is the town incurring more expenses?

Rob Tesori of Enfield stated if the town is struggling, they should ask residents for help. Residents have talents and should be asked for suggestions. If there is a need to be filled, someone will step up. We are a community. Councilperson Carpenter thanked Rob for his great offer. Councilperson Miles stated when work on the Wind Farm Advisory Committee is complete, members could be energy navigators and help to reduce energy use in the town.

Mimi Mehaffey of Enfield stated budgets can be very hard and feels the town could use more revenue. She has some ideas for creative revenue sources and would like to be part of a roundtable discussion at some point in the future.

Beth McGee of Enfield feels the highway budget is not on a par with other towns. Past town boards have been very neglectful. She urged board members to look at the highway equipment and see the beating it takes being used every day. The highway department has been saving the town money for the past few years and she feels we are lucky they do what they do. Safety is a concern of hers and she would like to have the problems with the new highway facility figured out and fixed. She also feels Enfield needs to set a standard and do it right or we will be victims of big corporations that look for towns like Enfield for projects such as wind farms.

Marcus Gingerich questioned why there were no year-end totals on the town's website for 2014 or 2015. He would like to see the total spent for each budget line vs. the total budgeted for each line. He also commented that during town board discussions some personalities tend to lead, and some

listen and think, and then make their comments. Longer comments express what needs to be said. He believes the town board is keeping the process going for the BOWF but they are often doing the wind farm's work. Things have changed and the town board is not stalling, but working hard.

Tammy Alling of Enfield stated she would hate to see cuts in the highway department budget. Cuts can mean buses in ditches. There is a lot to consider when making budget cuts.

Dawn Drake of Enfield feels we need to fight for everyone's safety. She likes to feed birds and wildlife, but is concerned that since land was clear cut in her neighborhood, hawks and bats are no longer present near her home as they used to be.

Brad Connors of Enfield has listened to the benefits of both sides of the BOWF discussions. The purpose of wind turbines is clean energy, but on a global scale, the environmental impact of this project is insignificant with no contribution.

Beverly Gingerich of Enfield asked if she could get a break-down of the \$19,500 in attorney charges for FOIL requests that BOWF is not willing to pay. Councilperson Hansteen stated he saw FOIL reviews that were a couple hundred dollars, but has not seen a break-down for the \$19,500. Councilpersons Carpenter and Miles have not seen the break-down either. Supervisor Rider stated she would get the information to town board members. Ms. Gingerich also asked why action items on the BOWF were pulled from the agenda. Supervisor Rider stated she made the decision because she felt more legal advice was needed.

Ron Riddle of Enfield feels threats to sue are ridiculous, particularly since the BOWF application is not complete yet. He thanked the town board for taking their time to consider the action to be taken.

Councilperson Miles stated the Wind Farm Advisory Committee plans to submit their recommendations for changes in the wind farm law at the regular November town board meeting.

**Adjournment:** Supervisor Rider moved, with a second by Councilperson Carpenter, to adjourn at 10:43 p.m. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk