

Town of Enfield  
Regular Town Board Meeting  
Enfield Community Building  
Wednesday, December 14, 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.

Supervisor Rider moved, with a second by Councilperson Carpenter to add the following items to the agenda:

Contract with Patrick Head to snow plow the Park and Ride  
Hiring Zachary Snyder to clean the Enfield Community Building  
Proposed resolution regarding Black Oak Wind Farm (BOWF) FOIL costs  
Wind Farm Advisory Committee recommended updates to Town of Enfield Wind Farm Law

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

**Privilege of the Floor:**

Town Clerk Alice Linton read a letter from Beth McGee of Enfield regarding concerns she has with the proposed Road Use Agreement that include language pertaining to road restoration and financial guarantees for completing the work. Language in this agreement indicates that much pre-construction assessment will be made regarding road condition and that post construction repair would return roads to pre-construction condition as assessed by the Town of Enfield. In her view, road conditions should be returned to standard road conditions for each class of road used. She is concerned the language is not specific enough and that specific language about our expectations for restoration can protect the Town of Enfield and its residents from any confusion on this issue. She also hopes that any bond, letter of credit, or cash escrow deposit required to guarantee the money is available to do this work upon completion will be required before any construction permits are issued and that this language will be included in this agreement.

Jude Lemke of the Town of Enfield questioned why a Road Use Agreement would be discussed when BOWF has not shown how the original project can be completed. No detailed site plan has been submitted by BOWF. BOWF needs to replenish their escrow account with the town. She also questioned how the town is addressing road restoration if heavy equipment has to be brought in if there is a problem once the project is complete.

Marcus Gingerich of Enfield noted the Road Use Agreement is on the agenda again and reminded the town board he had sent e-mails to them previously. Until BOWF provides information requested of them, he doesn't feel the town board is stalling. He feels the town board has done a good job and hopes they will continue to require requested information be provided and not rush plans through.

Theresa Guler of Enfield thanked the town board for their work and time on the BOWF project.

**Introduction of Solar Project Proposed by Delaware River Solar:** Supervisor Rider introduced John Schmauch and Pete Dolgos, representatives from Delaware River Solar. They are planning a 2 MW AC community solar facility at 236 Podunk Road and will be asking for approval from the Enfield Planning Board. They have a contract with the landowner to lease 12 acres, have sent letters to surrounding neighbors with information on the project, and have been working with NYSEG on interconnections.

Councilperson Carpenter asked about control of vegetative growth. Delaware River Solar plans to hire someone locally to cut weeds and will not use any pesticides.

Councilperson Miles asked about the time frame of the project. Delaware River Solar plans to come before the Enfield Planning Board in January, start construction in the second quarter of the year, and construct the project in two to three months. They plan to offer shares in the solar farm to residents first, before the larger community.

Councilperson Carpenter asked if there was any negative feedback from neighbors. Delaware River Solar has received no negative feedback to date, but some neighbors may not have received their letter yet.

**Correspondence:** Letter from Haefele TV notifying the town they will raise the price of cable TV services effective January 1, 2017. Basic cable will be raised \$2.00 to \$65.45 per month.

**Highway Superintendent Report:** Highway Superintendent Rollins reported during the first snowstorm of the year one of the plow trucks got stuck. Rich Teeter helped them with the use of a big loader. The town's loader broke, but it is under warranty. Last week one of the 10-wheelers lost its transmission.

LaBella inspected two town bridges. The Rumsey Hill Road bridge was flagged for safety issues and needs patching and guardrail work. The Leonard Road bridge needs guardrail work.

Lights have been fixed at the highway building. GFI breakers can be put in the breakers, but not in the lights. Donohue-Halverson came and fixed the boiler. They are in the process of fixing the overhead radiant heater.

The highway crew is working on ditching at Hubbell Drive and constructing a cul-de-sac at the end for a turnaround. Tompkins County Soil and Water has put out bids that have been approved to help shore up the dead end part of Hubbell Drive.

Supervisor Rider asked about the status of CHIPS funds. Superintendent Rollins stated in the past general fund has advanced funds to the highway fund to cover CHIPS. Our town attorney recommends this procedure. There is \$155,021 left in the highway fund budget and \$17,000 in savings. If he is not spending highway money, he is not doing his job. He has no highway lines in the negative. Supervisor Rider stated there is a cash flow problem but there is enough money in the general fund to cover the vouchers. Superintendent Rollins feels highway fund money continues to be missing from 2014 and 2015 - bridge money and leftover highway funds.

Councilperson Carpenter is concerned highway funds are too close to the danger limit and there is not enough in the budget to buy the equipment that the town needs. He feels the board should think seriously about next year's budget and how there can be enough money there to do a replacement schedule for machines. Superintendent Rollins stated there was \$22,000 left from last year that was not in a highway line this year. Councilperson Miles doesn't feel the budget is overspent, but the equipment reserve hasn't been built up.

Dan Walker, chair of the Enfield Planning Board, reminded the town board CHIPS work has to be completed and paid before a request for reimbursement can be submitted. Some town boards make funds available until CHIPS money is received. It is difficult to have enough in reserves to cover CHIPS when there is a tight budget. He believes 20-40% of the budget in reserve would help the cash flow problem.

Supervisor Rider stated she would like the request for CHIPS reimbursement to be put in earlier in the year. If the town board approves all vouchers at this meeting, the highway fund can borrow from the general fund.

**County Legislator Report:** Dave McKenna reported the county legislators voted for a pay raise for the incoming legislators for next term. They also voted to go ahead with a shared services law enforcement study.

**Consent Agenda:** Supervisor Rider asked if anyone would like to pull an item from the consent agenda. Town Clerk Alice Linton stated there was a correction to the minutes of November 9, 2016. Budget Amendment #24 should have read General Fund line A3010.4 titled "Administration – Contractual" instead of General Fund line A3310.4 titled "Administration - Contractual". Councilperson Carpenter asked that minutes contain as much detail as possible. He is becoming more aware of conflict of interest issues that town boards face. The minutes may be important if the town is sued for wind farm issues. Supervisor Rider stated she reads the draft minutes carefully and asks for changes when appropriate, and other town board members can do the same. She also mentioned that last month the Suit Kote voucher was removed from the audit, but it is included with the highway vouchers this month.

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 November 9, 2016 and the Special Town Board Meeting of November 16, 2016.**

**Approval of the audit claims** as follows: The town board authorizes the supervisor to pay General Fund vouchers #336 to #370 dated December 14, 2016 in the amount of \$23,367.39 and Highway Fund vouchers #203 to 225 dated December 14, 2016 in the amount of \$75,312.46.

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

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter presented his report for November showing there were 8 building permits issued, bringing the year to date total to 64, with 5 for new homes. There was 1 solar installation approved and 7 certificates of completion issued. He completed 2 foundation inspections, 1 framing inspection, 2 insulation/energy code inspections, and 9 progress checks. He reported a new copier was purchased, and asked for approval to dispose of the old copier.

Councilperson Carpenter moved, with a second by Councilperson Hansteen to declare the old copier used by Code Enforcement as excess property as it has little or no value, and authorized Alan Teeter to dispose of the old copier properly.

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

Code Officer Teeter reminded the town board the roof over the entryway at the Community Building has been missing for several years. He will ask Justice Poole if money from her budget line could be used for repairing this. He will be sure to ask for bids on the project.

**Supervisor's Report:** Supervisor Rider reported she attended a TCCOG meeting and a TCAD meeting. She met with Patrick Head regarding plowing the Park and Ride, with Zachary Snyder regarding cleaning the Community Building and with Delaware River Solar regarding a proposed solar farm in Enfield. She finalized the 2017 budget and researched the town's "opt out" of Solar Farm Tax Exemption.

**Committee Reports:**

Wind Farm Advisory Committee: Councilperson Miles stated the committee has not met since last month when it submitted recommendations for a revised wind law. It was formed as a standing committee for 2016 only. He asked if the town board foresees a need to keep the committee for 2017 - he feels there is more work to be done on the local wind farm law. Some targeted changes were recommended in the committee's report, but more extensive changes could be made. The committee felt it was important to move forward, and if everything was addressed it would slow down work on critical issues. If the town board would like more extensive changes, the committee could continue working. The town board will need to look at the recommended changes, and then have the town attorney look at the document.

Councilperson Carpenter asked if the town board accepts all the proposed recommendations for changes, if that would mean a new law to replace the 2009 version. Councilperson Miles said that was the committee's recommendation. The new law would have to go through the process for a new law, including a public hearing, and if adopted would be a new local law.

Councilperson Miles stated the intent of the committee was not to have a law that prohibits wind development, but to ensure safety. The proposed changes would not have an effect on the Black Oak Wind Farm. Some felt the committee could now be looked at as energy navigators - being proactive and educating residents.

Planning Board: Chairperson Dan Walker reported one application has been received for a general merchandise, stand alone, dry goods store at 2124 Mecklenburg Road. The public hearing for the January 4, 2017 meeting has been cancelled as no sketch plan has been received by the deadline of today. A public hearing will probably be scheduled for February.

There is one solar application that is pending. Once everything is submitted, it will be reviewed. The Enfield Planning Board will be the lead agency for SEQR review.

The Enfield Planning Board has reviewed solar considerations for the Site Plan Review Law and asked Sue Thompson for a word version so modifications can be made. One letter of interest has been received to fill a vacancy on the board - Supervisor Rider will circulate the letter of interest that was received to town board members. Appointments to boards are traditionally done at the organizational meeting in January.

Recreation Partnership: No report

Enfield Community Council: No report

Enfield Volunteer Fire Company: Chief Roger Lauper submitted his report showing there were 22 calls in November of which 1 was a mutual aide to Newfield, 2 mutual aides to Trumansburg, 12 were EMS calls, 3 MVA, 1 service call and 3 fires. December trainings will include work detail, truck checks and cleaning.

Facilities Manager: Councilperson Carpenter apologized for his previous comment that the report from LaBella was worthless. It was not what he expected, but was accurate and relevant. He feels there are three possible actions that could now be taken. One would be to add significant amounts of ventilation, but that would mean heat would go outside. Another would be to use a Heat Recovery Ventilation (HRV) or Energy Recovery Ventilation (ERV) system which would be very expensive, but saves 70% to 80% of heat. A third option would be to install a drain that would take away some of the water that comes off trucks, and to stop bringing moisture into the building. This third option would mean a separate place for storing sand and cleaning trucks. It would likely cost around \$20,000 to install drains. Air sealing would help, which would probably cost around \$10,000. This would keep moisture and heat in, and could make a difference long term. The ERV or HRV system could cost from \$50,000 to \$70,000. This system transfers hot air past cold air so some of the hot air heats the cold air. In order to add insulation and vapor barriers, the cost would be in the \$100,000 range. The board will need to determine how much money can be used for the work and what the schedule would be.

Supervisor Rider asked if the problems could be because of a design flaw. Councilperson Carpenter asked who would be judging design flaw. He feels the building was built to 2007 codes, but was not designed properly.

Supervisor Rider wants to be very sure whether or not this is a design flaw, as she wants to be prudent with tax payer money.

Code Officer Alan Teeter stated the building was designed and built to the current code at the time, although the electric work cut through the vapor barrier.

Councilperson Carpenter mentioned the possibility of storing sand and washing trucks in a separate building. The cost to build a salt shed would likely be around \$100,000. The cost to partition off part of the current building to store sand would be higher than expected as different heating systems would be involved. He feels it is important to make a plan and decide which part is most important to do first.

Dan Walker mentioned the heating system in the building is not designed to heat the air, it is a radiant heating system that is designed to heat objects.

Tompkins County Council of Governments: Supervisor Rider reported at the last meeting Jay Franklin of the Tompkins County Assessment Office gave a report on real property tax exemptions. There was a presentation on a new Tompkins County Trails website. The council is looking for new leadership for the coming year.

### **Old Business:**

Black Oak Wind Farm Road Use Agreement: Supervisor Rider stated the town board has a responsibility to protect town roads. In August of 2015 she asked the town attorney to compile a Road Use Agreement. There were some minor modifications made by the town attorney this fall to that document.

Councilperson Hansteen asked that a date be put on each document and that page numbers be included. He wants to be sure that Dan Walker and Buddy Rollins agree with the Road Use Agreement before it is approved.

Dan Walker feels Buddy Rollins is concerned about financial security and when it is paid, and about turnkey.

Supervisor Rider will provide new copies of the Road Use Agreement. She did not put the Road Use Agreement on the list of requested documents from BOWF because it is the town board's responsibility to make a Road Use Agreement.

Councilperson Carpenter stated he is under review by the Tompkins County Board of Ethics so will not be expressing his thoughts on the BOWF at this time.

Supervisor Rider stated Appendix A and Appendix B are part of the Road Use Agreement, but the Road Use Agreement stands on its own. The Appendixes are to be completed prior to building permit issuance. No matter what town roads are used, the body of the Road Use Agreement remains the same.

Dan Walker stated the intent of a Road Use Agreement is to limit the number of roads used for a project. As of now, only about 1/2 mile of town roads will be used for the BOWF project. The format of this Road Use Agreement provides excellent blanket protection for the town.

### **New Business:**

Wind Farm Advisory Committee Report: Councilperson Miles stated it was not the committee's intention to preclude any wind development in Enfield. The recommended changes would have no expected bearing on BOWF.

Councilperson Carpenter asked what would happen if the current application of BOWF is not viable and they asked to go back to the supplemental plan. If they have to reapply for a permit, the new law could have significant bearing, even though it doesn't apply to this current application. The town attorney mentioned to him that at some point the town board might make a determination that a new permit needs to be applied for.

Councilperson Miles stated the recommendations looked at noise, addressed setbacks, height restrictions, notifications. There is a clause that would allow the town board to waive setbacks. Although the committee submitted recommendations, the town board can make more changes. These recommendations would make

the law a lot stronger than the 2009 law.

Councilperson Carpenter feels these recommendations are a good starting point, but the town board may want to address more issues for a new wind farm law.

Plowing the Park and Ride: Supervisor Rider stated she has entered into discussion with Patrick Head to provide the service to the town of plowing the Park and Ride when there is 3" or more of snow, for \$100 per plowing. He would not plow unless there was 3" or more of snow.

Councilperson Miles asked if the town highway department would be willing to do this plowing. Councilperson Carpenter stated he would be happy to have the highway department do the plowing.

Code Officer Alan Teeter stated the highway department plows the area around the community building and town hall.

Councilperson Hansteen will ask Buddy Rollins about plowing the Park and Ride when there is 3" or more of snow.

Cleaning Enfield Community Building: Supervisor Rider stated Vanessa's Cleaning Service has not been cleaning for several months. She has entered into negotiations with Zachary Snyder to clean the upstairs and downstairs of the Community Building. This would be a civil service position. The town would provide cleaning supplies. This should take 2 or 3 hours to clean each time.

Supervisor Rider moved, with a second by Councilperson Carpenter to hire Zachary Snyder, as a town employee, and to pay him the living wage of approximately \$15 per hour to clean the Enfield Community Building one time every two weeks.

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

Supervisor Rider thanked Councilperson Miles for his dedication this year as a town board member. He stated he was glad to fill the position and met a lot of wonderful people.

### **Closed Session under Section 108 #3 of the Open Meetings Law regarding the Draft State Audit Report:**

Supervisor Rider moved, with a second by Councilperson Carpenter to move into a closed session under Section 108 #3 of the Open Meetings Law regarding the Draft State Audit Report at 10:07 p.m.

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

The regular meeting resumed at 10:35 p.m.

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

Jude Lemke of Enfield asked if a letter had been sent to BOWF requesting documents be provided. Supervisor Rider responded that yes, a request had been sent 2 or 3 weeks ago. BOWF has provided some plans that were forwarded to LaBella for review. Ms. Lemke then asked if the town board was spending money without all the requested documents being provided. Supervisor Rider stated yes, LaBella sent a reply today. Councilperson Carpenter asked if there was any mention of the letters requested from Rich Teeter and Donny Gunning. Supervisor Rider responded there was no statement regarding the request for letters. Councilperson Miles asked if there was a time frame for the letters to be provided. Supervisor Rider stated she would check.

Ms. Lemke asked why the town continues to incur costs. Supervisor Rider stated this is a process and she is following legal advice. Councilperson Carpenter stated BOWF is legally required to pay these bills. Ms. Lemke reminded the board the BOWF escrow is in the negative. Councilperson Miles asked if another letter could be sent requesting more escrow funds. Supervisor Rider stated she feels the board should think over how much they can demand from BOWF. Councilperson Carpenter stated he has been thinking about that a lot and has been talking to many people about this.

Councilperson Miles stated there is an upper threshold that is a percentage of the project cost that, even with an agreement, the town can extract from the developer. Supervisor Rider stated that is how much can be demanded in repayment. Supervisor Rider stated this is a fast approaching factor. Councilperson Miles doesn't feel the town knows the true cost of the entire project. This threshold is part of the SEQR law.

Councilperson Hansteen asked if there comes a point where we are responsible for all legal and engineering fees. Supervisor Rider stated it is part of the law relating to SEQR.

Ms. Lemke feels BOWF is past the SEQR. Now BOWF would need to comply with our law for a wind permit. So the Developer's Agreement would mean they should pay.

Marcus Gingerich of Enfield stated there seems to be confusion about documents. A document number can be automatically shown as a footer, and will automatically update when changes are made. He asked if Highway Superintendent Rollins' concerns had all been addressed regarding the Road Use Agreement. He suggested making a list of Mr. Rollins' concerns. He asked if the document would be available to the public once changes are made.

The town board felt documents to be discussed at town board meetings should be put on the website so the public can view them prior to discussion at meetings. Supervisor Rider stated she will give the revised Road Use Agreement document to Sue Thompson and request she put it on the town website.

Councilperson Hansteen stated he had sent an e-mail to town board members with a property value compensation plan from the Town of Hamlin. He would like this to be considered as part of the Complaint Resolution Agreement. Councilperson Carpenter stated it was part of the new proposed Complaint Resolution Agreement he received today.

**Adjournment:** Councilperson Hansteen moved, with a second by Councilperson Carpenter, to adjourn at 10:55 p.m. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk