

Town of Enfield  
Regular Town Board Meeting  
Enfield Community Building  
Wednesday, March 8, 2017  
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Henry Hansteen, Town Councilperson Beth McGee, Town Highway Superintendent Buddy Rollins, Town Clerk Alice Linton. Town Attorney Guy Krogh arrived at 7:30 p.m.

Supervisor Rider led the assemblage in the Pledge of Allegiance to the Flag at 6:35 p.m.

**Announcements:** Supervisor Rider reported there is a burn ban in New York State until May 15, 2017.

**Privilege of the Floor:**

Jude Lemke of Enfield stated she felt many of the delays in the Black Oak Wind Farm (BOWF) project are due to BOWF themselves. They failed to anticipate the need to transfer ownership of the substation to NYSEG. In late 2016 they withdrew their SEIS and reverted to their original plan, that they admitted was problematic. Throughout all this time, many residents of Connecticut Hill have steadfastly attended meeting after meeting clearly laying out their concerns about this project in detail. In the meantime, she feels many important issues facing the town have been neglected while many hours have been spent debating this project which will bring very little, if any, benefit to the town. She would like the board to take action on this project so time and attention can be focused on the issues that really matter to Enfield. The silver lining is many neighbors have met and come together as a real community. She would like the Board to take definitive action to bring this wind farm project to a close.

Councilperson Beth McGee of Enfield reported she attended the Association of Town's annual conference in New York City. She attended many workshops and was able to speak with presenters after the sessions concluded. She appreciated having a place where relevant topics were addressed.

Mimi Mehaffey of Enfield stated she has looked into the history of Enfield's wind law. When the law was originally passed in 2007, it was progressive for its time. Several months after the law was passed, it was changed, but there appears to be almost no record of why the changes were made, such as setbacks and noise levels. She was interested if anyone had better notes about the changes.

Dawn Drake of Enfield asked if there would be a time limit imposed for BOWF to submit all the requested paperwork. Residents would like answers since BOWF has not shown how they are going to build the project. She questioned where the NYSEG paperwork was showing the building of the sub-station would be allowed. Enfield has other projects to work on, and would like to see a time limit set for BOWF.

Mark Waterman of Enfield asked if anyone knew how long the BOWF project would last. He asked who should be contacted if residents can't sleep at night due to the BOWF project, or if residents would be forced to move.

Marcus Gingerich of Enfield noted the Road Use Agreement was on the agenda. He questioned if BOWF had paid their bills. He stated the Enfield Town Board is the safety net for residents. Although they have technical advisors, they are responsible for the public's safety. He would like to see a time limit set for BOWF.

Julie Schroder of Enfield announced there will be two energy programs held in Enfield this week. Cooperative Extension is sponsoring a program for the community on solar installations on Thursday night and on Saturday morning there will be a Heat Smart program which will include information on upgrading insulation and heat pumps. Both programs will be held at the Enfield Grange.

**Consent Agenda:** Supervisor Rider asked if anyone would like an item removed from the Consent Agenda. Councilperson Carpenter asked to have the audit claims removed.

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

**Minutes of regular meeting of February 8, 2017, special meeting of February 15, 2017**

**Resolution #2017-31 Town Clerk Conference**

Whereas, the Enfield Town Clerk wants to attend the annual Town Clerk's Association conference to be held in Rochester, New York from April 23-25, 2017, and actual and necessary expenditures are a town charge under General Municipal Law 77-B Chapter 413 L 1074 which allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality; and

Whereas, the expense has been budgeted for in the 2017 budget; now therefore be it

Resolved, that the Enfield Town Board approves her attendance at this conference.

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

**Approval of audit claims:** Councilperson Carpenter stated voucher #88 for legal services by Thaler and Thaler has items chargeable to BOWF. Since their escrow account has a negative balance, and there is no money from BOWF to pay this voucher, and the Enfield Town Board has voted not to spend any more money on the BOWF project until their account is brought current, he asked for this voucher to be pulled from the audit.

Councilperson McGee stated funds have not been appropriated for this account, the line is in the red for the third month in a row, and it is legally not wise to make payments from an account where funds are not appropriated. She would also like to see this voucher pulled.

Councilperson Carpenter moved, with a second by Councilperson McGee to authorize the supervisor to pay General Fund vouchers #68 to #87 dated March 8, 2017 in the amount of \$15,991.14 and Highway Fund vouchers #41 to #53 dated March 8, 2017 in the amount of \$17,381.53.

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

**Correspondence:** Supervisor Rider read an e-mail from the Division of Local Government Services regarding cybercriminal activities that they have become aware of in New York State; a letter from the Finger Lakes Group of the Atlantic Chapter of the Sierra Club urging approval of the BOWF; and a letter from Constellation informing of a recent change in law that affects power bills.

**County Legislator's Report:**

Dave McKenna reported the legislature had a presentation by Carl Haines, president of TC3, who spoke about declining support from NYS and the college is trying to put together a budget for the coming year. A shared services grant for \$600,000 was received by the Tompkins County Clerk from the Department of State for further development and expansion of the Laserfiche program into Cortland County. January sales tax returns are up by 8.32%.

**Highway Superintendent Report:** Highway Superintendent Rollins asked if Clean-Up Days would be scheduled for this year. It was agreed that Clean-Up Days will be held May 10-13 (Wednesday-Saturday). Hours will be 12-5 on May 10, 11, and 12 with hours of 7-12 on Saturday. Superintendent Rollins will take care of ordering the dumpsters. This is a reduction of 1 day from last year. There will be a rabies clinic at the highway facility on May 11 from 7-9 p.m.

Superintendent Rollins asked about getting a charge card to be used by the highway department only. Supervisor Rider feels obtaining receipts could be a problem, and she didn't know if there was a policy for charge cards. Attorney Guy Krogh stated there should be a policy governing the use of credit cards in place.

Councilpersons Carpenter and Bryant both stated it made sense for the highway department to have a credit card and suggested Superintendent Rollins look into comparing banks. Councilperson McGee stated she would write an official policy for credit cards.

Superintendent Rollins once again asked for a clothing allowance. He had requested funds be put in the 2017 budget for this and reminded Councilperson Carpenter that he was going to check with other highway superintendents last year. The Enfield Town Policy states a clothing allowance and an allowance for steel toed boots is to be provided for highway workers. He did receive the allowance one year and is asking for it again. Attorney Krogh stated safety is the issue here and the Highway Superintendent should be as safe as the highway workers. He suggested this Town Board could update the policy to make it clearer and appropriate relative to a clothing and safety allowance. Councilperson McGee will write a resolution to be presented next month that will include the Highway Superintendent in the policy to receive the allowances. She will look into what uniforms cost and possibly update the amount that is currently \$300/year plus \$100/year for steel toed boots.

Superintendent Rollins answered some of the questions asked at the last meeting when he was not in attendance. A resolution for Hubbell Drive was requested by NYS in order to receive CHIPS funding for that road. In 1979 the road was extended 300' and it has been oiled and stoned since then. The last .25 miles of Gray Road, at the town line, was also lost from CHIPS. He will ask the Town of Ithaca about maintenance of this short stretch of road. The Town of Enfield went from 44.31 to 43.13 centerline miles when NYS recalculated miles for CHIPS.

Superintendent Rollins mentioned that he does buy used equipment such as a mower tractor, 6 wheeler and 10 wheeler. He felt the pickup truck should be new. That purchase can be a very good deal since there is a state contract and those prices can be as good as a used truck at private auction.

Superintendent Rollins felt if the bills were not approved at the regular January meeting, a special meeting should have been held within a few days, instead of waiting 2 weeks. He received overdue notices and had to call vendors. This does not look good to companies he deals with and would like to see bills paid on time in the future. He once again questioned where the money from 2014 was for bridges that was to be put in savings. Supervisor Rider stated budget lines had not been rectified yet. As of February 28, 2017 the money left in the highway fund lines had not been put into the equipment reserve fund and the bridge money not spent had not been moved to the bridge reserve fund yet. Supervisor Rider stated she would have to go back and read the resolutions.

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter reported February was a slow month with only 1 building permit issued. He attended a local meeting sponsored by the Tompkins County Assessment Department. This year Enfield is on the schedule for reassessment. He attended training on storm water management and a Tompkins County Ag Summit meeting. Later this month he will attend his annual training in Syracuse to keep his certification.

**Supervisor's Report:** Supervisor Rider reported she attended the Association of Towns Annual meeting, the Town of Enfield Planning Board meeting, the Tompkins County Health Consortium Audit and Finance meeting and the Tompkins County Health Consortium Joint Committee on Plan Structure. She spoke with a

NYSEG representative, Fingerlakes Renewable Energy and Renovous regarding dawn to dusk lighting aimed at the Park and Ride. She researched planning services with the Town of Ulysses, the Town of Danby, and the Village of Trumansburg. She met with Zachary Snyder regarding cleaning the Community Building.

Councilperson McGee noticed that Supervisor Rider has met with Zachary Snyder for several months regarding cleaning and asked if there was a problem. Supervisor Rider stated she is making an on-going assessment of the cleaning.

Highway Superintendent Rollins requested someone to clean the public spaces at the highway facility since there was an additional \$1,000 added to that budget line for 2017. In the past he and the other highway workers have been cleaning. He would like to see recognition of the ways they go above and beyond what is expected. Supervisor Rider stated all costs of the highway building are born by the A Fund. Councilperson McGee felt recognition was a good idea and at budget time suggested keeping this in mind.

### **Committee Reports:**

Planning Board: Chairperson Dan Walker reported there were 3 projects approved at the March meeting - a cell tower on Fish Road, a retail store on Mecklenburg Road and a solar farm on Podunk Road. There are no other projects on the agenda at this time.

Recreation Partnership: Carolyn Tschanz attended the February 28 meeting where new representatives were welcomed and new officers elected. She reminded everyone that the Town has the option to appoint an alternate that would have voting powers if she was not able to attend a meeting. The new IPlay book will be out March 10 which is the day registrations for late spring and summer programs begin. She reminded the Board that there will need to be a new agreement for 2018-2022. The Recreation Partnership will review the current agreement at their next meeting and propose changes. The updated document will be shared with towns and with TCCOG.

Enfield Volunteer Fire Company: Chief Roger Lauper submitted his report showing there were 16 calls in February of which 10 were EMS calls, 1 MVA without injuries, 2 service calls, 1 good intent call, 1 hazardous condition and 1 mutual aid given to Ithaca. March trainings will include trucks road tested and checked over, safety officer training, brush fire training, and extrication.

Facilities Manager: This report will be covered in Old Business.

Comprehensive Plan Writing Committee: Councilperson McGee reported there is a meeting scheduled for March 30 at 6:30 p.m. which is open to the public. This will be for a final push for the public to comment before the draft is finalized.

Tompkins County Council of Government (TCCOG): Supervisor Rider stated she did not attend the last meeting.

### **Old Business:**

Highway Building Problems: Councilperson McGee reported she checked with Municipal Solutions and LaBella for funding information. The Town Board will need to decide what work they want to do and the financing needed. They will need to assess if they want to do the work piecemeal or address all issues.

Highway Superintendent Rollins stated he would like to have ceiling fans installed. They may help the moisture problem and would provide ventilation in the summer. There has been no salt or sand in the building this year and there is still moisture. The GFIs were taken out as they kept tripping. If the exhaust fans were on a separate circuit it would help this problem. Norm Smith had suggested to him that outlets could be pulled out and wall mounted receptacles could be put in with insulation behind them. He also

mentioned putting in roof ventilation spinners to suck moisture from the attic area. The overhead doors and man doors don't seal properly.

At this time Councilperson Bryant left the meeting.

After much discussion, it was agreed that Superintendent Rollins would provide 2 or 3 plans that he would suggest for a salt/sand storage building. Councilperson McGee will contact electricians for quotes on installing ceiling fans, putting the exhaust fans on their own breaker and sealing outlets. She will contact overhead door companies for quotes on sealing those doors. Supervisor Rider will contact local contractors for quotes on insulating the man doors.

Finalization of Town Road Use Agreement: Councilperson Carpenter reminded everyone that there was a resolution passed stating no work will be done on the BOWF project until their account is brought up to date.

List of Documents Needed for Action on Wind Energy Permit: Supervisor Rider asked if there was a time limit on projects. Attorney Krogh responded it depended on the type of project. Applications such as that of the BOWF have no time limit per se. It is up to the Town Board to determine.

A proposed list of items needed before issuance of a wind energy permit was discussed. The list included 7 plans, more information on the substation, a letter from NYSEG about placement of the substation specific to this project, updated draft scopes that are in the application, detailed description of the plan and escrow up to date.

Councilperson Carpenter questioned portions of the Town of Enfield Wind Energy Facilities Local Law.

Article II, Section 2 D Transfer: Regarding the transfer of any Permit to an entity other than the Applicant to whom the permit was issued shall require approval of the Town Board... Attorney Krogh felt this provision was in the law so the permit cannot be transferred without approval, and they can't shed the permit responsibilities and liabilities merely by saying they are undertaking an assignment. Whoever they transfer to will need to get their own permit - a permit issued in their own name. In order to do that they have to make sure they comply with everything that the previous owner complied with. If BOWF was transferred to a new owner the new owner would probably have to agree to abide by all the rules of the old operator, the Town Board would have to sign off on the new owner, they'd have to meet the standards of an operator, there might be a provision regarding financial solvency, they'd have to get the decommissioning bond transferred to their name - there would be a lot they would have to do.

Councilperson McGee asked what would happen if the conditions of the local law changed between the time of the first permit and the transfer. Attorney Krogh responded it would depend on the nature of the change. If they were to do any future expansions, they would have to comply with the new law. If they were just doing a permit transfer, they would have to comply with whatever conditions were in their permit.

Article III, Section 1 A 2 Property Owner Information and Authorization: Regarding the name, address, and telephone number of the property owner of the proposed Site of any Wind Energy Facility... Councilperson Carpenter questioned information regarding the Gunning property. Attorney Krogh feels the applicant has to meet the standards and verify what the distance is and the Town Board can determine if that information is correct. He doesn't want to see the Town Board asking for specific information and when that is all submitted having to say the permit will be issued. He would like to have the town tell BOWF to submit what they feel is sufficient and then that will be reviewed and then the Town makes the decision based on what BOWF submits. What BOWF needs to do to get approval is set forth in a local law and a SEQR environmental review. They have to comply with those standards and if they meaningfully comply then they have a chance to get a yes. If they don't comply, you don't have to worry about it.

Councilperson McGee would like to stop reading plans over and over again and stating concerns. She would like BOWF to submit those plans and then the Town Board can start their review. If the plans are adequate then a decision is made one way or another. Attorney Krogh stated then permit review would begin and determine what additional conditions would be required and you get to a yes or a no. She feels this item in the local law needs to be included in what is required from BOWF.

Supervisor Rider will redo the draft list and send it around for review.

BOWF Developer's Agreement and FOIL Costs: Councilperson Hansteen read the proposed resolution that was entered into the minutes and discussed at the January 11, 2017 regular meeting. He feels the Developer's Agreement is clear that BOWF should pay all costs related to their project. He doesn't feel the Town should pay any specific FOIL costs related to the BOWF project.

Attorney Guy Krogh responded it is his opinion that some of the FOIL requests were general Town business and part of the duties of the Town. Therefore BOWF would not be responsible for paying fees related to certain FOIL requests.

Councilperson Carpenter questioned what could be done regarding having BOWF bringing their escrow account current. A letter was sent to them with a deadline, but there were no consequences if they did no pay.

Councilperson Carpenter informed Attorney Krogh that the Thaler and Thaler invoice was pulled from approval of vouchers. The Town Board agreed not to spend any more on BOWF bills until their escrow account has been brought current. He feels BOWF is putting the Town in a bad position where bills that are owed can't be paid.

Attorney Krogh asked to be notified if there were things he should not be working on.

Councilperson McGee mentioned we don't appropriate funds in our budget for the BOWF escrow, so we would have to take taxpayer money to pay the Thaler and Thaler invoice.

**Adjournment:** Supervisor Rider moved at 11:12 p.m., with a second by Councilperson McGee to adjourn the meeting until March 16 at 6:30 p.m.

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

Respectfully submitted,

Alice Linton, Enfield Town Clerk