

Town of Enfield
Regular Town Board Meeting
Enfield Community Building
Wednesday, April 12, 2017
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Mike Carpenter, Town Councilperson Beth McGee, Town Highway Superintendent Buddy Rollins, Town Clerk Alice Linton. Town Councilperson Virginia Bryant excused. Town Attorney Guy Krogh arrived at 7:45 p.m.

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

Announcements: Supervisor Rider stated she was changing the order of the agenda. Since it is National Volunteer Week, she thanked everyone who volunteers in Enfield to make it a better place.

Presentation by US Geological Service on Aquifer Study: Ben Fisher, Gary Wall and Bill Kapel gave a presentation on the Aquifer Study being conducted in Enfield. The study is scheduled for completion by September 30, 2017. The Town of Enfield relies on ground water as the sole source for fresh water. It is crucial to know the water quality and the aquifer extent. Eight test wells were drilled in four locations. The shallow wells (20' to 50') mostly go into sand and gravel and deeper wells (80' to 140') went into bedrock. The well at the highway facility had high levels of methane gas. Data was collected from the wells throughout the year. The water level began to drop around February of 2016 and then in October each well spiked up which helped the aquifer recharge. All the field work and data has been collected and now a report will be compiled.

Privilege of the Floor:

Councilperson Beth McGee of Enfield reported a resident has made an audio available of Town Board meetings which is available on YouTube under Enfield Town Crier.

Marcus Gingerich of Enfield stated he appreciates agendas coming out well in advance of meetings. He asked if the Black Oak Wind Farm (BOWF) still had a negative escrow balance. Councilperson McGee responded that at the end of 2016 they owed the town \$8,073.61. In addition, they owe the town \$2,872.50 for 2017 billings.

Julie Schroder of Enfield announced that the Heat Smart Tompkins Program will be holding five more meetings around the county to educate the public about air source heat pumps, ground source heat pumps and insulation. Residents that sign up can get a free assessment to make their house more efficient.

Consent Agenda: Supervisor Rider asked if anyone would like an item pulled from the Consent Agenda. She asked to have the audit claims removed. Councilperson Carpenter asked to remove Resolution 2017-34 regarding appointment of a new Town Board member.

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

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

RESOLUTION # 2017-32 Bond Payment

WHEREAS, The Town of Enfield borrowed funds to construct a highway facility in 2012 and

WHEREAS, this money has to be repaid, now therefore be it

RESOLVED, the bookkeeper is authorized, prior to April 15, 2017, to wire \$70,000.00 in principal and

\$17,821.88 in interest to The Depository Trust Company holding the bonds.

Resolution #2017-33 Appointment to Town of Enfield Planning Board

WHEREAS, there is a vacancy on the Planning Board and the Town Board has been told by retiring Town Board member, Henry Hansteen, that he has sincere interest in this Board, now

THEREFORE, be it resolved that Henry Hansteen be appointed to the Enfield Town Planning Board for a 5 year term ending in 2021.

Resolution #2017-34 moved off the Consent Agenda

Resolution #2017-35 Appointment to Advisory Board of Assessment Review

WHEREAS, a member of this Board will not be available to serve this year and,

WHEREAS, Jay Franklin has been consulted and says there are no rules as to the number of people who can be appointed to this Board, now therefore be it

RESOLVED, that Judith Perkins, 273 Black Oak Rd., Newfield, NY be appointed as an alternate to the Assessment Review Board.

RESOLUTION #2017-36 Youth Development Program State Aid Funding

WHEREAS, the Enfield Town Board has for many years been a member of the Tompkins County Recreational Partnership and supports youth programming in a variety of ways and

WHEREAS, the Tompkins County Youth Services receives a small amount of money from the State (\$877) to pass on to the Town, which passes it on to the Enfield Community Council (ECC) to defray summer camp expenses, now therefore be it

RESOLVED, that the Supervisor be authorized to enter into a year contract with the Tompkins County Youth Bureau for this benefit which the Town will pass on the ECC when it is received.

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

Supervisor Rider moved, with a second by Councilperson Carpenter to approve Resolution #2017-34.

Resolution #2017-34 Appointment of Becky Sims to Enfield Town Board

WHEREAS, Henry Hansteen resigned from the Enfield Town Board effective March 30, 2017 and

WHEREAS, the Town Board can appoint someone to this vacancy until the next General Election, and

WHEREAS, Becky Sims, 608 Black Oak Road, Newfield, NY has expressed interest in this position and

WHEREAS, she is currently the Program & Outreach Specialist with the Tompkins County Office of Human Rights, has grant writing experience, budgeting and fund raising experience and for many years was involved in the Community Science Institute and the Finger Lakes Permaculture Institute. A graduate of Ithaca College, Becky and her husband have lived in Enfield since 2011. She has been on the Comprehensive Plan Committee since 2014; now therefore be it

RESOLVED, that Becky Sims be appointed to the Enfield Town Board as a Councilperson until December

31, 2017.

Discussion: Councilperson Carpenter asked Becky Sims to give a statement regarding her experience with Town Board issues and matters, and her experience with BOWF.

Becky Sims stated she has attended some Town Board meetings and reads the minutes of meetings. She has lived on Black Oak Road since 2011 and understands there could be two wind turbines within the view of her home. She had understood the BOWF had "community support", but feels that is no longer the case. She wants to have concerns addressed in a manner that will be acceptable to everyone in the community and will keep an open mind about the BOWF project. She wants Enfield to be a great place to live.

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

Supervisor Rider stated it was her understanding that Becky Sims would need to sign an oath of office before she is an official member of the Town Board. She felt it would be best to wait for Attorney Krogh to arrive and ask if Ms. Sims could be sworn in during the meeting.

Correspondence: Letter from NYS Department of Taxation and Finance with Certificate of Final Special Franchise Full Value.

Letter from Griffith Energy serving as verification that they are honoring NYS bid pricing for all fuel oil, kerosene and propane deliveries for the Town of Enfield.

County Legislator's Report:

Dave McKenna reported the legislature voted to extend the 1% sales tax for another year. This has been continuous since 1992. The legislature also moved for a public hearing on T21, a bill to limit sale of cigarettes to those over 21 years of age.

Highway Superintendent Report: Highway Superintendent Rollins reported spring work is under-way. The crew is putting in new driveway pipes, sweeping roads when they are wet, and doing truck repairs. One of the 10 wheeler trucks lost the rear end during the last storm and the repairs cost around \$9,000. A water tank was purchased, but is still at the dealer's.

Code Enforcement Report: Code Enforcement Officer Alan Teeter reported there was one building permit issued in March. He also reported he attended training in Syracuse, reviewed plans for a Dollar General Store to be built on Mecklenburg Road, prepared his annual report for the Department of State and sent three letters of voluntary compliance. He has started doing annual fire inspections.

Supervisor's Report: Supervisor Rider reported she attended the monthly TCCOG meeting, an informational meeting on solar and wind farm regulations, a health consortium audit and finance meeting, a health consortium joint committee meeting on plan structure, a health consortium Board of Directors meeting, an information meeting regarding "Addressing Municipal Solar Uncertainty: Solar Farms, Tax Assessment and PILOTS", a TCCOG energy task force meeting, a TCAD Board of Directors meeting, a meeting regarding starting the process of becoming a clean energy community; she spoke with a resident regarding a concern of safety on Harvey Hill Road near a "drug house"; worked with Councilperson Bryant revising and updating the Town of Enfield Policies and Procedures Manual.

Committee Reports:

Planning Board: Chairperson Dan Walker reported there was no meeting held in April as there was no business before the Planning Board. The Planning Board has submitted recommendations to Town Board

members for how to incorporate solar into the Site Plan Review Law and put in decommissioning provisions. There will need to be a decision made whether to define requirements by size or wattage.

Supervisor Rider stated a Solar Law would also be possible. She feels square footage and not wattage should concern the Town Board.

Enfield Community Council: Vera Howe-Strait reported there will be a Country Faire May 13 from 11-3 at Enfield Elementary School. The annual Harvest Festival will be held September 23 from 11-3:30. Summer camp will once again be held at Robert H. Treman State Park. Applications are available at the Town Hall and on the Town website. The elementary basketball program had 37 participants this year. The teen program is continuing. The Enfield Community Council continues to work on a lease with the Ithaca City School District for a new community building.

Enfield Volunteer Fire Company: The submitted report showed there were 32 calls in March of which 14 were EMS calls, 2 MVA's, 4 service calls, 5 fires and 7 other calls. April trainings will include Extrication Part II, Car Fire Training, truck checks and station maintenance, pipeline training at the Ramada Inn. Roadside clean-up is scheduled for April 29.

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

Comprehensive Plan Writing Committee: Councilperson McGee reported a meeting was held March 30 which had good attendance and another meeting is scheduled for April 20. The public has been asked for input. Sections of the draft Plan are available on the town's website if anyone is interested in looking at them.

Town Attorney Guy Krogh arrived at this time - 7:45 p.m.

Tompkins County Council of Government (TCCOG): Supervisor Rider reported Heather McDaniel from the IDA gave a report on current information about PILOTS, especially as relates to solar farms.

Oath of Office for New Councilperson:

Supervisor Rider asked Attorney Krogh if there were time limits before Becky Sims could be sworn in. Attorney Krogh responded she gets appointed and takes the oath. There will be follow-up items to be taken care of with the Tompkins County and New York State, but she can take the oath of office at this time.

At this time Becky Sims was sworn in as a Town Councilperson.

Old Business:

Highway Building Problems: Councilperson McGee reported she received a quote for electrical work at the Enfield Highway Building from Shisler Electrical Contractor, Inc. The price to install three 56 inch industrial, reversible ceiling fans with one remote speed control and reversing controller switch was \$2,798.00. The price to remove seven duplex outlets, door switch and two welder outlets from recessed boxes and to change to surface style installation and install insulation in existing recessed boxes was \$1,466.00.

She also reported the overhead doors had not been serviced since they were installed, and annual service is recommended. A quote was received from Genson Overhead Door, Inc. to service, adjust, lube six garage doors and operators, add top seal to all doors, and add floor level arm disconnects to all doors. The quote was \$144 per hour (2 techs) with an estimate of 5-6 hours, 120 feet of top seal @ \$1.45 per foot and 6 floor level disconnect cables @ \$20 each.

Supervisor Rider stated she had not obtained a quote for the man doors.

Superintendent Rollins reminded the Town Board the highway department has a lift, so the Shisler quote could probably be lowered. Councilperson McGee stated she would like to see these jobs done.

Supervisor Rider asked if each of these would be separate jobs, or all one, according to the procurement policy.

Town Attorney Krogh stated he felt these would be separate jobs, but would need to be in compliance with prevailing wage rules.

Councilperson McGee moved, with a second by Supervisor Rider to authorize Shisler Electrical Contractor, Inc. to do the electrical work for outlets and ceiling fans at the Town of Enfield Highway Facility as quoted by them on April 5, 2017.

Discussion: Councilperson Carpenter stated he felt the ceiling fans would be a waste of the Town's money and they wouldn't help the moisture problem in the building. Superintendent Rollins stated he felt, at a minimum, the fans would help the working environment during the summer. Councilperson McGee has seen the benefit of ceiling fans in other municipal buildings and feels this would be a useful installation. Councilperson Sims observed there were two goals to be met: an issue with moisture and an issue with work place environment quality. Councilperson Carpenter feels the outlets should be changed to surface style installation but the fans won't help the working environment or moisture problem. Engineer Dan Walker was asked his thoughts - he feels since there is radiant heat, which heats objects, that circulating air will take heat from objects and could be a comfort factor. Ceiling fans may also make the side exhaust fans a little more efficient. Fans should help equalize temperature. Councilperson Carpenter stated he is concerned about the budget for these items.

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

Councilperson McGee moved, with a second by Councilperson Carpenter to authorize Gensen Overhead Door, Inc. to complete the work per their proposal dated April 3, 2017, to include materials and labor.

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

Highway Superintendent Rollins agreed to contact both Shisler Electrical Contractor, Inc. and Genson Overhead Door, Inc. to arrange for the work to be done.

Councilperson McGee brought up the subject of the risk assessment recommendations. The highway building has a 3 ton weight limit posted in the loft and she believes the recommendation was for the Enfield Volunteer Fire Department (EVFD) as listed on paperwork. Supervisor Rider stated she would notify the EVFD about the posting requirement.

Salt Storage Plans: Councilperson McGee stated she has received a few possible plans from Highway Superintendent Rollins. Superintendent Rollins got an estimated cost of \$23,500 for prefab 8' concrete walls 72 x 200 (2). These would need a gravel foundation. He also got estimates for 2 x 2 x 6 blocks which are \$50 to \$110 each. If 264 blocks were purchased at \$50 they would be \$13,500, without trucking costs. Concrete footers would be needed for a block wall. Highway Superintendent Rollins will continue to get more information on possible plans.

Councilperson McGee spoke with LaBella and they suggested applying for a grant for salt storage since the possibility of storm water runoff exists. Dan Walker mentioned the highway building is on the aquifer that goes through the area.

Councilperson Carpenter asked to be removed as the facilities manager.

Approval of audit claims: Councilperson Sims questioned the invoice from Town Attorney Guy Krogh of Thaler and Thaler as some items had charges regarding BOWF. It was explained that if there are charges for review of the BOWF project they are billable to BOWF. If charges are for the Town Board getting information for their work on BOWF the time is billable to the Town.

Councilperson Carpenter has concerns about the Thaler and Thaler invoice, and if some of the items should be chargeable to BOWF. He will call Attorney Krogh to discuss this with him at a later time.

Councilperson Sims moved, with a second by Councilperson Carpenter to authorize the supervisor to pay General Fund vouchers #91 to #115 dated April 12, 2017 in the amount of \$16,385.13 and Highway Fund vouchers #54 to #68 dated April 12, 2017 in the amount of \$45,911.75.

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

Planner Services for Current Year: Supervisor Rider stated she would like to try out a Town Planner for completion of the Comprehensive Plan. Completing a Comprehensive Plan is critical for grants, moratoriums, a new wind law and a solar law. Councilperson Bryant has been obtaining information on area Planners and will continue to gather more information.

Best Value Law or Expanded Procurement Policy: Supervisor Rider suggested taking the Procurement Policy the Town has now and adding a Best Value Law to it.

Attorney Krogh responded the procedure for a Local Law would need to be followed. This could create an alternative option for procurement and be part of the procurement policy. He would be willing to send some samples of a Best Value Law.

Supervisor Rider moved, with a second by Councilperson McGee to authorize Attorney Krogh to provide two simple and 2 medium samples of best value laws.

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

Land Use Moratorium: Supervisor Rider reported Attorney Krogh has provided samples of land use moratoriums for review. She asked what the purpose of the moratorium would be.

Councilperson McGee understands a moratorium could last until a specific date, or until the Town Board decides to end it. Attorney Krogh stated a moratorium has to have a set period of time, but it can be shortened. Councilperson McGee asked if the moratorium included many projects, can one piece be eliminated. Attorney Krogh responded yes, by a Local Law amendment, which would require a public hearing. There would be two aspects: one, what is prohibited and two, what is exempted. He strongly recommended not picking and choosing - pick a rational dividing line and keep the content neutral.

Councilperson Carpenter asked what a recommended time to have the moratorium in place would be. He questioned if all the information for a permit comes while working on the moratorium, would the permit need to be issued? Attorney Krogh responded yes. Councilperson Carpenter questioned how the process would work if the Town is developing a moratorium while asking BOWF to finalize their paperwork.

Supervisor Rider feels it is risky to have a moratorium if the Comprehensive Plan isn't done. Councilperson McGee feels a moratorium would be motivation to get everything done. She liked the moratorium put in place by the Town of Madison.

Councilperson McGee spoke with the Town of Madison and found their PILOT with a local wind farm had expired. The wind farm would then have to pay full taxes. The wind farm wanted an expansion, but the

Town of Madison put a moratorium in place so they had time to put together an advisory committee and, with the lessons they learned, restricted where future wind farms can be. The changes were adopted and therefore the wind farm was unable to expand.

Councilperson McGee suggested a moratorium with time to put a Comprehensive Plan in place, amend the Wind Energy Law and put together solar regulations. Attorney Krogh agreed a Comprehensive Plan is very important to a town as it drives many policies. He also feels the existence of a moratorium is not dependent on a Comprehensive Plan. It could be argued that a moratorium is needed for time to complete the Comprehensive Plan and a Comprehensive Plan is needed to drive land use policy. A moratorium provides the Town time to make changes and to stop focusing on projects and focus on laws and regulations. Councilperson McGee suggested taking completion of the Comprehensive Plan off the list of moratorium purposes.

Supervisor Rider asked why not pass a solar addition to the Site Plan Law. She is unclear what a moratorium would buy.

Councilperson Sims stated it would buy the Town time. The review and process should be done properly so there is no pressure.

Councilperson Carpenter feels something should be written up and discussed; then the Town Board can work to put it in place. He suggested making the appeals process have specific criteria.

Councilperson McGee and Councilperson Sims agreed to work on a draft moratorium and have it ready at least one week before the next meeting. They will share this with the entire Town Board so it can be discussed at the next meeting.

Councilperson McGee feels there is a need to define the level where solar becomes commercial. Councilperson Carpenter suggested over 4,000 square feet, or over 50,000 watts. Councilperson McGee would also like to have guidelines for wind turbines. A small turbine would be for consumption on site and a large scale would include a generator and wind energy facilities.

Draft Letter to BOWF: Councilperson Carpenter asked about the draft letter to BOWF. Supervisor Rider stated she forgot to put the item on the agenda, but would add it to the next meeting.

Scheduling Date of Continuation Meeting: A meeting to continue the agenda was scheduled for Wednesday, April 19 at 6:30 p.m.

Privilege of the Floor:

Mimi Mehaffey of Enfield asked why a letter was being drafted to BOWF before they brought their escrow account current. Councilperson Sims stated the letter will ask for funds by a certain deadline. If the funds are not received, the application will expire.

Judith Perkins of Enfield asked how much BOWF currently owes. Councilperson McGee stated it appears they owe \$2,872.50 for 2017 billings, \$8,073.61 from 2016 and \$15,000 to be held by the Town per the Developer's Agreement.

Theresa Guler of Enfield thanked Councilperson Sims for taking on the role of Town Board member.

Marcus Gingerich of Enfield appreciates that the Board is thinking through the process of the moratorium, but would encourage the Board to move the process along. Councilperson McGee responded that she spoke with the Town of Newfield supervisor on how quickly they put their moratorium in place, but feels the Town of Enfield is unique in some ways and she wants to make sure everything will be in place to properly protect the Town.

Adjournment: Supervisor Rider moved at 10:20 p.m. to adjourn the meeting until April 19 at 6:30 p.m.

Respectfully submitted,

Alice Linton, RMC
Enfield Town Clerk