

Town of Enfield  
Regular Town Board Meeting  
Enfield Community Building  
Wednesday, May 10, 2017  
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Mike Carpenter, Town Councilperson Beth McGee, Town Councilperson Becky Sims, Town Clerk Alice Linton. Town Attorney Guy Krogh arrived at 8:00 p.m.

Supervisor Rider led the assemblage in the Pledge of Allegiance to the Flag at 6:40 p.m.

**Privilege of the Floor:**

Councilperson Beth McGee of Enfield stated she attended the Tompkins County Industrial Development Agency's public hearing held at 10:00 a.m. today for comments on the Mecklenburg Solar 1.8 megawatt solar array at 1732 Mecklenburg Road and the Delaware River Solar 2 megawatt solar renewable energy generation facility on Podunk Road. Several people spoke of their concerns regarding the Payment in Lieu of Taxes (PILOT) proposal. However, there were some who could not attend due to their jobs. Both the Deputy Supervisor and Town Clerk requested the public hearing be held after 5:00 p.m. Councilperson McGee will be requesting a second public hearing to be held after 5:00 p.m. so there can be more public input. In putting a moratorium in place, the Town should realize there may be interest in more solar farms in Enfield.

**Consent Agenda:** Supervisor Rider asked if anyone would like an item pulled from the Consent Agenda. There were several questions on vouchers, so the audit claims were pulled.

Supervisor Rider moved, with a second by Councilperson Carpenter to approve the **minutes of the regular meeting of April 12, 2017.**

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

Supervisor Rider moved, with a second by Councilperson Carpenter to approve the **minutes of the special continuation meeting of April 19, 2017.**

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

**Audit Claims:** Councilperson McGee questioned budget lines with negative balances. Supervisor Rider stated she did not do any budget amendments for this meeting, but she will prepare some for the regular June meeting.

Councilperson Sims questioned sales tax on a credit card receipt. Supervisor Rider will include a personal check with the town's check to cover that amount when payment is made.

Councilperson Carpenter moved, with a second by Supervisor Rider, to authorize the Supervisor to pay General Fund vouchers #117 to #140 dated May 10, 2017 in the amount of \$29,107.85 and Highway Fund vouchers #69 to #89 dated May 10, 2017 in the amount of \$16,167.54.

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

**Correspondence:** Letter from the New York State Town Clerks Association, Inc. informing the Town that Alice M. Linton, Town Clerk, has been awarded certification as a Registered Municipal Clerk. The

prestigious award recognizes the professional competency of Ms. Linton in fulfilling the responsibilities of her office. Certification is granted only after an applicant has demonstrated that they have met the stringent education and experience requirements established by NYSTCA.

Letter from NYSEG reminding the public to call Dig Safely New York at 811 before digging so underground facilities can be marked.

Letter from Association of Towns regarding seminars on the Countywide Shared Services legislation. For those unable to attend the live events, a video version of the seminar will be available online.

Copy of the Comp Alliance 2016 Annual Report.

Letter from LaBella Associates regarding 2017 Consolidated Funding Applications which are due July 28, 2017.

Letter from Sprague Insurance enclosing their Governmental Insurance Disclosure Statement.

Letter from Constellation Energy Services stating they have merged with Constellation New Energy, Inc. and will now be known as Constellation New Energy, Inc.

**County Legislator's Report:** Dave McKenna reported Tompkins County enacted a T21 law, which prohibits anyone under the age of 21 from purchasing tobacco products. This law goes into effect July 1.

**Highway Superintendent Report:** No report.

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter reported there were 5 building permits issued in April, 2 of which were for solar installations. There are 3 new homes planned for 2017. He has been conducting fire inspections for repeat offenders. His annual report to NY State was submitted and accepted. Delaware River Solar has submitted their application for a permit, along with their check. Mecklenburg Solar has already been issued a permit and plans to start building this summer.

**Supervisor's Report:** No report.

#### **Committee Reports:**

Planning Board: No report.

Recreation Partnership: Carolyn Tschanz submitted her report on the March 28 meeting as follows: the final 2016 budget/expenditures and participation numbers were presented and discussed; the 2017 budget was discussed and the Board requested two budgets - a 0% change and a maintenance of effort; the next meeting will be June 27 at the Ithaca Youth Bureau; the Town has the option to appoint an alternate to the Recreation Partnership Board.

Enfield Volunteer Fire Company: The submitted report showed there were 20 calls in April of which 13 were EMS calls, 1 MVA, 1 service call, 1 good intent call, 2 fires and 2 mutual aids to Newfield. May trainings will include car fire training, trucks and/or building maintenance.

Tompkins County Council of Government (TCCOG): No report.

Comprehensive Plan Writing Committee: Councilperson McGee reported a meeting was held May 4. The group worked through the document section. Notes will be posted on-line. The next meeting will be held May 18th at 7:00 p.m. to work on vision statements.

**Old Business:**

Town Credit Card Policy: A revised Credit Card Policy was presented and discussed. Councilperson Carpenter questioned the language of pre-approved purchases. That language was struck from the policy. The Card Holder Agreement was also discussed. Wording was changed from purchasing policy to procurement policy. It was also agreed that the credit card receipt was to be submitted immediately after a purchase was made and a voucher would be filled out for approval following the process used for all vouchers. No unauthorized person is to utilize a credit card.

Councilperson Sims moved, with a second by Supervisor Rider to approve the Credit Card Policy as amended.

Town of Enfield  
Credit Card Policy

1. Credit Cards may be issued for use by local government officials if approved by the Town Board.
2. All requests for Town of Enfield issued credit cards will be documented in the minutes.
3. The person making the purchase shall certify to the Town Board that the item purchased has been received or the service purchased has been rendered and that no part of the payment is outstanding.
4. Enfield Town Board reserves the right to rescind credit card privileges from anyone that has been is authorized to use a Town credit card.
5. Individual Credit card spending limits are capped at \$5000.00 per card.
6. Credit cards issued for Town use may not have cash back programs or allow cash advances.
7. Town credit cards will be securely stored on the premises of Town offices except when being used for specific purchases off premises.
8. All purchases made with a credit card must still comply with the Town's procurement policies.
9. The following purchasing practices shall be observed:
  - a. No purchases shall be made which are not proper Town purchases.
  - b. Credit card users shall ensure that no sales tax is paid.
  - c. Sales tax exempt forms shall be provided to every vendor.
10. No interest or late payment charges should be incurred by the Town.
11. Any purchase denied by the Town Board as unapproved or not in accordance with the procurement policy of the Town shall become the obligation of the individual purchasing the item.
12. The Town Bookkeeper and the Town Board will audit all credit card purchases monthly. Each purchase will be listed along with regular monthly expenditures in the audit claims prepared each month. Notation shall be made next to each expenditure for which a credit card was used for that purchase.
13. All purchases must be logged to include the following:
  - a. Vendor
  - b. Amount
  - c. Items Purchased
  - d. Date of Purchase
  - e. Purpose for credit card use
  - f. Names of all people for which expenditures were made in the event of travel or event expenses

- g. Date purchased items or services were received
  - h. Budget line charged
14. A semi-annual audit of the credit card use logs will be done by the Enfield Town Board to assess use and need.
  15. All persons accepting the privilege of carrying a Town credit card shall consent to these provisions in writing with the Town.

Town of Enfield Credit Card Policy  
Card Holder Agreement

I, \_\_\_\_\_, hereby accept the privilege of carrying and utilizing a credit card in the name of the Town of Enfield.

I agree to comply with the procurement policy of the Town of Enfield. I shall not make any purchase without a sales tax exempt certificate provided to the vendor.

I shall not make any personal purchases, except those made in the performance of my service as a local government representative, such as travel expenses.

I understand that no purchase shall be paid by the Town of Enfield unless I provide the original receipt.

I shall provide the receipt at the first available moment to the Town Supervisor, in order to permit the Town to pay the credit card in a timely manner.

I hereby accept the responsibility and assume the obligation to pay for any debt incurred by me that violates this policy and that has been rejected by the Town of Enfield.

In no event shall I permit any unauthorized person to utilize this credit card.

I understand that use of the Town of Enfield credit card which intentionally violates this policy may constitute the crime of larceny.

I will immediately report the loss of the credit card to the Town of Enfield Supervisor.

Card Holder Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

Town Attorney Guy Krogh arrived at this time - 8:00 p.m.

Letter to Black Oak Wind Farm (BOWF): Councilperson Carpenter read a draft letter to Black Oak Wind Farm that would require submittal of listed items to the Enfield Town Clerk no later than 60 days from the date of the letter. Several paragraphs were deleted as it was felt the language was contained in the requirements of the Town of Enfield Wind Facilities Law. There was discussion on the language to be used

for funding of decommissioning. Items needed from the Department of Environmental Conservation were eliminated as they would not be required at the time of application, but prior to a permit being issued. Without these items, Town Board members felt 60 days was adequate time for BOWF to provide the required items.

Councilperson Bryant felt it was important to have all dated documents submitted together at one time, even if some had already been submitted. Councilperson Sims wanted to be sure the letter is aligned with the Wind Facilities Law. Councilperson McGee feels the BOWF should submit the documents they feel are required by the Wind Facilities Law and then the Town Board can determine if more information is needed.

Councilperson Sims moved, with a second by Councilperson Bryant to accept the changes to the BOWF letter so it will read as follows:

At the March 8, 2017 Regular Town Board meeting, the Enfield Town Board determined that, as the application for a Wind Energy Permit by Enfield Energy's successor in interest, Black Oak Wind Farm, was initiated in 2009, a timely finalization of the application is now necessary. The items listed herein must be submitted to the Enfield Town Clerk no later than 60 days from the date of this notice in order to comply with an Enfield Town Board motion carried on October 26<sup>th</sup>, 2016, and the Enfield Wind Energy Facilities Law, and to avoid the risk of a declaration of the expiration of the application for a Wind Energy Permit by Black Oak Wind Farm. If these items are not received by this date, the application for a Wind Energy Permit will be deemed abandoned and the Town Board will, at its next meeting, consider the application abandoned and expired, but without prejudice to re-apply when Black Oak Wind Farm is ready to actually proceed.

Please refer to Article III, Section 1 of the Enfield Wind Energy Facilities Law for the definition of the following, and please submit a completed, current application, which must include the following documents and all other items required by this Section of the Law:

- Project Description
- Parcel Location of each turbine, substation and all other elements of the development as it stands currently
- Parcel Information
- Plot Plans
- Wind Turbine Information for those that will be used on this project
- Construction Information
- Fire Protection Plan w/ County All-Hazard Mitigation Sign Off
- Complaint Resolution Plan
- Landscaping Plan
- Invasive Species Control Plan
- Lighting Plan
- If necessary, a Blasting Safety and Management Plan
- Signed Statement
- Decommissioning Plan and proof of securities in the amount of \$180,000 per turbine
- Property Owner Information and Authorization for each participating land owner
- A copy of all current purchase agreements, leases, easements, and licenses for each participating landowner
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Please date and submit all documents required by this notice at the same time, so there is no question of their finality. The Board's carried motion also stated that there may be other documents required, as are deemed necessary.

Black Oak Wind Farm may re-apply for a Wind Energy Permit if this application is or becomes expired, whether by abandonment, declaration, or otherwise.

#### **ESCROW**

Further, in October 2016, Black Oak Wind Farm submitted payment of \$34,500 to replenish its designated Town escrow account, bringing it into compliance with the Wind Energy Facilities Law of 2009 and the Developer's

Agreement of 2010. As the escrow was in compliance in early December, plans were submitted for further review by our consultant, LaBella.

By January 2017, the escrow was operating with a negative balance. Notification was sent to you on January 6<sup>th</sup>, 2017 demanding that Black Oak Wind Farm comply with the Developer's Agreement by bringing the escrow account current by January 31<sup>st</sup>, 2017. As of the date of this letter, no payment has been received.

Subsequently, further review costs have been incurred and paid by the Town of Enfield in February, March and April of 2017. All of these costs are chargeable to Black Oak Wind Farm, per the Developer's Agreement of 2010 between the Town of Enfield and Black Oak Wind Farm.

Due to these charges, the escrow has, once again, become overdrawn. As of April 30, 2017, the past due amount is \$10,946.11.

Per the Developer's Agreement: The escrow must be replenished within 15 days of this notification. If payment is not received by the required date, the Town will commence collection action. If the Town is required to bring suit to collect any Deposit or Review Costs, the Town, if it succeeds in obtaining a judgment, settlement and/or other resolution against the Developer, shall be entitled to recover its reasonable attorneys' and experts' fees and expenses incurred in connection herewith, together with any related court costs and expenses.

By now you have likely heard that the Town of Enfield, along with other municipalities in Tompkins County, is considering a moratorium on commercial wind and solar energy facilities to freeze in place all matters, as well as prevent new application filings and any new approvals or permits from being issued, until the sooner of the expiry of such moratorium or such time as the County and New York State Energy Plans and the current push for solar and wind energy is adequately addressed in the Town's Comprehensive Plan and land use regulations and local laws. Thus, the timeline for submission of all permit review materials will be extended for the same number of days such moratorium is and remains in effect, if it is adopted.

The Enfield Town Board appreciates your immediate attention to these matters.

Discussion: Councilperson Sims will send a revised letter to Town Board members for their final review. She will then prepare a final updated letter that will be available for Town Board members to sign.

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

Councilperson Bryant left the meeting at this time.

Supervisor Rider moved, with a second by Councilperson Carpenter to adjourn the meeting at 9:45 p.m.

Discussion: Supervisor Rider stated she felt conducting Town business after 9:45 was not responsible. Councilperson McGee stated, regarding the Land Use Moratorium Law, the Town Board had been given documents; she would like the Town Attorney present to answer questions; she would like to set a date for a public hearing.

Vote: Councilperson Carpenter no, Councilperson McGee no, Councilperson Sims no, Supervisor Rider aye. Councilperson Bryant excused. Not carried.

Proposed Land Use Moratorium Law: Councilpersons McGee and Sims had been asked to put together a draft law. They looked at samples and put together a draft which was forwarded to Attorney Krogh. He commented, edits were made, and a draft final document was prepared for Town Board review. Councilperson McGee felt a public hearing should be scheduled. Once public comments are received, the Town Board could decide to make further revisions. If there were significant changes, another public hearing would be held. The draft document needs to be available for the public to review prior to the public hearing.

Councilperson Carpenter felt there needed to be a good way to define residential systems. He suggested 4,000 square feet would be a good figure to use for the maximum size of residential solar systems. Wind and solar would need to be defined separately. The definition in the Town of Enfield Wind Law would define commercial wind systems. Less than one-quarter acre was agreed on for the size of residential solar systems.

Councilperson McGee moved, with a second by Councilperson Carpenter to set a public hearing date of May 31st at 6:30 p.m. at the Enfield Community Building to hear public comments on a draft Town of Enfield Local Law on a Moratorium on Commercial Wind and Solar Energy Facilities.

Discussion: It was agreed the draft law would be available at the Enfield Town Hall by May 17.

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

IDA: Councilperson McGee moved, with a second by Councilperson Carpenter to request the Industrial Development Agency to hold another public hearing for comments on the PILOT Agreements for both the Mecklenburg Solar, LLC and the Delaware River Solar projects at an evening hour when more public input could be offered, as had recently been done in both Newfield and Dryden for public hearings on PILOT agreements for solar farms.

Supervisor Rider agreed to notify the IDA of this motion prior to their meeting at 2:00 p.m. on May 11, 2017.

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

#### **New Business:**

Best Value Law: Supervisor Rider stated she had received no new information.

**Announcements:** Clean-up Days continue at the highway facility until Saturday, May 13. There will be a rabies clinic at the highway facility this Thursday, May 11 from 7-9 p.m. There will be a Country Faire sponsored by the Enfield Community Council May 13 at Enfield School.

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

Nancy Spero of Enfield thanked the Town Board for working on a moratorium for Commercial Wind and Solar Energy Facilities. She asked if current applicants would be allowed to go ahead with their projects. Town Attorney Guy Krogh responded it would depend if the applicant had vested rights and what is the scope of the project. If they don't have vested rights, they would have to comply with the new law.

Judith Perkins of Enfield asked when the Town Board anticipated the letter to BOWF would be mailed. All Board members agreed the letter could be prepared within one week. Town Board members would then need to stop at Town Hall to sign the letter.

**Adjournment:** Supervisor Rider moved with a second by Councilperson McGee to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Alice Linton, RMC  
Enfield Town Clerk