

Town of Enfield  
Regular Town Board Meeting Minutes  
Enfield Community Building  
Wednesday, June 8, 2016  
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Mike Carpenter, Town Councilperson Henry Hansteen, Town Clerk Alice Linton. Excused: Town Councilperson Virginia Bryant, Town Councilperson Michael Miles.

Supervisor Rider opened the regular meeting at 6:30 p.m. by leading the assemblage in the Pledge of Allegiance to the Flag.

Supervisor Rider announced there would be several changes to the agenda. The presentation by Janice Johnson regarding the Recreational Partnership is rescheduled to the July town board meeting. Under new business an item will be added on Workplace Violence Training. Councilperson Carpenter asked to have an agenda item added regarding adding more members to the Wind Farm Advisory Committee.

**Privilege of the Floor:**

Tammy Alling of Enfield thanked the town board for their hard work on town matters, for listening and caring, and doing what is right for town residents. She would like residents to be proud to live in Enfield.

Jude Lemke of Enfield asked why a draft resolution was presented to the public, yet it wasn't on the agenda. She also questioned why the Black Oak Wind Farm escrow account has a negative balance of \$41,000 at the end of May when there is a requirement for the account to be replenished to a balance of \$15,000 within 15 days of a notice from the town to do so. She stated she was glad to see significant improvement and that comments were taken into account in the proposed Road Use Agreement over previous drafts. She reminded the board she had given them a copy of a letter she received from her realtor stating her property is now worth \$100,000 less than when she bought it, due to plans for the wind farm.

Brad Connors of Enfield thanked the board for what they are doing and stated he hopes they will use common sense. He feels the Black Oak Wind Farm will have no effect on climate change - it is too miniscule. He questioned why the wind farm should be built if it has no benefit or purpose.

Marcus Gingerich of Enfield stated he appreciates what board members are doing. He is concerned that the board makes sure they are representing the people and not a company. It appears the town is bankrolling Black Oak Wind Farm as their escrow account is in the red. He is concerned about the trustworthiness of the wind farm and has a lack of trust in what they say.

Dawn Drake of Enfield thanked the board for their work and hopes they will all care about the citizens of Enfield.

Ron Riddle of Enfield stated he just found out about proposed resolutions and asked why there isn't more notice about items to be discussed at meetings.

Beverly Gingerich of Enfield asked why a resolution (Declaration of Future Intent Relative to Moratoria and Any Future Amendments or Updates to Wind Farm Local Law) was presented to the public when it was not on the agenda.

Supervisor Rider responded she presented the resolution for full disclosure to the public and doesn't know when it will be on an agenda as she can't plan that far ahead.

Jude Lemke questioned why the board would pass such a resolution that would tie the board's hands further and could hurt the town, and possibly help Black Oak Wind Farm. She questioned why the resolution would be presented since Black Oak Wind Farm insists they already have vested rights.

Marcus Gingerich asked if the resolution was written by a lawyer with town funds.

Supervisor Rider responded it was written by the town lawyer.

**Consent Agenda:** Supervisor Rider asked if anyone would like an item removed from the Consent Agenda for discussion. No request was made.

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

**Approval of Minutes of the Public Hearing of April 12, 2016, the Special Meeting of May 3, 2016, the Regular Town Board Meeting of May 11, 2016, the Special Meeting of May 18, 2016 and the Special Meeting of May 25, 2016.**

**Budget Amendment #2016-16 Attorney Fees**

**WHEREAS**, expenses have exceeded the budget in the General Fund line A1420.4 titled "Attorney-Contractual", now therefore be it

**RESOLVED**, that line A1990.4 titled "Contingent Account" be decreased by \$3,000.00 and General Fund line A1420.4 be increased by \$3,000.00.

**Audit Claims:** The Town Board authorizes the Supervisor to pay General Fund vouchers #173 to #194 dated June 8, 2016 in the amount of \$22,663.70, and Highway Fund vouchers #86 to #103 dated June 8, 2016 in the amount of \$32,135.25.

**Resolution #2016-51 Authorization for Supervisor to Sign Payroll Software Contract**

**WHEREAS**, the Town of Enfield has purchased payroll software from Williamson Law Book Company for the past several years, and

**WHEREAS**, they provide ongoing software support for that product, now therefore be it

**RESOLVED**, that the Supervisor be authorized to sign a one year contract with Williamson Law Book Company to provide software for this product.

**Resolution #2016-52 Standard Work Day and Reporting Resolution**

### Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Enfield hereby establishes the following as revised standard work days for elected and appointed officials for 2016 and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name			Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (y/n)	Days/Month (based on record of activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Town Clerk	Alice Linton			6	1/1/16-12/31/17	n	18.8		
Deputy Supervisor	Vera Howe-Strait			6	1/13/16-12/31/16	n	0.56		
Highway Supt	Barry Rollins			8	1/1/16-12/31/17	n	30.21		
<b>Appointed Officials</b>									
Justice Clerk	Tiffany Poole			6	1/13/16-12/31/16	n	8.89		
Code Enforcement	Alan Teeter			6	1/13/16-12/31/16	n	19.23		
Deputy Highway Supt.	Brandon McGee			8	1/13/16-12/31/16	y			
Bookkeeper	Deborah A. Kelley			6	1/13/16-12/31/16	n	5.81		

On this 8th day of June, 2016, I, Alice Linton, Town Clerk for the Town of Enfield, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 8th day of June, 2016 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full board consists of 5 members, and that 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution. IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Enfield.

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

**Correspondence:** Letter from New York State Energy Research and Development Authority (NYSERDA) regarding the City of Ithaca's photovoltaic renewable energy project; Annual Report of Tompkins County Municipal Health Insurance Consortium for 2015; Tompkins County 2015 Comprehensive Plan Energy Roadmap; Landowner considerations for solar land leases from NYSERDA; Advertisement from SolarCity; Notice of municipal workshops in Big Flats, New York sponsored by Bond Financial Network; Annual report from Tompkins County Area Development; Letter from Municipal Electric & Gas Alliance (MEGA) regarding benefits of going solar; Letter from Constellation Energy Services, Inc. regarding a recent change in law that will affect the town's electric bill starting June 1, 2016 - additional costs will be a separate line item on bills; Notice of 2016 summer planning and zoning schools from New York Planning Federation.

**County Legislator Report:** Dave McKenna, County Legislator, reported the county will be contributing over a million dollars to repair the roof at TC3. Tompkins County has entered into a 5 year contract for consulting work on the Tompkins County Regional Airport.

**Highway Superintendent Report:** Highway Superintendent Buddy Rollins reported a thank you letter was received from the Tompkins County Health Department saying how pleased they were with the new location of the recent rabies clinic at the new highway building.

A notification has been received from New York State that CHIPS funds will be the same as last year, plus the money the town did not use last year.

Superintendent Rollins reported the excavator engine needs repair, but it is still under warranty.

The clean-up days have been going well. After two days, a 30 foot dumpster has been filled.

Superintendent Rollins asked about changing the labor rate for his seasonal workers from \$14.35, the living wage previously approved by the town board, to between \$10 and \$12 per hour that was approved by the town board in January.

Councilperson Hansteen moved, with a second by Councilperson Carpenter to authorize Highway Superintendent Buddy Rollins to hire seasonal workers at a wage that is exempt from the \$14.35 living wage.

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

**Code Enforcement Report:** Code Enforcement Officer Alan Teeter reported in May there were 7 building permits issued or renewed bringing the year to date total to 26 with 4 being for new homes. There was 1 solar permit issued. He issued 2 certificates of occupancy, 2 certificates of completion, completed 2 foundation inspections, 2 final inspections, 3 framing inspections and 17 progress checks. He received 1 valid complaint, issued 1 property number and installed 3 house numbers. He has received the updated New York State code book, but is waiting for the supplements.

**Supervisor's Report:** Supervisor Rider reported she met with Earl Wright regarding painting the town hall, held two special meetings regarding Black Oak Wind Farm matters, attended the monthly TCCOG meeting, the TCAD board meeting and the Tompkins County Health Consortium board meeting.

**Committee Reports:**

Wind Farm Advisory Committee: Councilperson Carpenter reported the committee plans to meet every two weeks on Tuesday evenings to look at the existing wind farm law and revise it to make it work better. This process could take at least six months. A few people have resigned from the committee, so Councilperson Carpenter asked the board if two new members could be appointed who have knowledge of the Black Oak Wind Farm. At this time no one has been found who would be interested in filling the positions. Supervisor Rider stated she would like new members to be appointed at a future town board meeting.

Planning Board: Code Enforcement Officer Alan Teeter reported there were three items on the agenda for the last meeting. There was one site plan review for a proposed solar farm. There will be a public hearing on this at the regular July meeting. There will also be a public hearing at that meeting on a proposed sub-division for the same solar farm. The board also began a discussion on updating the Site Plan Review Law.

Recreation Partnership: Supervisor Rider stated the town's contract with this group will be up at the end of 2016. Janice Johnson from Tompkins County Youth Services will give a presentation at the regular July town board meeting.

Enfield Volunteer Fire Company: There were 19 calls in May of which 12 were EMS calls, 1 rubbish fire, 1 MVA, 1 service call, 3 mutual aid to Trumansburg, 1 good intent call. Trainings in June will include small equipment/driving, fire training, Bang's training and station maintenance.

Facilities Manager: Councilperson Carpenter stated he felt the report submitted by LaBella regarding the new highway facility did not include the information the town was looking for. He didn't feel LaBella understood the building or offered good solutions. Councilperson Carpenter will provide a report to the town board within the next couple of months so there can be a discussion of how to fix problems.

Tompkins County Council of Governments: Supervisor Rider stated at the last meeting there was discussion of municipal regulation of renewable energy systems.

**Old Business:**

USDA Grant for New Town Hall: No report.

Road Use Agreement: Supervisor Rider stated she would like general approval of a Road Use Agreement with specifics waiting until the permitting process of the Black Oak Wind Farm begins. She stated the Road Use Agreement only involves the Town of Enfield, not Tompkins County. She asked Highway Superintendent Rollins what dollar amount he would like in the Agreement.

Highway Superintendent Rollins stated the amount would depend on the class of road. Attorney Guy Krogh's proposed Road Use Agreement states an undertaking shall be in an amount set by the town. Superintendent Rollins stated he only found out about this possible resolution today. He has questions about penalties, an escrow account instead of bonding, and feels the town should look at turn-key provisions - not work to be done by the town. Work should be done at the expense of the developer. He feels the amounts listed by Guy Krogh are sufficient.

Councilperson Carpenter asked if the Road Use Agreement proposed by Guy Krogh was complete. He had thought that document would be combined with the proposal by Dan Walker.

Supervisor Rider stated she would like to cross out the word "county" and replace it with "Dan Walker".

Superintendent Rollins feels there is no hurry to move forward with a Road Use Agreement. Tompkins County hasn't even started the process yet.

Councilperson Carpenter stated since Superintendent Rollins has unanswered questions and Dan Walker was not at the meeting, he would prefer to wait until the next meeting for further discussion.

Councilperson Hansteen agreed that there was no immediate rush to move this forward. He would like page numbers on the document so it would be easier to refer to questions, and a date on the Road Use Agreement prepared by Guy Krogh.

Councilperson Carpenter felt Dan Walker might want some of his information included in the final Road Use Agreement. He would like Superintendent Rollins and Dan Walker to come to an agreement on what should be included.

Highway Superintendent Rollins reiterated that he would like penalties, an escrow account, and turn-key provisions at the expense of developer. He would like the developer to pay for wear and tear on the road, even if the road doesn't end up better than when the development started.

Councilperson Carpenter would like to be sure road repair for decommissioning is included in either the Road Use Agreement or the Decommissioning Agreement.

Superintendent Rollins feels it should be in the Decommissioning Agreement since the Road Use Agreement is valid for a limited time. Also, road repairs may be needed during operation of the wind farm. That is why he would like the town to have a Road Use Law.

Decommissioning Plan: Supervisor Rider reported this item was carried over from last month's agenda. What still needs to be determined is the amount and terms of decommissioning bonds. Councilperson Miles will be coming up with figures to tie into the decommissioning plan as a marker so future town boards won't need to update the decommissioning plan each year.

Proposed FOIL Procedures: Town Clerk Alice Linton reported she and Deputy Town Clerk Sue Thompson will be meeting with Town Attorney Guy Krogh later this week to discuss a drafted FOIL law. Once a revised draft has been written, it will be presented to the town board for their input.

### **New Business:**

#### Public Hearing on Local Law #2 of 2016 "Authority to Override the 2017 Tax Levy Limit":

Supervisor Rider moved, with a second by Councilperson Carpenter to adopt Resolution #2016-53.

### **Resolution #2016-53 PUBLIC HEARING ON 2% TAX OVERRIDE LAW**

**WHEREAS,** New York State has instituted a law that local municipalities should not adopt a

budget increasing property taxes more than 2% and

**WHEREAS**, the cost of employees benefits is increasing and the Highway Superintendent has concerns about culvert and bridge replacement, vehicle replacement, cold storage and salt storage facilities and

**WHEREAS**, it is unknown at this time what our 2017 budget will look like, therefore be it

**RESOLVED** that a local law be passed allowing there to be more than a 2% increase in local property taxes and that a public hearing on the matter be scheduled for Wednesday, July 13, 2016 at 6:30 PM for the purpose of the public to comment on the attached draft Local Law for the purpose of being acted upon by the Enfield Town Board. The Town Clerk is directed to do the mandatory public notices as required in MHRL§20.

**TOWN OF ENFIELD  
LOCAL LAW #\_\_\_ FOR THE YEAR 2016  
A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the Town Board of the Town of Enfield as follows:

**Section 1. Legislative Intent:** It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Enfield pursuant to General Municipal Law §3-c, and to allow the Town of Enfield to adopt a budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

**Section 2. Authority:** This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override:** The Town Board of the Town of Enfield, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4. Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date:** This local law shall take effect immediately upon filing with the Secretary of State.

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

Workplace Violence Training: Supervisor Rider stated all members of official boards, employees,

and appointees of the Town of Enfield are required to attend a training. She scheduled trainings for Thursday, June 23 at 5:30 p.m. and Tuesday, June 28 at 5:30 p.m. The trainings will take 1.5 to 2 hours.

**Announcements:** Supervisor Rider stated Clean Up Days will continue June 9 and 10, 2016 from 12 to 5 and June 11, 2016 from 7 to noon at the new highway facility.

Councilperson Carpenter asked for an update on the SEIS time frame. Supervisor Rider stated Kathy Spencer of LaBella had e-mailed her this week with an update that nothing has been received yet from Black Oak Wind Farm's engineers.

Councilperson Hansteen asked when Black Oak would be replenishing their escrow funds with the town. Supervisor Rider stated she will send a formal request to Black Oak Wind Farm asking them to replenish their escrow account.

Councilperson Carpenter stated he would like to read the work products that the town has been billed for from Guy Krogh of Thaler and Thaler. Supervisor Rider will provide this information once she receives more specific information from Councilperson Carpenter.

**Adjournment:** Supervisor Rider moved, with a second by Councilperson Hansteen, to adjourn at 8:18 p.m. Motion carried.

Respectfully submitted,

Alice Linton, Enfield Town Clerk