

Town of Enfield  
Regular Town Board Meeting  
Enfield Community Building  
Wednesday, July 12, 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, Code Officer Alan Teeter, Town Highway Superintendent Buddy Rollins, Deputy Town Clerk Sue Thompson, Town Attorney Guy Krogh (arrived at 8:05 p.m.)

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

Announcements: Supervisor Rider announced Casey Mastro from the New York Power Authority canceled because of a family emergency and the Audit Claims are lost so they will be removed from the Consent Agenda.

**Public Hearing on a Local Law to Override the Tax Levy Limit:**

Town Supervisor Ann Rider opened the public hearing at 6:36 p.m.

Supervisor Rider stated the purpose of the public hearing was the proposed Local Law to Override the Tax Levy Limit Established in GML§3-C. Supervisor Rider then opened the floor to public comments.

Marcus Gingerich, of Enfield, stated he understands that the tax cap is needed just in case the budget goes over the tax limit. He would like the Board to make sure any increase is really necessary. Assessment on homes was raised so an increase in taxes would make it difficult.

Teresa Guler, of Enfield, stated she speaks with lots of residents and they hope future spending can be looked at closely and the budget doesn't go up for residents already struggling.

Supervisor Rider closed the public hearing at 6:40 p.m.

**Privilege of the Floor:**

Dawn Drake, of Enfield, thanked everyone for voting for the moratorium.

Marcus Gingerich, of Enfield, thanked everyone for all the work they are doing. He appreciates the effort they put into considering town projects, keep up the good work.

Teresa Guler, of Enfield, asked if the town could organize a community yard sale day.

Supervisor Rider stated that the Enfield Community Council has held community yard sales in the past. Supervisor Rider invited Teresa to plan the yard sales. She offered to share her folder of yard sale information from the Community Council.

Supervisor Rider moved, with a second by Councilperson Carpenter to approve the minutes of the regular Enfield Town Board meeting of June 14. Vote: Councilperson Bryant aye, Councilperson Carpenter aye, Councilperson McGee aye, Councilperson Sims aye, Supervisor Rider aye. Carried

**Correspondence:** Supervisor Rider read a letter from the Association of Towns of the State of New York regarding the opposition of the NYS Volunteer Firefighter enhanced Cancer Disability Benefits Act.

Councilperson McGee read a letter of commendation for Buddy Rollins and the Highway Department crew from Art Godin regarding the work the highway crew did near their home.

**County Legislators Report:** David McKenna, County Legislator, reported that 2018 tax levy guideline and spending targets for 2018 were approved. He also stated that the proposed name, "Tompkins County Center for History and Culture" for the Tompkins County Trust Company building has not been approved for the new History Center location. They would like to keep the decision open for comments for a month.

Councilperson McGee asked if the jail study would be out this week. Legislator McKenna answered yes and the public should be able to get copies on the web site.

Legislator McKenna was asked if anyone spoke regarding the tax cap. He stated it was a split opinion. He stated that it is just precautionary in case the budget doesn't come under the tax cap, most years it is repealed.

**Highway Superintendent Report:** Highway Superintendent Rollins stated there was nothing to report but he would take any questions.

**Code Enforcement Officers Report:** Code Enforcement Officer Alan Teeter reported he had issued 7 permits last month. One for residential solar installation, several mostly pole buildings and decks, and one new home to be built later this year. He also stated he has contacted owners of new buildings built over the winter without permits.

Councilperson Carpenter asked what he does about houses with no permits. Code Enforcement Officer Teeter answered that he sends a letter telling the home owner a permit needs to be applied for.

Code Enforcement Officer Teeter was asked if there was an easy way to find information regarding when a building permit is needed in the Town. He replied that there are permit applications on the Town website and that he will look to see what other information might be able to be placed on the website.

**Supervisor's Report:** Supervisor Rider reported she attended a TCCOG meeting and Shared Services meetings. The NYS Governor wants communities to pass a Shared Services plan by September 15. Tompkins County has a preliminary plan which was reported in the Ithaca Journal and the County website. Supervisor Rider reported that she has hired Holly Morais for the custodian position for cleaning the community building. She has also received the Project number for new lights to be installed in the community building.

### **Committee Reports:**

Planning Board: There was no Planning Board meeting in June and July. There will be an August meeting with an update on the Comprehensive Plan Committee work.

Recreation Partnership: Carolyn Tschanz reported the Partnership met 4 times. They have a preliminary budget for 2018. The budget will increase the payment for Enfield by \$10 for a total of \$5,780. There have been 100 youths from Enfield in the program. Partnership Agreements will need approval from the Enfield Town Board by October 1, 2017. This also includes a support statement that the Town Board will support the new Partnership budget.

Enfield Volunteer Fire Company: The submitted report showed there were 33 calls in June of which 16 were EMS calls, 2 MVA without injuries and 2 MVA with injuries, and 7 service calls. Fire calls were 7. July trainings will include SCBA training, and Ladders.

Councilperson McGee asked if Officers meetings were open to the public. Alan Teeter thought that the Board of Directors meetings were open to the public and you could ask to be on the agenda. He was not sure on the Officers meetings. Councilperson Carpenter stated it was something to find out about.

Comprehensive Plan Writing Committee: Councilperson McGee reported that the committee is in the editing phase. The next meeting will be July 25, 7:00 to 8:30 p.m.

Tompkins County Council of Governments: Supervisor Rider reported that the Council was discussing share services within the County.

### **Old Business:**

Local Law to Override the Tax Cap Limit: Supervisor Rider moved, with a second by Councilperson Carpenter to adopt Resolution #2017-43.

### **Resolution #2017-43      Local Law to Override the Tax Cap Limit**

**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 we have concerns about Highway equipment, culvert and bridge replacement, cold storage and storage facilities and

**WHEREAS**, it is unknown at this time what our 2018 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.

Discussion: Councilperson Sims moved, with a second by Councilperson Bryant to amend the third Whereas statement to read: Whereas it is anticipated that an increase of more than 2% may be needed therefore be it.

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

Councilperson Sims asked about forming the budget committee as mentioned in the June Board meeting. Councilperson Carpenter suggested discussion of this committee be under new business

Councilperson McGee stated she wants to table the tax levy law until the budget committee is in process. She stated that there are many webinars from the comptroller's office on the budget process topic.

Councilperson Carpenter asked if the law was tabled would another public hearing have to be held. Councilperson McGee stated she did not think so.

Councilperson Carpenter stated that the tax levy law is following what most town boards do in case they go over the limit with their budget. This doesn't mean the Board will go over the limit.

Councilperson McGee stated she would like the Board to be more thoughtful in the decision on the budget. If the whole Board is vested in the process, they may not go over the budget limit. She would like to see more group involvement as a team in setting up the budget.

Vote for Resolution #2017-43: Councilperson Bryant aye, Councilperson Carpenter nay, Councilperson McGee nay, Councilperson Sims nay, Supervisor Rider aye. Not Carried

Amicus Brief from Columbia University's Environmental Law Clinic:

Councilperson Sims reported that she talked with Susan Kraham, Columbia University School of Law. A brief was filed June 16. The Town of Enfield could still send a letter to the court in support of the brief. Councilperson Sims will send a copy of the Amicus Brief information to be placed on the Town web page. The brief challenges

the General Permit for Concentrated Animal Feed Operations (“CAFOs”) issued by the New York State Department of Environmental Conservation (“DEC”) on the grounds that it fails to conform to the Clean Water Act. The DEC has issued a response but Councilperson Sims stated she could not get a copy of the response, was not sure if it is public knowledge yet. Enfield Comprehensive Plan Committee has discussed a few of the concerns with this brief – bringing in manure from other towns and spreading it on fields in the town.

Councilperson Carpenter asked what the Town Board should do about this brief at the meeting tonight. Councilperson Bryant suggested Enfield could sign on as another town with the towns of Camillus, Ithaca, City of Ithaca, Ulysses, and Lafayette. Councilperson Sims was asked to find out more information.

Supervisor Rider asked what court the briefing was in. Councilperson Sims answered Supreme Court of Albany County.

Dan Walker, of Enfield, stated that the DEC General Permit goes into effect this month regarding CAFO’s, which is what the DEC is being sued for. Enfield does not have a CAFO for animals but does on the land – land spreading in reference to manure spreading. Legislator McKenna suggested calling Jon Negley, Director of Tompkins County Soil and Water, regarding the process of best practices.

#### Highway Building Problems:

Salt Storage Plans: Councilperson Bryant discussed a possible grant opportunity for salt storage. The Town needs documentation regarding the way the Town was storing salt and salt seepage, if any. Highway Superintendent Rollins stated the Town only uses 100 tons of salt - most places use 1,000 or more tons. A study by Soils and Water could be requested at no cost. Councilperson Sims stated that the Community Science Institute has been monitoring Enfield Creek since 2009. They have certified lab data going back a couple of years, including chloride, an indicator for salt. Councilperson Bryant will report back on the grant and documentation at the next meeting.

Standard Exit Doors: Supervisor Rider asked Councilperson Carpenter if he contacted contractors about doors in highway garage. Councilperson Carpenter stated that the contractors would not be able work on the project until fall. He will schedule the work to be done in the fall.

#### **New Business:**

SPCA Contract: Supervisor Rider stated she provided in everyone’s packet a copy of the 2018 SPCA dog control contract for Enfield. There is no increase in cost, if the same municipalities sign in on shared services. She asked the Board to review the contract and that she will place it on agenda next month. Supervisor Rider stated that dog control is a service mandated to residents by New York State.

Enfield Volunteer Fire Company (EVFC) Contract: Supervisor Rider stated the contract with the EVFC needs to be renegotiated this year and she would like to start talking about their contract. Councilperson McGee stated she would like to help update the contract. Supervisor Rider would like an initial meeting by the middle of August. She would like feedback by all Board members regarding the current contract. They need to have any Town concerns upfront. Supervisor Rider requested a copy of the existing fire contract be sent to Board members.

Special Budget Meeting: Supervisor Rider set an August 16<sup>th</sup> Special Budget Meeting to be held at 6:30 p.m.

Resolution in Support of NY Health Act: Supervisor Rider pulled the Resolution in Support of NY Health Act because more information was needed.

Charge to Renewable Energy Advisory Committee: Supervisor Rider opened up discussion on the charge to Renewable Energy Advisory Committee. It was pointed out that all charges and that two Councilpersons Carpenter and McGee were appointed to the Committee and were approved at the June 14, 2017 meeting. Councilperson McGee stated that the first meeting of the Committee is set for July 26, 6:30 – 8:30 p.m. Councilperson Carpenter asked if other Board members that were not on the Committee could be in the audience without a problem. Attorney Guy Krogh will be asked when he joins the meeting. Sue Thompson was asked to clerk for the Committee, but because of other commitments she cannot take this position. A member of the Committee will be asked to take the minutes. Supervisor Rider would like monthly oral reports by the committee and a written report every 4 months. The committee would go to June 13, 2018 unless it finishes its job sooner. Art Godin, of Enfield, requested to be placed on the committee and he volunteered to be the note taker for the committee.

Supervisor Rider moved that the following people to be appointed to the Renewable Energy Advisory committee: Mike Carpenter, Beth McGee, Jude Lemke, Walt Smithers, Mimi Mehaffey, Dan Walker, Marcus Gingerich and Art Godin. Motion was seconded by Councilperson Bryant.

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

At this time Attorney Guy Krogh joined the meeting, 8:05 p.m.

There was discussion regarding 3 or more board members in attendance at a meeting or on a committee. Attorney Krogh stated that the meeting has to be advertised in advance in the newspaper. Publishing in the newspaper stating the committee will meet once a month would also cover the advertising. Attorney Krogh said he had a “cheat sheet” of laws regarding meetings and town boards and will forward it to the Board. He also stated that a Resolution appointing the committee could be put in organizational minutes to cover the “advertising” for the committee. Organizational minutes with the

resolutions can be amended anytime. It was also stated town board members should trust the board members appointed to the committee to do their job, along with other members, and not feel the need to attend the meeting. Councilperson Carpenter stated they will talk with the rest of the committee on how to advertise committee meetings.

Best Value Law (from Old Business): Supervisor Rider asked for discussion on the proposed Best Value Law. Attorney Krogh stated that Section 4 F2 in the proposed law does not have to actually follow basic guide laws of NYS “piggy-backing”<sup>1</sup>. He stated that a lot of states are using the “piggy-backing” procedure used in Minnesota. This includes “piggy-backing” anything from county, state and any other procurement lists.

Attorney Krogh stated he was not sure how Section 4C “Applicability” should be handled. He will check on the wording and work with Councilperson Sims.

There was discussion on Section 4C on the point that \$20,000 or more will not work for the town in line with the procurement contracts. Does the law provide Highway Superintendent Rollins to be able to buy the sand he wants? Yes under the procurement law regulations he can buy the sand he wants. Contracts can depend on availability, location, and replacement; you have to put all details in contract. The Town Board has to give permission for purchase, but Highway Superintendent doesn't need permission each time.

Councilperson Carpenter stated that Highway Superintendent Rollins does discuss with the Town Board his highway needs. Money is put in the budget so he has the authority to expend the budget. Does he have to come to Town Board to spend? If he finds a truck he wants with the money in his budget and if it goes over \$20,000, he has to put it on public notice if it is not on bid list. Councilperson Carpenter asked how many towns get busted on procurement procedures. It was pointed out that The Comptroller sends out a list of the towns that have procurement problems in their newsletter each month.

Councilperson Carpenter suggested that Attorney Krogh and Councilperson Sims work together on the Best Value Law and report back to the Board. Councilperson Sims asked that Supervisor Rider send her a copy of the e-mail regarding the law from Attorney Krogh. A public hearing will not be set until the Board has reviewed the changes from Attorney Krogh and Councilperson Sims.

#### Collection Action against Black Oak Wind Farm:

Supervisor Rider moved to go into executive session seconded by Councilperson Sims to discuss Black Oak action at 9:05 p.m. Supervisor Rider motioned and seconded by Councilperson Bryant to reconvene meeting at 9:25 p.m. Supervisor Rider stated the Town Board will follow the advice they received from Counsel.

#### 198 Enfield Main Road Property:

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<sup>1</sup> “Piggybacking” is defined as “the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process.”

Supervisor Rider reported that 198 Enfield Main Road has been offered to be donated to town as the property is unusable.

Discussion:

If the town accepted the property it would take it off the tax rolls, take money to demolish the house, and asbestos may be involved. This property would probably be a tax write-off for the current owner. The cost of lawyer fees involving the property would be expensive. It was suggested that the property could be offered to the owners of the "church building" above the property. Attorney Krogh stated that if there was no public benefit that the town should not be involved. He stated that the Town should not get in the "chain of title". Supervisor Rider stated the property was not an action item but can be put on an agenda. She will check with Board for placement on the August 12 agenda.

Councilperson Carpenter was excused from the meeting at 9:30 pm.

Banner for the Town: Councilperson Sims discussed a sign on East Shore Drive, "it's your town get involved" was inspiring and thought Enfield could benefit from a sign like this. She stated the cost of a vinyl banner 4' x 16' is \$160. Councilperson McGee suggested placing the banner on the "old" highway building. It could be changeable with maybe a Town Board meeting place, and maybe website listed. There was a suggestion to have a "sandwich" board made; the Baptist Church has one sitting next to their building. Deputy Town Clerk Sue Thompson, suggested purchasing a new small marquee sign. Supervisor Rider stated the Department of Transportation will need to be contacted for placement of a sandwich board or marquee. Councilperson Sims will explore more options and report back to the Board.

**Privilege of the Floor:** No one wished to speak.

**Adjournment:** Supervisor Rider moved with a second by Councilperson Sims to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

Sue Thompson  
Enfield Deputy Town Clerk