

Town of Enfield
Special Town Board Meeting and Public Hearing
Enfield Community Building
Wednesday, December 27, 2017
6:30 p.m.

Present: Town Supervisor Ann Rider, Town Councilperson Virginia Bryant, Town Councilperson Beth McGee, Town Clerk Alice Linton. Excused: Town Councilperson Mike Carpenter and Town Councilperson Becky Sims.

Supervisor Rider led the assemblage in the Pledge of Allegiance to the Flag at 6:30 p.m.

Public Hearing on Proposed Extension of the 2017 Fire Contract into 2018:

Supervisor Rider stated a public hearing was being held on the proposed Extension and Modification Agreement By and Between the Town of Enfield and the Enfield Volunteer Fire Company, Inc. (EVFC).

ADDENDUM #1

**EXTENSION AND MODIFICATION AGREEMENT
BY AND BETWEEN THE**

**TOWN OF ENFIELD
AND THE
ENFIELD VOLUNTEER FIRE COMPANY, INC.**

WHEREAS, the Town of Enfield ("Town") and the Enfield Volunteer Fire Company, Inc. ("Fire Company") operate cooperatively under and pursuant to a certain services agreement dated January 1, 2013 (the "Agreement"); and

WHEREAS, the Agreement expires by its terms upon December 31, 2017 and contains no automatic extender or renewal clause; and

WHEREAS, the Town and the Fire Company have engaged in discussions about the 2018 contract, whether as a short-term or multi-year contract, and discussions and negotiations have not proceeded at a pace as will result in a new contract by January 1, 2018; and

WHEREAS, the Town must have fire protection and the Fire Company must serve its territory, such that, until an agreement is reached, the Town and Fire Company have agreed extend the Agreement for an initial and renewable period of 2 months (January 1, 2018 through February 28, 2018); and

WHEREFORE, based upon the foregoing and the terms hereafter set forth, the Town and the Fire Company agree as follows:

1. This addendum shall be labelled as Addendum #1 and appended to the Agreement.
2. The Fire Company will provide fire protection services as outlined in the Agreement, for the payments and other consideration made and to be delivered by the Town, all as set forth in and required by the Agreement, from January 1, 2018 through February 28, 2018.
3. This addendum will automatically renew and extend through December 30, 2018 upon March 1, 2018, to ensure adequate services are provided, and any formal notice or termination of the Agreement (as extended) or services under the Agreement shall comply with the notice requirements of Town Law § 184.
4. This addendum and the Agreement will be terminated and replaced when the Town and the Fire Company reach an accord as to the terms of a new contract governing services and payments (the "2018 Contract"), and the 2018 Contract must be duly authorized by the Town and the Fire Company, including by the making of required public interest determinations and holding of a public hearing thereupon, prior to the termination of the Agreement and its Addendums. It is the express intent of the Town and Fire Company that this provision be construed, interpreted, and applied to ensure that at all times during the calendar year 2018 a fire contract is in place and fire protection services are duly provided.
5. The Town and the Fire Company shall communicate and meet in good faith to update the Agreement and develop, authorize, and execute a 2018 Contract.

6. After the requisite public hearing and as authorized by law, the Town agrees that any increase in compensation for calendar year 2018 shall be retroactively paid to the Fire Company for that portion of the 2018 calendar year during which fire services were provided under these Addendum extensions to the Agreement. However, in limitation thereof, the 2018 Contract shall be required to expressly state such payment as an element of approved consideration for the 2018 Contract, as required by Town Law § 184.

In agreement herewith and thus amending and extending the Agreement, the Town and the Fire Company have duly executed this Addendum #1 upon December 27, 2017, with the same to be and become immediately effective upon midnight upon December 31, 2017.

Supervisor Rider opened the public hearing at 6:37 p.m.

Greg Stevenson of Enfield stated he was in favor of doing whatever was needed to get a new contract in a timely manner. He felt it was odd that a new contract was not in place yet..

Charles De Paolo of Enfield, president of the Enfield School PTA, voiced his support of expediting a new contract. He encouraged both sides to be reasonable.

Ellen Abb of Enfield stated she was the parent of a special needs student at Enfield Elementary School. She was concerned that if a new contract was not negotiated and Enfield School had to close, it would be difficult for her daughter to attend another school.

Rob Ainslie of Ithaca, Ithaca City School District Board of Education President, stated that whether or not a contract is reached between the Town of Enfield and the EVFC, Enfield School will remain open. He was gratified to learn of the two month proposed extension in the contract.

Supervisor Rider closed the public hearing at 6:43 p.m.

Additional Agenda Items: Supervisor Rider stated she was adding an item under New Business: a vote on the extension of the EVFC contract. She was also adding a resolution regarding a town board member's retirement payment. Councilperson McGee requested an item be added creating a reserve account for equipment encumbrances.

Privilege of the Floor: Martha Fischer of Enfield stated is a member of the EVFC. There is a need for more volunteers and she encouraged residents to join. There is good training to learn new skills.

Greg Stevenson of Enfield complimented the Enfield Highway Department on the job they have been doing with the hard and heavy onset of winter. The roads are in good shape and he appreciates the efforts of the Highway Department.

Consent Agenda: Councilperson McGee questioned the amount of voucher #315 to NYSEG. Supervisor Rider pulled that voucher.

Councilperson McGee moved, with a second by Councilperson Bryant to approve the Consent Agenda as follows:

Budget Amendment #2017-26 Garage - Contractual

WHEREAS, expenses have exceeded the budget in the General Fund line A5132.4 titled "Garage - Contractual", now therefore be it

RESOLVED, that line A1620.4 titled "Buildings Contractual" be decreased by \$463.68 and line A5132.4 be increased by \$463.68.

Budget Amendment #2017-27 Cemeteries - Contractual

WHEREAS, expenses have exceeded the budget in the General Fund line A8810.4 titled "Cemeteries - Contractual", now therefore be it

RESOLVED, that line A8810.1 titled "Cemeteries - Equipment" be decreased by \$300.00 and line A1990.4 titled "Contingent Account" be reduced by \$297.98 and line A1670.4 be increased by \$597.98.

Budget Amendment #2017-28 Planning - Escrow Account

WHEREAS, expenses have exceeded the budget in the General Fund line A8020.41 titled "Planning - Escrow", now therefore be it

RESOLVED, that line A1990.4 titled "Contingent Account" be reduced by \$2,872.50 and line A8020.41 be increased by \$2,872.50.

Budget Amendment #2017-29 Social Security

WHEREAS, expenses have exceeded the budget in General Fund line A9030.8 titled "Social Security", now therefore be it

RESOLVED, that line A9020.8 titled "State Retirement" be reduced by \$417.20 and line A9030.8 be increased by \$417.20.

Budget Amendment #2017-30 Medicare

WHEREAS, expenses have exceeded the budget in General Fund line A9030.8 titled "Medicare", now therefore be it

RESOLVED, that line A9010.8 titled "Retirement" be reduced by \$53.25 and line A9030.8 be increased by \$53.25.

Budget Amendment #2017-31 Street Lighting

WHEREAS, expenses have exceeded the budget in General Fund A5182.4 titled "Street Lighting", now therefore be it

RESOLVED, that line A1990.4 titled "Contingent Account" be reduced by \$34.54 and line A5182.4 be increased by \$34.54.

Budget Amendment #2017-32 Diesel & Gas Fuel

WHEREAS, expenses have exceeded the budget in the Highway Fund line DA5130.45 titled "Diesel & Gas Fuel", now therefore be it

RESOLVED, that line DA5130.4 titled "Machinery - Contractual" be reduced by \$377.25 and line DA5112.4 be increased by \$377.25.

Budget Amendment #2017-33 Brush, Weed Removal - Personal Services - Overtime

WHEREAS, expenses have exceeded the budget in the Highway Fund DA5140.14 titled "Brush, Weed Removal - Personal Services - Overtime", now therefore be it

RESOLVED, that line DA5110.1 titled "General Repairs - Personal Services" be reduced by \$1,558.96 and line DA5140.14 be increased by \$1,558.96.

Budget Amendment #2017-34

Brush & Weed Removal - Personnel

WHEREAS, expenses have exceeded the budget in the Highway Fund DA5140.1 titled "Brush and Weed Removal - Personnel", now therefore be it

RESOLVED, that line DA5110.1, General Repairs - Personnel Services" be reduced by \$1,359.00 and line DA1540.1 be increased by \$1,359.00.

Audit Claims: The Town Board authorizes the Supervisor to pay General Fund vouchers #310 to 314 and #316 to 317 dated December 27, 2017 in the amount of \$2,430.05 and Highway Fund voucher #224 dated December 27, 2017 in the amount of \$116.00.

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

New Business:

Creation of Equipment Reserve Account in General Fund: Supervisor Rider stated in the 2017 budget there was a line to start an equipment reserve fund in the General Fund in the amount of \$2,200. That fund has not yet been created - this would be for replacing the code enforcement vehicle.

Supervisor Rider moved, with a second by Councilperson McGee that a reserve account be authorized in the General Fund to create an equipment reserve and that \$2,200 be put in this reserve account for the purpose of purchasing a replacement vehicle for the Code Officer.

Discussion: Councilperson McGee questioned why the Town didn't pay the Code Officer mileage instead of providing a vehicle. Supervisor Rider stated the practice was changed about 15 years ago from mileage reimbursement to a vehicle, but she didn't know why that happened. Councilperson McGee would like to wait and do an assessment, since last year a new vehicle was purchased when the old one had low mileage. She would like to find out more information about this before locking the funds into a reserve account.

Supervisor Rider withdrew her motion.

New Town Hall Reserve Savings Account: Councilperson McGee asked if there was a stipulation on the type of project this money could be used for - can it only be for a new building, or could it be used to redesign and develop an old building. Supervisor Rider stated she had never looked back at the original resolution establishing the account. There was \$58,700 in the account as of November 30, 2017. There is \$15,000 in the 2017 budget that can be locked into this account.

Supervisor Rider moved, with a second by Councilperson McGee to adopt Resolution #2017-56.

RESOLUTION #2017-56

New Town Hall Reserve Savings Account

WHEREAS, the Town Board allocated funds for a new town building in the 2017 General Fund budget, now therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to transfer \$15,000 from line A9950.9 to the General Fund Town Hall Reserve Savings Account.

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

Disability Insurance: Supervisor Rider moved, with a second by Councilperson McGee to adopt Resolution #2017-57.

RESOLUTION – #2017-57 Disability Insurance

WHEREAS, in February of 1993 the Enfield Town Board agreed to provide the 4 full time Highway employees and the Highway Superintendent with disability insurance and the employees were required to pay \$.60/week towards this premium, and

WHEREAS, in 2012 an additional full-time employee was added to the payroll and

WHEREAS, the Town has never deducted \$.60/week for employee's pay, now therefore be it

RESOLVED, the Town will pay disability insurance on all Highway employees and the Highway Superintendent and beginning January 1, 2018, \$.60/week will be deducted from these employees pay to defray the cost of disability insurance.

Discussion: Councilperson Bryant felt the language in the last paragraph should be changed to "on all full time Highway employees and the Highway Superintendent".

Councilperson Bryant moved, with a second by Councilperson McGee to amend the Resolution and add "full time" to the wording in the last paragraph.

Vote on amendment: Councilperson Bryant aye, Councilperson McGee aye, Supervisor Rider, aye. Councilperson Carpenter and Councilperson Sims excused.

Vote on Resolution: Councilperson Bryant aye, Councilperson McGee aye, Supervisor Rider, aye. Councilperson Carpenter and Councilperson Sims excused.

Paid Family Leave Act: Supervisor Rider moved, with a second by Councilperson McGee to adopt Resolution #2017-58.

RESOLUTION – #2017-58 New York Paid Family Leave Act

WHEREAS, New York State Paid Family Leave Act is slated to begin on January 1, 2018 and

WHEREAS, the weekly contribution rate effective January 1, 2018 is 0.126% of the employee's weekly wage, capped at New York State's average weekly wage of \$1,305.92 with the maximum possible contribution at \$1.65/week in 2018, and

WHEREAS, the Town Board has reviewed the plan, and

WHEREAS, as a public employer, the Town is not required to provide Paid Family Leave Act coverage but is given the option to opt out of this coverage, now therefore be it

RESOLVED that the Enfield Town Board will opt out of the New York State Paid Family Leave Act.

Discussion: Supervisor Rider stated the Town doesn't have to make a resolution to opt out, but by doing so it is clear the Town has opted out. She understands the Town can opt in at a future date, but more employee input should be obtained before doing so.

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

Interim Fire Protection Contract: Supervisor Rider moved, with a second by Councilperson McGee to adopt Resolution #2017-59.

RESOLUTION #2017-59

Interim Fire Protection Contract

WHEREAS, the current contract with the Enfield Volunteer Fire Company is ending on December 31, 2017 and

WHEREAS, no agreement has been reached and

WHEREAS, a public hearing has been held on an interim agreement on December 27, 2017 stating that there should be an extension of the 2017 contract for fire protection services with the Enfield Volunteer Fire Company, Inc. into 2018, for the protection of the Town Fire Protection District, upon the following general terms: (1) the Fire Company shall answer and attend upon all calls in the Town Fire Protection District; (2) for services the Fire Company shall receive approximately \$313,817 for the projected annual cost of an extension of the existing agreement into calendar year 2018; (3) the Fire Company shall be responsible for any loss or damage to the fire apparatus sustained in answering any such call; (4) the Fire Company shall be responsible for payment of all claims for injuries to or death of firemen in connection with such calls; (5) the 2013-2017 contract shall be extended for two months, with an automatic renewal provision for the remainder of 2018, all to cover and ensure services while the Town and Fire Company negotiate the 2018 agreement or the multi-year contract terms; (6) the Agreement contains such other and incidental terms as are necessary or proper for contracting for fire protection services, and

WHEREAS, it is important that fire protection be maintained for the residents of the Town, now therefore be it

RESOLVED, that the Supervisor be authorized to sign this interim agreement.

Discussion: Councilperson McGee asked where the \$313,817 figure was taken from. Supervisor Rider stated it was the amount in the current 2017 contract.

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

New Town Board Member Joining Retirement System: Supervisor Rider moved, with a second by Councilperson McGee to approve Resolution #2017-60.

Resolution #2017-60 New York State Retirement System Payment

The Town Board authorizes the supervisor to pay the employee's share of the New York State Retirement System's billing for the second and third quarters of 2017 for Councilperson Becky Sims, and ask Councilperson Sims to reimburse the Town \$45.14 at her earliest convenience.

Discussion: Supervisor Rider stated the retirement payment was deducted from the paycheck of Councilperson Sims last week for the fourth quarter, but the funds were not deducted for the previous two quarters.

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

Highway Equipment Reserve: Supervisor Rider stated if funds are to be locked in the Highway Equipment Reserve account, it should be done at the end of the year. Councilperson McGee asked if the highway funds remaining at the end of 2016 had been transferred to the equipment reserve fund yet. Supervisor Rider stated the \$42,000 had not been transferred yet, but the State Comptroller's Office said it could be done. Councilperson McGee stated there should be about \$95,000 in DA5130.2 at this time. She suggested placing an encumbrance on \$67,000 for the truck that has been ordered and the remainder in the equipment reserve.

Resolution #2017-61 Create DA821 for Highway Equipment Encumbrances

Councilperson McGee moved, with a second by Councilperson Bryant, to authorize the bookkeeper to create a Highway Reserve Fund for encumbrances, DA821, in order to move funds from one year to the next for Highway Fund encumbrances.

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

Resolution #2017-62 Move Funds Into DA821

Councilperson McGee moved, with a second by Councilperson Bryant, to authorize transferring \$67,000 from DA5130.2 into DA821 for the purchase of a highway truck ordered in 2017 with delivery scheduled for 2018.

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

RESOLUTION #2017- ____ Highway Equipment Reserve

WHEREAS, the Town Board allocated funds for an Equipment Reserve in the 2017 Highway Budget, now therefore be it

RESOLVED, that the Town Board authorize the Town Supervisor to transfer \$100,000 from line DA9950.9 to the Highway Fund Equipment Reserve.

Supervisor Rider stated she felt it would be more prudent to wait until January to lock these funds into the Highway Equipment Reserve, so no action was taken at this time.

Privilege of the Floor:

Martha Fischer of Enfield stated she is a member of ENSAW (Enfield Neighbors for Safe Air and Water). The group is sponsoring a light bulb exchange. Anyone who brings in an incandescent bulb will be given an LED bulb in exchange. A representative has been going to the Enfield Food Pantry on Sundays for this exchange. The group is working to plan other projects. She mentioned the EVFC was called out at 5:53 p.m. for a structure fire and were just getting back.

Ellen Abb of Enfield stated she had experience in the waste management field and was interested in the position of representative to the Environmental Management Council. She will submit a statement expressing her interest.

Adjournment: Supervisor Rider moved, with a second by Councilperson McGee to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Alice Linton, RMC
Enfield Town Clerk