

A P P R O V E D March 11, 2008

**Enfield Town Board
Regular Meeting
February 13th, 2008 at 7:00 PM
Enfield Community Building -- 182 Enfield Main Road**

Meeting called to order by Supervisor Frank Podufalski at 7:00 PM.

Present: Supervisor Frank Podufalski
 Councilperson Roy Barriere
 Councilperson Robert Harvey
 Councilperson Herb Masser
 Town Clerk Alice Laue
Absent: Councilperson Stephanie Gaynor

Also present: Deputy Town Clerk: Pat Dougherty

Pledge of Allegiance:

Supervisor Podufalski led the assemblage in the Pledge of Allegiance.

Public Hearing -- Enfield Volunteer Fire Company (EVFC) 2008 Contract

Supervisor Podufalski read the notice of the public hearing which appeared in the Ithaca Journal February 4, 2008. He then took comments from the public.

It was duly noted that David Dimmick was recording the meeting. Supervisor Podufalski apologized to Jack Hubbell for saying that the meetings could not be recorded by the public at the January meeting.

During the public hearing Supervisor Podufalski stated that the fire company is a private entity, just like the SPCA, and we don't question the SPCA regarding their spending. David Dimmick responded that it is NOT a private entity. It is non-profit and is supported by tax payers' dollars. An annual audit is mandatory and must be presented to the Town Board.

Privilege of the Floor:

There was none...other than the public hearing comments.

Approval of Minutes:

A motion was made to approve the January 9th, 2008 minutes with changes made by Supervisor Podufalski relative to personnel appointments in the Organizational Resolution. Podufalski also asked that the term Honorarium be stricken from the record and the term Payment in Lieu of replace it. This is in reference to monies paid to Byron Smith who replaced Jennifer Fisher on the Board.

Changes: Privilege of the floor at the end...after announcements. 1st, Podufalski – 2nd, Harvey
Sue Thompson appointed Chair of Cemetery Committee. 1st, Podufalski – 2nd, Harvey
Herb Masser appointed Chair of Facilities Committee. 1st, Podufalski – 2nd, Harvey
Masser replaced Barriere as Town Board liaison to PB. 1st, Podufalski – 2nd, Harvey

Motioned: Barriere
Seconded: Podufalski

Discussion: Approved as amended.

Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...abstained. Motion carried.

A motion was made to approve the January 16th audit meeting minutes.

Motioned: Masser
Seconded: Podufalski

Discussion:

Vote: Supervisor Podufalski...aye. Councilperson Barriere...abstained. Councilperson
Gaynor...absent. Councilperson Masser...aye. Councilperson Harvey...abstained.
Motion carried.

Communications/Announcements/Correspondence:

TCCOG health benefits discussion ongoing. Next meeting February 14, 2008.
Energy East (NYSEG) buyout meeting February 20, 2008 at Ithaca Town Hall
100% property valuation via Board of Assessment. Enfield's will be sent 3/7/08.
CU nominations for outstanding persons.
SPCA contract discussions still in progress for 2009

COMMITTEES/BOARDS REPORTS**Tompkins County Board of Representatives:**

There were no representatives present.

Highway Department:

Agreement to Spend Town Highway Funds submitted by David Miller to the Board. Repair and improvement of 44.45 miles of Enfield highway. \$234,679.83. (*See motion under New Business.*)

Code Enforcement:

Code Officer, Alan Teeter, reported that he and fellow code officer, Jim Mead, were working hard to get things caught up and thought they were doing well. He gave a written January report to the supervisor. Property at 1774 has a 30-day moratorium for renovation after a fire. 8-person occupancy.

Community Building:

Supervisor Podufalski stated that a temporary Certificate of Occupancy has been issued for the Community Building. Therefore, this Town Board Meeting was held in it legally.

Enfield Community Council:

Vice President Ann Rider said they meet the 2nd Monday of each month at the Community Building at 6:30 p.m. Their annual meeting will be March 6, 2008 at the Enfield Elementary School. There will also be a Star Lab at the same time. A mobile dental clinic now comes to the community building monthly. Discussions have been underway regarding a combined Town Board and Community Council newsletter.

Enfield Volunteer Fire Company:

Fire Chief, R.J. Switzer, gave a report on incidents, training and the chicken BBQ's which sold out. Podufalski asked for a breakdown of what it costs to respond to a call. Switzer says its too time consuming to keep track of that but he will try to come up with the figures for Podufalski.

Facilities Building Manager:

Councilperson Barriere reports that final bidding will close next month for completion of work on the Community Building. Still waiting for ACE Security to reply regarding keys. Keys will be assigned according to level of authority. The upstairs may be ready for use by the April 2008 meeting.

Facilities Planning Committee:

Councilperson Masser says the committee is in the beginning stages of building a new town barn on the property the Town owns on Enfield Main Road. Getting sketches together.

Planning Board:

Debbie Teeter said the committee has nothing and has not met since October 2007.

Tompkins County Council of Governments (TCCOG):

Councilperson Barriere attended the January 24, 2008 meeting. Discussed was the proposed health insurance consortium steering committee and the SPCA contracts.

OLD BUSINESS**Enfield Volunteer Fire Company 2008 Fire Contract:**

A motion was made to authorize Supervisor Podufalski to sign the 2008 Enfield Volunteer Fire Company 2008 fire contract.

Motioned: Barriere

Seconded: Masser

Discussion: Change July 2007 to July 2008 regarding refinancing. Barriere asked for clarification of \$1,000 and also noted they need proof of insurance.

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...aye. Motion carried.*

NEW BUSINESS

Resolution 2008 - No. 9

Repeal Local Laws #2 and #3 of 2007

**RESOLUTION PRESENTING PROPOSED LOCAL LAW #1 OF 2008 AND
SCHEDULING PUBLIC HEARING THEREUPON**

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Building on the 13th day of February, 2008, with the following members being present: Frank Podufalski, Supervisor; Robert Harvey, Councilperson; Roy Barriere, Councilperson; Herb Masser, Jr., and the following member being absent: Councilperson Stephanie Gaynor; and the following motion for a Resolution was duly made by motion of Councilperson Herb Masser; and was duly seconded by Supervisor Frank Podufalski; and the vote was as follows: Frank Podufalski - aye; Robert Harvey - no; Roy Barriere - aye, Herb Masser, Jr., aye; and Stephanie Gaynor - absent; and the following Resolution therefore passed 3-2, and was duly adopted:

WHEREAS, the prior Town Board of the Town of Enfield improperly considered and allegedly passed two Local Laws in December, 2007, such laws being: (1) Local Law #2 of 2007, “a local law to establish standards of conduct for municipal officers and employees of the Town of Enfield – Code of Ethics”, as allegedly adopted by the Town Board of the Town of Enfield upon December 12, 2007 (Resolution 2007-37) and filed with the New York State Attorney General’s Office on or about December 20, 2007 (herein, the “Ethics Local Law”); and (2) Local Law #3 of 2007, “Utility Scale Wind Energy Conversion Systems Law of the Town of Enfield, Ithaca, New York”, as allegedly passed by the Town Board of the Town of Enfield upon December 27, 2007 (Resolution 2007-42) and filed with the New York State Attorney General’s Office on or about December 28, 2007 (herein, the “Wind Tower Local Law”); and

WHEREAS, the Wind Tower Local Law was the subject of two or more improper meetings, one being an improperly called December 5, 2007 Special Meeting of the Town Board, which meeting was not called in accord with Town Law by the Supervisor of the Town; and

WHEREAS, any action taken at such improperly or illegally called Special Meeting is invalid; and

WHEREAS, at such December 5, 2007 meeting, the Town Board purported to schedule a Public Hearing to consider the Wind Tower Local Law; and

WHEREAS, the Town Board held a public meeting for such Wind Tower Local Law upon December 5, 2007, which meeting was held upon December 17, 2007, but which meeting could not, by law, constitute a Public Hearing as is required for the passage of a Local law; and

WHEREAS, the former Town Supervisor (based upon research, attorney input, and conversations with the DEC) and the Planning Board both knew and recognized that an environmental review was mandatory, but the prior Town Board never classified the action under SEQRA, never sent any Notices of Intent to any Interested Agencies or Involved Agencies, and failed to conduct any environmental review; and

WHEREAS, an environmental review of the Wind Tower Local Law was mandatory under law, and the action should have been classified as a Type I Action; and

WHEREAS, at the year's-end Special Meeting where the Wind Tower Local Law was allegedly considered and passed, there were material changes made to the Wind Tower Local Law, which changes required, by law, a further Public Hearing and a further SEQRA review - neither of which occurred; and

WHEREAS, the Town Board is also concerned with the processes and procedures that surrounded the desperate and speedy passage of the Wind Tower Local Law 4 days before several former Town Board members were scheduled to leave office, especially in light of the numerous and voluminous objections of the citizens of the Town; and

WHEREAS, the Town Board is concerned with the liabilities that may or will arise from an improperly passed local law, including, but not limited to, the unenforceability of the Wind Tower Local Law, and the potential claims of the Developer of the proposed site; and

WHEREAS, the Town Board has determined that the Wind Tower Local Law was the subject of improper and illegal meetings and was and is not a legal or enforceable local law of the Town of Enfield; and

WHEREAS, the Ethics Local Law was the subject of properly scheduled and held meetings and a Public Hearing, but material changes were made thereto at the Public Hearing and no further Public Hearing was held, had or scheduled to obtain the input of the public as required by law; and

WHEREAS, the Town Board has determined that the Ethics Local Law was and is not a legal or enforceable local law of the Town of Enfield; and

WHEREAS, the Town Board recognizes that the purposes of such local laws have import and should be re-considered with full public input so that they may, if desired, be properly and lawfully passed, and therefore be and become legally enforceable; and

WHEREAS, Town Counsel, Guy K. Krogh, Esq., has examined these problems and recommended that the Town of Enfield (1) file objections to the recognition of these local laws with the New York State Attorney General's Office, and (2) consider the adoption of Local Law #1 of 2008 to repeal the Wind Tower Local Law and the Ethics Local Law; and

WHEREAS, there is hereby presented to the Town Board a proposed Local Law #1 of 2008, which proposed local law is hereby directed to be filed with the Town Clerk; and

WHEREAS, upon a review and discussion of the foregoing, and in deliberation upon and consideration of such proposed Local Law #1 of 2008, the Town Board of the Town of Enfield has hereby

RESOLVED and DETERMINED, that proposed Local Law #1 of 2008 is materially complete and accurate; and it is further

RESOLVED and DETERMINED, that this action be and is hereby classified as a SEQRA Type II Action such that no SEQRA review is necessary as, among other reasons, this action is administrative in nature and will have no significant environmental impacts; and it is further

RESOLVED and ORDERED, that the Town Clerk maintain a copy of proposed Local Law #1 of 2008 on file at the Town Clerk's Office for public review and access; and it is further

RESOLVED, that a Public Hearing be held at the Enfield Town Hall, 168 Enfield Main Road, being in the Town of Enfield, County of Tompkins and State of New York, on the 12th day of March, 2008, at 7 o'clock P.M., to consider the aforesaid proposed Local Law #1 of 2008, to hear all persons interested in the subject thereof, and to take such action thereupon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Enfield, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Enfield, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with law.

Motioned: Masser
Seconded Podufalski

Discussion: Councilperson Harvey asked why the laws were being repealed. Masser stated that the meetings were illegal because they were not called by the supervisor or by court order. Councilperson Harvey stated that he was not contacted about any thing relative to the above resolution.

Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...No. Resolution carried

A motion was made to hold a Public Hearing prior to the March 12th Town Board Meeting regarding the repeal of Local Laws #2 and #3 of 2007.

Motioned: Masser
Seconded: Barriere

Discussion:

Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...No. Motion carried.

A resolution to transfer appropriations was presented.

Resolution 2008 - No. 10

Worker's Comp Increase
Budget Amendment #1

WHEREAS, there are funds not expended in the 2007 budget year that were not included in the 2008 Budget general fund unexpended balance, NOW, THEREFORE BE IT

RESOLVED that General Fund Appropriations Unexpended Balance be increased by \$21,356.09 and General Fund Appropriations account A1010.4 be increased by \$621.09 and General Fund Appropriations account, titled "Worker's Comp.," be increased by \$20,735.00.

Motioned: Podufalski

Seconded: Masser

Discussion:

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...abstain. Resolution carried.*

A resolution was presented to transfer funds to two code enforcement account.

Resolution 2008 - No. 11

*Transfer Funds to Code Officers Account
Budget Amendment # 2*

WHEREAS, the Enfield Town Board has hired two part-time Fire and Building Code Officers, NOW, THEREFORE BE IT

RESOLVED that General Fund Appropriations account A1620.1 titled "Buildings-Personal Services" be reduced \$14,500 to \$500 and General Fund Appropriations account A3010.1 titled "Public Safety Personal Services" be increased \$14,500 to \$31,684.

Motioned: Podufalski

Seconded: Masser

Discussion:

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...abstain. Resolution carried.*

A resolution was presented to correct posting of medical insurance expenditures.

Resolution 2008 - No. 12

*Correct Medical Insurance Expenditures
Budget Amendment #3*

WHEREAS, the New York State Comptroller requires all medical insurance expenditures to be reported in General Fund account A9060.8 and Highway Fund account DA9060.8, NOW THEREFORE BE IT

RESOLVED, that Budget General Fund A9060.81, A9060.821, and A9060.822 be consolidated to A9060.8 in the amount of \$16,098 and Highway Fund DA9060.81, DA9060.82, DA9060.821, DA9060.822, and DA9060.831 be consolidated to DA9060.8 in the amount of \$36,797.

Motioned: Podufalski

Seconded: Masser

Discussion:

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...No. Resolution carried.*

A motion was made to authorize the Supervisor and the Councilpersons to sign the 2008 Agreement to Spend Town Highway Funds for the repair and improvement of Town highways, in the amount of \$234,679.83.

Motioned: Podufalski

Seconded: Barriere

Discussion: Councilperson Harvey asked to see the agreement.

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...aye. Motion carried.*

Audit Claims:

It was motioned that Supervisor Podufalski, on behalf of the Town Board of the Town of Enfield, be authorized to pay the following:

- General Fund vouchers #26 - #60 dated February 13, 2008 in the amount of \$14,990.38
- Highway Fund vouchers #3 - #11 dated February 13, 2008 in the amount of \$7,532.00
- Enfield Volunteer Fire Company voucher #SF-2 dated February 13, 2008 in the amount of \$50,000

Motioned: Barriere

Seconded: Masser

Discussion: Barriere asked about two connections for Verizon.

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...aye. Motion carried.*

Announcements:

Supervisor Podufalski read a resolution he had just received from John Rancich supporting the Enfield Wind Farm. (Enfield Energy)

A motion was made to schedule two public hearings for the Better Housing HUD grant the Town applied for. The first one will be March 12th at 7:30 p.m. It will follow the "Resolution to Appeal..." public hearing. The second will be prior to the April 9th Town Board meeting.

Motioned: Podufalski

Seconded: Masser

Discussion:

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...aye. Motion carried.*

Privilege of the Floor:

Sandy Small asked that titles be placed with account numbers when doing budget amendments. She also suggested that there are lots of elderly people in Enfield who need help filling out the Better Housing forms they recently received.

David Dimmick noted that having only two councilpersons present at the January audit meeting was a violation of the Open Meetings Law because there was not a quorum. Fire Chief Switzer suggested their key to the Community Building be kept in a Notch(sp) Box.

Adjournment: At 9:15 p.m.

A motion was made to adjourn.

Motioned: Barriere

Seconded: Masser

Discussion:

*Vote: Supervisor Podufalski...aye. Councilperson Barriere...aye. Councilperson Gaynor...absent.
Councilperson Masser...aye. Councilperson Harvey...aye. Motion carried.*

Minutes typed by Deputy Town Clerk N. Pat Dougherty.