

APPROVED December 10, 2008

**Enfield Town Board Regular Meeting
November 12, 2008 at 7:00 PM
Enfield Community Building -- 182 Enfield Main Road**

Meeting called to order by Supervisor Frank Podufalski

Present: Supervisor Frank Podufalski

Councilperson Stephanie Gaynor

Councilperson Roy Barriere

Councilperson Rob Harvey

Councilperson Herb Masser

Town Clerk Alice Laue

Also present: Deputy Town Clerk Pat Dougherty; Tim Ashmore - Ithaca Journal
Guy Krogh -- Attorney for the Town; Bookkeeper Pat Podufalski

Pledge of Allegiance:

Supervisor Frank Podufalski led the assemblage in the Pledge of Allegiance.

7:05 p.m. Public Hearing on 2009 Community Council Budget:

Supervisor Podufalski read the Ithaca Journal legal notice. No one spoke and the hearing was closed at 7:07 p.m.

7:07 p.m. Public Hearing on 2009 Preliminary Budget:

Supervisor Podufalski read the Ithaca Journal legal notice. Discussion ensued regarding:

- * Addition of \$1,200 for the Deputy Supervisor.
- * Highway increase on 2.6%. Fire department increase 21.7%.
- * Budget not previously gone over by Town Board. Proceedings should start Thursday after elections.
- * HUD monies (Approx. \$6K paid out of contractual?)
- * Attorney for the Town budget line way over budget. Association of Towns has free, professional counsel.
- * Where's the EFVC budget? \$17,000 workman's comp insurance for Fire Department needs to be included in \$280,000 Fire Department and be paid out of SF tax base to ensure proper tax application. It is presently in the Town's tax base.

Approval of Minutes:

A motion was made to approve the October 8, 2008 Town Board minutes.

Motioned: Councilperson Barriere

*Seconded: Councilperson Masser Discussion: [Under Highway report...Councilperson Barriere asked that "and gave a full report of all their accomplishments" be added to the minutes.] Also... **Councilperson***

Barriere asked that "Town Clerk" must present the Tentative budget" be changed to "Supervisor." Deputy Clerk Dougherty made copies of The Town Budget Calendar for 2009 for the Board members and left it in their mailboxes. According to the Association of Town of the State of New York, "Town Clerk" is correct.

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*

A motion was made to approve the minutes for the Special Town Board Meeting October 15, 2008.

*Motioned: Councilperson Barriere
Seconded: Councilperson Masser*

Discussion: October 15th minutes were typed by Town Clerk Alice Laue and she will note that "Financial" records are to be turned over to the Town Clerk's office after the audit is completed.

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*

A motion was made to approve the minutes for the November 6, 2008 Public Hearing regarding Local Law #2-2008 – Wind Energy Facilities Law.

*Motioned: Councilperson Barriere
Seconded: Councilperson Masser*

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*

Communications/Announcements/Correspondence:

*** 3rd Annual Enfield Community Holiday Decoration Contest hosted by the Enfield Valley Grange. Judging will be December 12th. Grange dish-to-pass supper December 13th to announce winner.*

*** Community Outreach at Cooperative Extension November 19th.*

*** New highway restrictions for certain roads*

*** Susquehanna River Basin -- gas well drilling.*

*** Catalog on street lighting decorations.*

*** Letter explaining that we didn't get the HUD grant because our score was 218. A good score is 241 and up. We pay Better Housing to write the grant. No one in Tompkins County got a grant this year.*

*** SPCA report. Enfield has not come up with a plan for SPCA coverage yet.*

Budget Amendments:

Resolution 2008 - No. 29

Allocate monies where most needed

Budget Amendment Number 11

WHEREAS, budget lines have to be amended to allocate monies where they are most needed in the 2008 Enfield Town Budget, NOW, THEREFORE BE IT

RESOLVED, that the General Fund Account A1220.41 titled, "Supervisors Contractual" be increased by \$250.00, General Fund Account A1420.4 titled "Attorney Contractual" be increased by \$7,000.00, General Fund Account A3510.4 titled, "Dog Control Contractual" be increased by \$2,502.60, General Fund Account A5010.2 titled, "Highway Superintendent Equipment" be increased \$900.00, General Fund Account A5010.4 titled, "Highway Superintendent Contractual" be increased by \$650.00, General Fund Account A8810.1 titled "Cemetery Personal" be increased by \$18.45, General Fund Account A9060.8 titled "Medical Insurance" be increased by \$226.16, General Fund Account A9010.8 titled, "State Retirement" be increased by \$9,384.00, General Fund Account A5010.1 titled "Superintendent of Highway Personal" be decreased by \$15,000.00, General Fund Account A1910.4 titled "Unallocated Insurance" be decreased by \$3,233.91, General Fund Account A8810.4 titled, "Cemeteries Contractual" be decreased by \$1,977.01, and General Fund Account A7550.4 titled "Celebrations Contractual" be decreased by \$720.29.

*Motioned: Supervisor Podufalski
Seconded: Councilperson Barriere*

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*

*Resolution 2008 - No. 30**Quote change on 2009 International
Budget Amendment Number 12*

WHEREAS, there has been a request made by International Trucks to change the quoted price of \$192,215.20 for the purchase of a 2009 International Truck to \$194,215.20 because of an error in the quoted price resulting from neglecting to charge for an EPA Emission, NOW THERE BE IT

RESOLVED, that the Town of Enfield authorizes the purchase of a new 2009 International Truck Model 7600 SFA 6x4

Motioned: Supervisor Podufalski

Seconded: Councilperson Barriere

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. 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 #210 - #232 dated November 12, 2008 in the amount of \$19,943.35.
- Highway Fund vouchers #76 - #89 dated November 12, 2008 in the amount of \$5,520.11.

Motioned: Councilperson Gaynor

Seconded: Councilperson Barriere

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...abstain. Supervisor Podufalski...aye. Carried.*

COMMITTEES/BOARDS REPORTS

Tompkins County Board of Representatives:

There was no representative from the Board of Representatives.

Code Enforcement:

A written report was submitted. [See elsewhere for motion to raise Teeter's salary.]

Enfield Community Council [ECC]:

Carolyn Tschanz reported that the Harvest Festival netted approximately \$4,976. Monday Makers with Beth Bannister and a new photography program ongoing. Uniforms being provided for 4th and 5th grade boy's and girl's basketball. Practice starts late November. Games begin in January. Celebrations Grant completed.

Enfield Volunteer Fire Company:

Art Howser read the EVFC report. Chimney fires will be a part of November training.

Facilities Building Manager:

Councilperson Barriere said Night Owl Construction has almost completed the 2nd floor of the Community Building. (This Town Board Meeting was held there.) A problem with a cold-air return was detected. There is a need to replace a hot-water heater. Supervisor Podufalski requested two more bids, in addition to the Night Owl bid, which was approximately \$700. Both furnaces cleaned. Wayne Snyder was appointed/chosen as Community Building custodian.

Facilities Planning Committee:

Councilperson Masser informed the Board that Supervisor Podufalski has several bid proposals to cover the start of the highway building. The project will be done in 3 phases. Masser hasn't heard back from the Syracuse company he spoke to the Board about.

Highway Report:

Highway Superintendent's truck repaired. Readied trucks for winter. Demolished old highway barn. Applied for NYS CHIPS reimbursement. See written report for additional information.

Planning Board:

No meeting.

Recreation Partnership:

Councilperson Gaynor reported Fall and Winter Recreation Partnership guides are at the Town Hall.

Tompkins County Council of Governments (TCCOG):

Supervisor Podufalski read a letter from Mr. Austic..... Shared Municipal Services Insurance draft agreement ready. Review and comment by end of November. Councilperson Masser said he wanted to review it. Deputy Clerk Dougherty suggested Masser look at the new insurance plan the Town put in place last year and make a comparison.

OLD BUSINESS

Wind Energy Facilities Local law Discussion:

Supervisor Podufalski said the Board would not be voting tonight as originally listed in the Agenda. When asked why, he said he would discuss it "in time." A memo of "recommendations" from Ed Marx of the Tompkins County Department of Planning was referred to. 1.5 set backs dominated the discussion. "We don't have to strictly follow those recommendations," Podufalski said.

Councilperson Masser expressed concerns brought up at the Public Hearing November 6th. The audience participated in discussion about set backs, County recommendations, what happens ten years

down the road if the developer doesn't want to continue, blades, noise, height and very importantly...the cost to obtain a permit from the Town of Enfield for this project.

The question was asked: "Once you get the law to a point that you don't think you can improve it any more, can you have a referendum?" Attorney Krogh responded: "In the opinion of the Attorney General and the State Comptroller, you can only have a permissive referendum when you're specifically authorized by law to do it."

Councilperson Masser was informed by an attorney that NYS will come in and "eminent domain the whole area and will build it where they think it should be and they won't care about set backs...and they'll make all the profit while we watch it from a distance."

Developer, John Rancich, commented that he has had this idea for about six years and approached the previous Town Board about 3-years ago saying he wanted to proceed...with the Town's cooperation. He said he has bent over backwards for a long time to keep the Town Board informed of all aspects of the project, including attending Board meetings regularly and providing any requested information. He's hopeful that the Law will pass and he can move on. He regrets that some people are very much against the Wind Farm, others are very much for it...and some just don't care.

2009 Final Budget:

A motion was made to approve the Preliminary Budget, as submitted at the Public Hearing and adopted as the 2009 Final annual budget by the Board.

Motioned: Councilperson Barriere

Seconded: Supervisor Podufalski

Discussion: Councilperson Gaynor has a concern about attorney fees. Councilperson Harvey wanted \$17K comp insurance for fire company removed from Town Budget tax base and placed in Fire Department tax base, SPCA monies up in the air. Building Code income will probably go up in 2009.

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson Harvey...no. Supervisor Podufalski...aye. Carried.

2009 Enfield Community Council Contract::

A motion was made to approve and adopt the 2009 Enfield Community Council Contract on a 5-year basis with a 3% increase each year. Supervisor Podufalski was authorized to sign the contract.

Motioned: Councilperson Gaynor

Seconded: Councilperson Barriere

Discussion:

Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye. Councilperson Harvey...aye.. Supervisor Podufalski...aye. Carried.

Cemetery:

Councilpersons Barriere and Masser were appointed to co-chair the cemetery burial procedures and accountability of funds. Councilpersons Barriere proposed a resolution to ascertain cemetery burial procedures, recommendations and reporting accountability of funds, after meeting with Councilperson Masser.

\$300 for a plot. \$450 to open and close a grave. \$275 cremation. Funds will be deposited in a cemetery account. Others suggested adding costs for setting a headstone. It was decided to review the above and bring it back to the December 10th Town Board Meeting in the form of a resolution.

Removal of highway weight restrictions:

A motion was made by Supervisor Podufalski to rescind a 3/10/2004 resolution regarding temporary weight limitations imposed on 1 mile of Aiken Road, 3 miles of Harvey Hill Road, 2 miles of North Van Dorn Road and 1 mile of Sage Road. Former Supervisor, Gary Fisher, explained that road conditions in the wet seasons prompted the original motion. Mention was made of a contractor on Van Dorn's Road being issued a ticket. Fisher said that a waiver could be obtained from the Town exempting the contractor but the resolution pertained mainly to outside heavy equipment rather than local residents. The resolution was not acted upon.

Approval for Resource Associates Highway Facility Resolution:

Resolution 2008 - No. 31

New Enfield Highway Facility Schematic

WHEREAS, the Facilities Planning Committee has received a proposal at their request by Resource Associates of 27 North Church Street, Cortland, NY 13045, for the proposed new Enfield Highway facility for Schematic Design, Design Development, Site Design and Bidding Administration, at the cost of \$19,000.00. NOW THEREFORE BE IT

RESOLVED, that the Town of Enfield Town Board authorizes the Town Supervisor to sign the acceptance of this proposal for the proposed new Enfield Highway Facility for Schematic Design, Design Development, Site Design, and Bidding Administration, at the cost of \$19,000.00.

*Motioned: Councilperson Masser
Seconded: Councilperson Barriere*

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye.. Supervisor Podufalski...aye. Carried.*

Approval to dispose of two older Town trucks:*Resolution 2008 - No. 32**Dispose of two older trucks**WHEREAS, truck #19, a 1986 Mack is no longer able to pass inspection.**WHEREAS, the 1984 1-ton Chevrolet is no longer needed for service, NOW
THEREFORE BE IT**RESOLVED, that the Town of Enfield Town Board authorizes the Deputy
Highway Superintendent to put together a BID NOTICE for the Town Clerk to
post in the Ithaca Journal for the two trucks here identified.**Motioned: Supervisor Podufalski**Seconded: Councilperson Barriere**Discussion:**Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye.. Supervisor Podufalski...aye. Carried.*NEW BUSINESSA motion was made to schedule a Public Hearing on Proposed Fire Protection Contract.*Motioned: Supervisor Podufalski**Seconded: Councilperson Harvey**Discussion: Guy Krogh, Attorney for the Town says this may be subject to a referendum due to the tax
issues.**Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*A motion was made to hold a Public Hearing on creation of a Fire District at 6:30 p.m. on
December 3, 2008 at the Enfield Community Building, 172 Enfield Main Road, Ithaca, NY 14850.*Motioned: Supervisor Podufalski**Seconded: Councilperson Masser*

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*

A motion was made to increase the hourly rate for Code Officer Alan Teeter who passed his certification November 1, 2008.

Motioned: Supervisor Podufalski

Seconded: Councilperson Masser

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye.. Supervisor Podufalski...aye. Carried.*

Announcements:

There were none.

Privilege of the Floor:

Jerry Achilles asked if the \$50,000 increase to the 2009 Fire Department Budget had been negotiated? He also asked that the \$17, 000 Workmens' Comp Fire Department insurance item be moved from the Town Board budget tax base and placed in the Fire Department tax base.

Adjournment: 10:45 p.m.

A motion was made to adjourn.

Motioned: Councilperson Harvey

Seconded: Supervisor Podufalski

Discussion:

*Vote: Councilperson Barriere...aye. Councilperson Gaynor...aye. Councilperson Masser...aye.
Councilperson Harvey...aye. Supervisor Podufalski...aye. Carried.*

Minutes typed by Deputy Town Clerk N. Pat Dougherty.