

TOWN OF ENFIELD
REGULAR TOWN BOARD
MEETING MINUTES
WEDNESDAY, AUGUST 8, 2007
7:00 P.M.

The regular monthly meeting of the Town of Enfield Town Board was held Wednesday, August 8, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, N.Y. at 7:00 p.m. with Supervisor Owens presiding.

Present: Supervisor Jean Owens, Councilperson Peggy Hubbell, Councilperson Jennifer Fisher, Councilperson Sandra Small, Councilperson Robert Harvey, and Town Clerk Alice Laue.

Others Present: Byron Smith, Pat Dougherty, Diane Aramini, Calvin Rothermich, Betty Tompkins, Greg Stevenson, Charlene Herrmann, Mary Ellen Joy, Frank and Pat Podufalski, Tammy and John Moliviatis, Jim McConkey Carolyn Tschanz, Art Howser, Carol and Roy Barriere, Ed Hetherington, Vera Howe-Strait, Dan Sepos, Lexie Hain, David Owens, Marguerite Wells.

Pledge of Allegiance to the Flag: Supervisor Owens led the assemblage in the Pledge of Allegiance to the Flag.

Privilege of the Floor:

John Rancich announced he was there to answer any questions on the wind farm.

David Albrecht spoke in favor of the wind farm.

Byron Smith asked if the wind farm proposal was on the website and was answered yes.

Approval of June 13, 2007 Regular Town Board Meeting Minutes:

Motion made by Councilperson Fisher, seconded by Councilperson Hubbell that the Town Board approve the June 13, 2007 Regular Town Board Meeting minutes.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Fisher aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Committees/Board Reports

Tompkins County Legislature: County Legislator Stevenson reported the County approved the new Health Department site - 55 Brown Road, building owned by Cornell University, passed 9-6, he voted not in favor.

Code Enforcement: Written report in Councilpersons' boxes.

Enfield Community Council: Carolyn Tschanz reported that Summer Camp ends Friday, August 10, 2007. Community Yard Sales is Saturday August 11, 2007, twelve families have signed up to

participate, maps available Friday morning. Donations for Enfield Community yard sale are still being accepted. Harvest Festival is September 15 at the Enfield School, volunteers needed. Science Night will be October 12, 2007 at 6:00 p.m. at Enfield School. Summer campers Kelsey McNeal, Stacy and Kara Herrmann told those present what they did at summer camp this summer.

Enfield Volunteer Fire Company: Deputy Fire Chief Art Howser submitted a monthly report for review. Open House is scheduled for September 22, 2007. New tanker in service August 2, 2007. August training on new tanker, portable ponds and water supplies. Chief working on bids for new pagers, county to supply radios, Fire Company has to purchase pagers. Six new members.

Highway Department: Supervisor Owens reported on the Intermunicipal Shared Services Agreement and said she faxed the Agreement to Sprague Insurance to confirm that item #7 referring to insurance was accurate, and it was confirmed that we were covered. Supervisor Owens presented the Intermunicipal Shared Services Agreement and asked for authorization to sign same.

Motion made by Councilperson Harvey, seconded by Councilperson Fisher that the Town Board authorizes the Supervisor to sign the Intermunicipal Shared Services Agreement for the Highway Department effective August 8, 2007.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Fisher aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Personnel: Councilperson Small suggested that the Town might want to pay the Town's health insurance premiums on a quarterly basis instead of monthly.

Planning Board: Virginia Byrant reported that the Planning Board recommended that the Mobile Park Ordinance be repealed. Raising the fee for Special Permits/Mass Gathering Permits were brought before the Planning Board but nothing was resolved. Reviewed Utility-Scale Wind Energy Conversion System Model Ordinance. Proposed that the Planning Board meet with the Town Board to go over the document and discuss any changes.

Tompkins County Council of Government (TCCOG): – Supervisor Owens reported that in July TCCOG met with Emergency Management Compliance (NIMS – National Incident Management System). Municipalities required taking 100-200 hours of training that can be done by attending class or going on line. Supervisor to send Board members the link to the training. Other part of the compliance is registering all highway equipment on line. There will be no TCCOG meeting in August.

Old Business:

Code of Ethics: Supervisor Owens reported that she had compared the Code of Ethics in the Town's Employee Handbook with the Town of Caroline's and said the penalty sections differed. Association of Towns model suggestion for the provision of a model of Code of Ethics seems to be contained in our employee handbook. Board of Ethics appeals to Supervisor Owens at the County level and suggested that Board members read the Code of Ethics article in the recent Town Topics issue.

Justice Court Assistance Program Grant Application:

RESOLUTION #2007-24
JUSTICE COURT ASSISTANCE PROGRAM GRANT APPLICATION FOR 2007

WHEREAS, in 2006-2007 the State Legislature appropriated funds establishing the NYS Justice Court Assistance Program, hereinafter referred to as JCAP, to assist town and villages in the operation of their Justice Courts, and

WHEREAS, the Chief Administrative Judge of the State's Unified Court System is again entertaining grant applications for the year 2007, increasing the maximum amount able to be awarded to \$30,000, and

WHEREAS, the deadline for the application is August 31, 2007, now therefore be it

RESOLVED, that this governing Board authorizes and directs the Town Supervisor and the Town Justice to complete and file the 2007 JCAP application with the State of New York, Unified Court System.

Moved by Councilperson Hubbell, seconded by Councilperson Small.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Fisher aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye. Resolution carried.

Support of Town Justice Courts:

RESOLUTION #2007-25
SUPPORT OF TOWN JUSTICE COURTS

WHEREAS, there has recently been negative press coverage by the New York Times and local papers within the many counties of New York suggesting that the Town Court system is flawed and more specifically, alleging that the three hundred year tradition of non-lawyer judges presiding over and within the local municipalities should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of Enfield, conveniently located and accessible to our citizens; and

WHEREAS, there are two (2) Town Judgeships established within the Town of Enfield, and

WHEREAS, there are presently two (2) non-attorney Town Justices within the Town of Enfield; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of Enfield handled many hundreds of cases in the past year; and

WHEREAS, the Town Court of Enfield in the past year collected a substantial amount in statutory fines, fees and surcharges on behalf of the State of New York, the County of Tompkins and the Town of Enfield, to help fund essential public services; and

WHEREAS, the Town Board of the Town of Enfield recognizes and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney or lay justices within our town who bring a specialized experience to the bench particularly with issues unique to our community who elected them; and

NOW THEREFORE, BE IT,

RESOLVED, that the members of the Town Board of the Town of Enfield support the continuation of the three hundred year tradition of non-lawyer or lay justices presiding in Town Courts, and it is further;

RESOLVED, that the members of the Town Board of the Town of Enfield hereby oppose any requirement that Town Justices be attorneys, and it is further,

RESOLVED, that the members of the Town Board of the Town of Enfield oppose any efforts to eliminate local and convenient access to justice by our citizens; and find that the local presence of the Town Court of Enfield provides a meaningful and necessary presence within our community for judicial resolution of conflicts, continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

Moved by Councilperson Harvey, seconded by Councilperson Hubbell.

Discussion: None

Vote: Councilperson Fisher aye, Councilperson Hubbell aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye. Resolution carried

Enfield Volunteer Fire Company and Town Board Budget Meeting:

First date for a joint meeting with the Fire Company is Wednesday, August 22, 2007 at 2:00 p.m. at the Fire House. The Fire Company will not meet without the attorneys being present.

Councilperson Harvey said he is willing to meet with the Fire Company. Supervisor Owens to confirm date and time with the Fire Company and get back to the Board.

Bostwick Run – 911 Road Name:

Richard and Carrie Burke, owners of Elisha Drive and property that borders Shudaben Road are requesting for 911 purposes that Elisha Drive be renamed Bostwick Run.

Motion made by Councilperson Harvey, seconded by Councilperson Hubbell that the Town Board approve the renaming of Elisha Drive to Bostwick Run for 911 purposes and that the Burke's realize that Bostwick Run is a private drive not a Town road.

Discussion: Supervisor speculates that this renaming may be for future development.

Vote: Councilperson Hubbell aye, Councilperson Fisher aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

New Business

Budget Amendment:

RESOLUTION #2007-26
TOWN OF ENFIELD BUDGET AMENDMENT NO. 5
TRANSFER OF APPROPRIATIONS – HIGHWAY EQUIPMENT OPERATOR

WHEREAS, the Town of Enfield has appropriated funds for an equipment operator position that is presently vacant, and

WHEREAS, the Highway Superintendent has solicited applicants for that position in the Ithaca Journal.

NOW, THEREFORE BE IT

RESOLVED that General Fund Appropriations account A1990.4, titled “Contingency Contractual” be reduced \$109.52 and General Fund Appropriations account A5010.4, titled “Superintendent of Highways Contractual” be increased \$109.52.

Moved by Supervisor Owens, seconded by Councilperson Hubbell.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Small aye, Councilperson Fisher aye, Councilperson Harvey aye, Supervisor Owens aye. Resolution carried.

Emergency Radio Communications Protection Law Public Hearing:

Motion made by Supervisor Owens, seconded by Councilperson Hubbell that the Town Board hold a public hearing on the Emergency Communication Protection Public Law for 7:00 p.m. at the September 12, 2007 regular Town Board meeting.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Small aye, Councilperson Fisher aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Ordinance for Utility-Scale Wind Energy Conversion Systems Public Hearing: Public hearing not set at this time.

Audit Claims:

Supervisor Owens presented bills and vouchers for payment.

Motion made by Councilperson Fisher, seconded by Councilperson Harvey that the Town Board authorizes the Supervisor to pay:

General Fund Vouchers #159-171 in the amount of \$7,319.71

Highway Fund Vouchers #55-66 in the amount of \$21,950.47.

Discussion: Councilperson Harvey asked if there was an Ehrhart gas bill and was told no. Supervisor Owens asked that a thank you to Eddydale Farm be noted for their donation of flowers to the Beautification Committee.

Vote: Councilperson Hubbell aye, Councilperson Small aye, Councilperson Fisher aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Announcements:

Better Housing Diminishing Lien: Councilperson Small reported that an attorney from Harris Beach contacted her about another lien and she advised him to contact Supervisor Owens. Councilperson Small asked what this was about. Supervisor Owens stated that it relates to Blanch Stout's property on Black Oak Road. There are some dollars due on that property back to the Town. Supervisor Owens confirmed dollar amount due, approximately \$3,000.00 (60% of lien satisfied). The Town was asked to forego this lien and they were advised to apply to Better Housing to see if they would meet the income qualifications. Was felt they would not qualify. Therefore, total dollar amount is to be issued to the Town.

Fire District Public Hearing: Motion made by Councilperson Small, seconded by Councilperson Harvey that the Town Board of the Town of Enfield hold al Public Hearing on August 24, 2007 at 7:00 p.m. for informational purposes pertaining to the formation of a fire district in the Town of Enfield.

Discussion: Public has the right to fire district information. 2007 Fire Company contract states that the Town of Enfield Town Board will hold a public hearing.

Vote: Councilperson Hubbell aye, Councilperson Fisher aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens no. Four aye votes – one no vote. Motion carried.

Census 2010: Town Clerk Laue reported that the Town is to receive a Letter of Intent that needs to be signed and after returning Letter of Intent to the Census Bureau, Town will receive census information and the Town will have 120 days to check addresses.

Town Historian: Town Historian Sue Thompson received an award to attend the 2007 Larry J. Hackman Research Seminar for Local Historians. She was awarded \$677.00 for reimbursement to pay for her expenses acquired for attending this seminar.

Closing of Enfield Methodist Church: Councilperson Hubbell announced that the Enfield Methodist Church is closing and she wondered about the possibility of the Church becoming the Town Hall. Supervisor Owens suggested that the code officer look at the church to see if this might be a possibility.

Baker's Historical Marker: Councilperson Small reported that she had talked with the Town Historian Sue Thompson regarding the installation of the Baker historical marker. Thompson indicated she had been unsuccessful in getting someone to dig the hole. Councilperson Small talked with Highway Superintendent Dave Miller and he said to give him a week or so and he would see what he could do. He thought he could borrow a hole digger from a neighboring municipality. Thompson to drop off the concrete and marker at the Highway Barns.

Enfield Creek: Councilperson Small reported that she had sent a letter and photos, she had received from the Moliviat in April 2005, to the District Manager of the Tompkins County Soil & Water Conservation District (TCSWCD) regarding the creek. Small also contacted Mr. Neagley to get an update and was told that TCSWCD had received DEC's plan of work and that the grant had been accepted. Mr. Neagley believed the next step was to walk the creek. Supervisor Owens added that she would prepare and send a letter to Enfield residents living next to the creek letting them know of the project, asking for input and informing the residents of a "walk-the-creek" date.

Privilege of the Floor:

Pat Dougherty asked about the status of the house numbering and said there are people who have asked for house numbers for the last two years. Roy Barriere volunteered to help Bill Eisenhart with the house numbering project.

Marguerite Wells thanked the board for trying to move forward on the fire district issue.

Byron Smith commented on the Fire District issue and was surprised that the Board has dragged their feet this long. He thought the Wind Farm project is headed in the right direction, but has not seen anything that will benefit the Town of Enfield.

Adjournment:

Motion made by Councilperson Small, seconded by Councilperson Harvey that the August 8, 2007 Regular Town Board Meeting adjourn.

Discussion:

Vote: Councilperson Hubbell aye, Councilperson Fisher aye, Councilperson Small aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Alice Laue, Town Clerk