

TOWN OF ENFIELD
SPECIAL TOWN BOARD
MEETING MINUTES
THURSDAY, DECEMBER 27, 2007
7:00 P.M.

A special town board meeting was held Thursday, December 27, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, New York at 7:00 p.m. The purpose of this meeting was to pay end of the year bills. Supervisor Owens presided.

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

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 thanked the present board for their work in the interest of the town and asked if the purposed wind farm law was going to be discussed this evening.

Councilperson Small stated she would like to discuss this law tonight. Others spoke in favor of the wind farm proposal and felt present board was acting to fast and the incoming board should be the board taking action on a law regarding the wind farm.

Audit of Claims:

Bills and vouchers were presented for payment.

Motion made by Councilperson Hubbell, seconded by Councilperson Smith that the town board authorizes the supervisor pay: General Fund vouchers # 262-273 in the amount of \$10,957.32 and Highway Fund vouchers #125-127 in the amount of \$213.82.

Discussion:

Vote; Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Councilperson Smith aye, Supervisor Owens aye. Motion carried.

Resolutions:

Resolution #38 "Town of Enfield 2007 Budget Amendment No. 13 – Transfer of Funds to Capitol Reserve.

WHEREAS, the Town of Enfield 2007 General Fund Budget appropriated \$50,000.00 to be transferred to the Building Reserve , NOW THEREFORE, be it RESOLVED that the Town Board approves the transfer of \$50,000.00 from the General Fund appropriation A9950.0, titled "Inter Fund Transfer Building Reserve".

Discussion:

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

Resolution #39 – Town of Enfield 2007 Budget Amendment No. 14 – Transfer of Funds to the Equipment Reserve”.

WHEREAS, the Town of Enfield 2007 Highway Fund Budget appropriated \$42,000.00 to be transferred to the Equipment Reserve Fund, NOW THEREFORE, be it RESOLVED that the Town Board approves the transfer of \$42,000.00 from the Highway Fund appropriation DA9950.5, titled “Interfund Transfer Equipment Reserve”, to the Equipment Reserve Fund.

Discussion:

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

Resolution #42 Town of Enfield Code of Ethics”

Year End/Special Town of Enfield Town Board Meeting
Thursday, December 27, 2007

RESOLUTION NUMBER 40 -2007
APPOINTMENT OF A TOWN OF ENFIELD BOARD OF ETHICS

WHEREAS, the Town of Enfield Town Board adopted a revised Code of Ethics (Local Law No. 2 for the Year 2007 entitled: “A Local Law to establish standards of conduct for municipal officers and employees of the Town of Enfield) at its December 12, 2007 regular Town Board meeting; and

WHEREAS, as a result of said Code of Ethics, the Town of Enfield Town Board wishes to appoint a Board of Ethics as outlined in said Local Law No. 2 for the Year 2007.

NOW, THEREFORE, be it

RESOLVED, that upon recommendation of the Code of Ethics Committee, the following members shall be appointed and serve as the Town of Enfield’s Board of Ethics:

BOARD OF ETHICS

<u>Member</u>	<u>Term</u>
Diane Aramini	1/1/08-12/31/09 - 2 years
David Dimmick, Chair	1/1/08-12/31/11 - 4 years
Scott Heyman	1/1/08-12/31/11 - 4 years
Dee Murphy	1/1/08-12/31/11 - 4 years
Doris Rothermi	1/1/08-12/31/09 - 2 years

RESOLVED, that the Code of Ethics Committee recommendation and letter of qualifications for each of the above named individuals be filed with the Town of Enfield Town Clerk and made a part of this resolution.

MOVED: Councilperson Sandra Small

SECONDED: Councilperson Peggy Hubbell

Discussion: Discussed using county Board of Ethics versus a town's Board of Ethics.
Vote: Councilperson Small aye, Councilperson Smith no, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens no. Three aye votes, two no votes.
Resolution carried.

Resolution #41 – Dedication of Community Building Conference Room as the “Robert J. Harvey Conference Room”

Year End/Special Town Board Meeting of the Town of Enfield
Thursday, December 27, 2007

RESOLUTION NUMBER 41-2007
DEDICATION OF COMMUNITY BUILDING CONFERENCE ROOM AS THE
“ROBERT J. HARVEY CONFERENCE ROOM”

WHEREAS, the Town of Enfield Town Board realizes that the Enfield Community Building could be and should be better utilized to serve the needs of the community as a multi-faceted building and to become the future home of Enfield Town Court; and

WHEREAS, in the Town Board's January 10, 2007 Organizational Meeting, a resolution was approved appointing Councilperson Robert J. Harvey as the Project Facility Manager; and

WHEREAS, as a result, Councilperson Robert J. Harvey took on the task and was instrumental in assisting the Town of Enfield in planning, designing, restructuring, rebuilding, decorating and converting the Community Building to house, among other things, the Town of Enfield Town Court facilities; and

WHEREAS, because of Councilperson Robert J. Harvey's commitment, expertise and perseverance, the new Community Building is soon to be reopened; and

NOW, THEREFORE, be it

RESOLVED, that as of December 27, 2007, the main conference room in the newly renovated Community Building be named the “Robert J. Harvey Conference Room” in honor of Mr. Harvey, in honor of his endless and countless hours as Project Facility Manager in supervising and volunteering of his time, and in honor of the dedicated service he provides

in a variety of roles to the Town, its citizens and residents; and be it further

RESOLVED, that Mr. Harvey's work in relocating and establishing a future home for the Town Court is only one of numerous contributions to the well being of the Town of Enfield all of which he has accomplished in a short time as Councilperson for the Town; and be it further

RESOLVED that the said conference room shall be identified as the "Robert J. Harvey Conference Room".

MOVED: Councilperson Peggy Hubbell

SECONDED: Councilperson Sandra Small

Moved by Councilperson Hubbell. Seconded by Councilperson Small.

Discussion:

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey abstained, Councilperson Smith aye, Supervisor Owens no. Three yes votes, one abstained vote, one no vote. Resolution carried.

Resolution #42 Local Law #3 – Entitled "Utility Scale Wind Energy Conversion Systems (USWECS).

Discussed, and made the following changes:

G. Setbacks

Each USWECS, including the closest tip of the rotating blades, shall be set back from the following by a distance of 1.5 times the USWECS Total Height at all times:

- (a) Communication and electrical lines.
- (b) Other USWECS.
- (c) Transmission facilities (sub-stations(s)).
- (d) Inhabited or inhabitable on-site structures, existing at the time of application, measured from the exterior of such residence.
- (e) From any property line (including site boundary line).

Each USWECS, including the closest tip of the rotating blades, shall be set back from the following by 1,250 feet at all times:

- (a) From the nearest neighboring off-site inhabited or inhabitable structures, existing at the time of application, measured from the

exterior of such residence, and that of any school, church, hospital or nursing home.

(b) Public roads (measured from the road right-of-way) including seasonal roads.

(a) Robert Treman State Park property and Connecticut Hill Wildlife Management Area.

(d) Neighboring town and county borderlines (unless neighboring town or county grants an easement).

L. Inoperation/Reclamation/Abandonment of Use

(a) The USWECS which has not been used to produce electricity for 12 successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner and/or operator within 120 days after notice from the Town of Enfield Town Board. The property owner and/or operator is to restore the Site to its original condition and foundation removed three (3) feet below final grade, depending on land use, and vegetation restored. A bond or other appropriate form of security may be required to cover the cost of removal and site restoration. Failure to comply with this section or with any and all conditions that may be attached to a Special Use Permit shall constitute grounds for the revocation of the permit by the Town of Enfield, after notice and a hearing before the Town Board. The Town of Enfield reserves the right of salvage in the event the applicant does not remove any USWECS deemed inoperabl

**RESOLUTION ADOPTING A LOCA LAW ENTITLED: "UTLITY SCALE
WIND ENERGY CONVERSION SYSTEMS LAW OF THE
TOWN OF ENFIELD, ITHACA, NEW YORK"**

LOCAL LAW NO. 3 OF THE YEAR 2007

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Enfield for a public hearing to be held by said Town Board on December 17, 2007, at 7:00 p.m. to hear all interested parties on a proposed local law entitled "UTLITY SCALE WIND ENERGY CONVERSION SYSTEMS LAW OF THE TOWN OF ENFIELD, ITHACA, NEW YORK"; and

WHEREAS, notice of said public hearing was duly advertised in the Ithaca Journal; and

WHEREAS, said public hearing was duly held on said date and time at the Enfield Community Building and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Town Board finds it is in the best interests of the Town and its citizens to adopt the local law;

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Enfield hereby adopts said local law entitled: "UTILITY SCALE WIND ENERGY CONVERSION SYSTEMS LAW OF THE TOWN OF ENFIELD, ITHACA, NEW YORK", a copy of which has been supplied to the members of this Board as required by law; and it is further

RESOLVED, that the Town Clerk be and she hereby is directed to make reference to said local law in the minutes of this meeting and to give due notice of the adoption of said local law by filing a copy of said local law with the Secretary of State of the State of New York

Resolution moved by Councilperson Small, seconded by Councilperson Harvey.

Discussion: Present board moving to fast to pass this law and law needs to be referred to the incoming board.

Vote: Councilperson Small aye, Councilperson Smith no, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens no. Three yes voted, two no votes.

Resolution carried.

Executive Session:

Motion made by Councilperson Small, seconded by Councilperson Hubbell that the Town Board move into Executive Session to discuss litigation.

Discussion:

Vote; Councilperson Small aye, Councilperson Hubbell aye, Councilperson Smith aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Town Board moved into Executive Session at 8:10 p.m.

Motion made by Councilperson Small, seconded by Councilperson Harvey that the Town Board move out of Executive Session.

Discussion:

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

Board moved out of Executive Session at 8:30 p.m.

Adjournment:

Motion made by Councilperson Harvey, seconded by Councilperson Small that the December 27, 2007 special town board meeting adjourns.

Discussion;

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Smith aye, Councilperson Harvey aye, Supervisor Owens aye.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Alice Laue, Town Clerk