

Town of Enfield
Special Town Board Meeting
Tuesday, June 1, 2021
6:30 p.m.
Virtual Meeting Via Zoom Meeting Portal

Present: Town Supervisor Stephanie Redmond, Town Councilperson Bryant, Town Councilperson Robert Lynch, Town Councilperson Jude Lemke. Town Councilperson James Ricks, Town Clerk Mary Cornell

Supervisor Redmond called the meeting to order - 6:34 p.m.

Privilege of the Floor: Councilperson Ricks said “He made a lot of mistakes in his life and the only thing he is certain of he is not done yet”. He very clumsily set up the first talk with Sam George an indigenous person. because of his nervousness of computers and WIFI feels that he dropped the ball on organizing the talk. Due to phone issues, he was unable to view the agenda before the previous meeting and was unaware of the scheduling issue. There will be the rest of the year to focus on ideological differences. I felt that Art Godin outstanding and significant statement, Beth McGee and Robert Lynch also wrote similarly outstanding statements. Most times healing although it may not taste very good believes we should support each other and that we should not get tangled up in differences. He thinks that Stephanie received more flack than he should have and apologies for any issues that may have come from this. Supervisor Redmond stated that we can readjust the Agenda order that was set at the beginning of the year in the organizational meeting. We can reevaluate the way that we organize our meetings.

Beth McGee – Back in March she made it clear to the town board that they needed to evaluate how they communicating with and about others or else a defamation suit was a possibility. Councilperson Lemke called Beth and offered on behalf of the Town Board in lieu of that the board would like to enlist an unbiased investigator who was recommended by town attorney Guy Krogh. To do an investigation the events of the last year with regards to actions and behaviors of Local Town officials over the last year and it would cost a few thousand dollars and would be an opportunity to get a clear report on the appropriateness of those actions and communications. She agreed to participate in the investigation only because she was assured that it would be made public and she was shortly thereafter contacted by investigator Mendrick. The Board also used the excuse of a possible legal concern as the excuse to hide the conversation about this in executive session. She has since been informed that the Town Board has received the report and they have refused to share it with her. She understands there is another executive session tonight and she submits to the board that the town board has no legal standing to hide the discussion from the public, they paid for this to be done. She inquired about the release last month and she was given the excuse by the Town Supervisor that the report was not received early enough prior the last board meeting to be reviewed and shared which is understandable. When she inquired further if it was going to be released before the next board meeting, her inquiry went unanswered. So as one of the subjects of this investigation she insists that the Town release it immediately. She would also like assert that all elected official in the town are running to retain their seat. Two are running unopposed and she is disappointed that the board appears to be trying to hide something and she willingly participated at our request. What are you trying to hide that you don’t what to release the report? If you want residents to believe that you are transparent in dealing with public funds and the jobs that you are elected to do, then release the report immediately unredacted, if you don’t then expect my FOIL request for it later this week.

Marcus Gingerich expressed his concerns for the solar farm as this will set a precedence for the town as it is the first request of this nature. He would like further information on why the town is responding the way that they are. He does not fully understand why the Town Attorney had changed his opinion. We should hope for the best, but plan for the worst. He has asked the Planning Board to see the plans and all he has seen so far in a phone number that can be called, there is no plan on how complaints would be addressed. His view on the way it is being planned is there are no teeth in these plans.

Addition and Changes to the Agenda: Councilperson Lynch requests at the end of the meeting that they hold an executive session to discussing a matter of personnel in regards to a person or persons. A Motion to go into executive session will take place near the end of the Town Board Meeting.

Correspondence: None

Old Business:

Resolution #Tabled -2021 Bridge Reserve Account - Amended

WHEREAS, the Town Board did not use allocated the \$30,000 in funds for bridge repairs contractual in the 2021 highway fund budget, and

RESOLVED, at the Town Board authorize the Town Supervisor to transfer \$30,000 from DA909 Unreserved Fund Balance to the highway fund bridge reserve DA230A

Further discussion to be had at the finance committee meeting before any action will be taken. The Town board is in agreement to table the resolution.

Norbut Solar Farm Discussion:

Pilot agreement versus the Community Host Agreement. The IDA is firm on all of the monies going into a pilot agreement. It does not sound like the IDA would like to budge from the \$42,000 going into the Pilot Agreement. Councilperson Lemke says that we can't legally force a community host agreement. Supervisor Redmond has a letter that Norbut Solar Farms sent to her that is to be passed off to the IDA to okay them to negotiate on behalf of the town. She stated that she had sent it around to the Board. She would like to know what the repercussions would be as the IDA has firmly stated where they stand. Councilperson Bryant would also like to know of repercussions we may have. Councilperson Lemke supports sending the letter. Councilperson Lynch had circulated a letter to the board that shows how funds are divided up. He states it makes there is a huge difference for funds for Enfield. With a straight pilot agreement, verses a reduced pilot and a community host agreement. With a straight pilot we only would get 28% of every \$1 pilot dollar. With the Community Host agreement, we would get the 100 percent. The pilot proposes a 2% increase each year for the next 30 years. Councilperson Lynch stated we should play hardball and demand a better deal to not shortchange the town. Councilperson Lemke stated the Planning Board is issuing the permit and has already approved the project. The Town Board does not have authority over the Planning Board. She says we can object, but we have no control over the IDA. Councilperson Lemke does not believe that we can stop the IDA. The IDA requires a letter that states they are allowed to negotiate the Pilot agreement on our behalf. She is not sure what would happen if we did not send the letter in, but is not sure what leverage this may offer the town. Councilperson Lemke is fine with withholding the letter, but does not believe that it will stop the IDA.

Councilperson Lynch is disappointed with how little Norbut Solar Farms is offering, he recognizes that Norbut Solar Farms has stated State incentives have gone down. This is a 20+ million project, without a large benefit to the town. Councilperson Lynch believes the IDA will meet again on the same day as our next Town Board Meeting. Councilperson Ricks is asking what the leverage we have over Norbut Solar Farms if any. Supervisor Redmond states we do not have much leverage over Norbut Solar Farms or the IDA. We can only encourage the IDA to put some of the funds towards the Community Host Agreement. We only have a letter that which is really just a formality with no legal barriers. Councilperson Ricks would like to know why IDA is negotiating for us and why we can't negotiate for ourselves. Input was requested from Beth McGee as she is familiar with this process and states we have no power where the IDA is concerned. The Town Board had previous public hearings at times when people could attend and they insisted that no county reps were available at that time and were told the meeting would need to be at 10 am on a Wednesday. The town was represented by ~30 citizens attending the meeting and stated that residents were not happy with the Pilot agreement. The next day the IDA they went ahead with their proposal anyway. Enfield can approach the developer and ask for something additional, but they are not required to and the IDA is not required to apply or accept suggestions. She believes that this project will be sold as soon as it is complete this is due to her past experiences, etc. Councilperson Ricks would like to see what Councilperson Lynch finds attractive about this project. Councilperson Lynch stated that this will help the green initiative. He thinks that Norbut Solar Farms could afford to pay more and by withholding the letter this might help us negotiate a higher amount or be the first step. Councilperson Lynch encourages the Town Board to send the IDA a letter before there meeting next Wednesday. Councilperson Lemke and Supervisor Redmond would like a letter to come from the board. Town Supervisor Redmond will draft the letter and sent before the IDA's next meeting with are concerns.

Decommissioning Bond: Supervisor Redmond stated that the Town Attorney is in agreement with the town accepting a Bond. How would the board like to address this? Councilperson Lemke reached out the environmental attorney that handled the wind law and solar law and believes that the Town should hire Attorney Gary Abrams to assist with this issue. Councilperson Lynch would like to know how much this might cost, this lawyer is in the ~\$300 range an hour and is very efficient and gives practical clear recommendations. He was paid ~\$2,500 to review the wind law. Councilperson Lynch asked if we should draft a resolution tonight to hire the attorney. Supervisor Redmond asked if we should wait until Norbut Solar Farms presents a bond. Councilperson Lemke noted that Norbut Solar Farms said they could not show us a bond until the town accepted the bond and then we can negotiate. The Board is in agreement to hire attorney Gary Abrams to review the solar law. Supervisor Redmond asked if we were against accepting the bond, Councilperson Lemke stated she would be more comfortable accepting the bond if this attorney supported the idea and kind, etc.

A resolution will be presented at next week's Regular Town board meeting, this will enable the board to have a dollar figure on the cost of his services.

The Complaint resolution: The purview of the Town Board per Councilperson Lemke is to hold the Planning Board accountable, that would be her argument. Supervisor Redmond would like to know how the board would like to proceed. Councilperson Bryant thinks the Planning Board has had a lot of input and the Town Board needs to step up. Councilperson Lemke stated we had delegated the power to the planning board per recommendation from Guy Krogh. Councilperson Lemke stated we should ask the Planning Board to go back and have Norbut Solar Farms provide a written plan. For the record Councilperson Lynch stated he is happy with the proposal of using the Town Code Enforcement officer. He does not have an issue with the current plan the planning board established, as he does not believe

there will be many issues. Councilperson Lemke stated that we became aware of a couple of issues and Code Officer Teeter spoke acknowledging that he was aware that he did not have authority and she believes the planning board needs to include these items, so that the Code Enforcement Officer can enforce them. The Planning Board needs to come back with a complaint resolution for these items, Councilperson Bryant is in agreement with this plan. Councilperson Lynch asked if we should send this back to the planning board to revisit the issue. Supervisor Redmond reminded the board that the Planning Board will meet tomorrow night and encouraged any board members to attend the meeting to speak on this issue.

Supervisor Redmond had received a message from Norbut Solar Farms and they would like to have an organic materials recycling facility at the site, compost facility worm casting things like that. Are there any input or questions that Supervisor Redmond should ask? The Town Board members would like to have more information, how it would look, operate, etc. Supervisor Redmond will obtain more information and report back to the Town Board for review.

Resolution #67-2021 - Authorize Supervisor Redmond to Sign the Enfield Valley Grange Contract WHEREAS, local residents built a Grange hall in 1925; and

WHEREAS, the Enfield Valley Grange is the only grange hall still officially functioning in Tompkins County, New York; and

WHEREAS, the Grange protects the heritage of the Enfield agricultural community by offering educational workshops and speakers on agricultural topics relevant to Town farmers and other residents; and

WHEREAS, the Town encourages membership to the Enfield Valley Grange; now therefore be it

RESOLVED, the Enfield Town Board authorizes Supervisor Redmond to sign the 2021 contract with the Enfield Valley Grange.

Supervisor Redmond spoke with the AOT and we have no oversight of the Grange and the time can be reduced to 30 days to renew the contract. Otherwise, the contract is the same.

Supervisor Redmond motioned and Councilperson Bryant Seconded.

Vote: Councilperson Bryant Aye, Councilperson Lemke Aye, Councilperson Lynch Aye, Councilperson Ricks Aye, Supervisor Redmond Aye, carried.

New Business:

Discussion regarding Hazard Mitigation Grant Program: Supervisor Redmond sent three action items previously. Generator for Hwy, Generator for grange, generator and kitchen facilities for the ECC Bldg. One letter of intent can be sent in, Supervisor Redmond would like to send for the Highway Department. Councilperson Bryant believes the Highway Department should be at the top of the list in terms of being a priority if being looked at by reviewers. Councilperson Lynch states the ECC bldg. is also important in case of an emergency. Councilperson Bryant hopes other funds can be found for them. Councilperson

Lemke agrees it is a hard choice, she believes that the Highway Department is a slightly higher need over the Enfield Community Center. Councilperson Lynch would like to know the deadline for this decision. The letter of interest needs to be sent in by June 11. Supervisor Redmond also needs to have numbers gathered for the proposed grant and will be working on it immediately. This is the first round of funding hopefully other funds will be available later on. The Hazard mitigation plan asked for two action plans, for the letter of intent they are only accepting one plan that we can send in. The town had previously detailed out three action items. Councilperson Lynch asked what is the difference in the cost of the Highway Dept. generation versus the cost for the ECC Bldg. The ECC Bldg. for the kitchen and the generator \$40,000 (\$5,000 for just the generator) and the commercial kitchen for the ECC Bldg. and \$100,000 for the generator and the handicap access. The generator for the highway building is \$15,000. The grant will only cover 75 % of the expense. Councilperson Lemke asked if the generator and kitchen could be combined as the project. Supervisor Redmond thinks that it could be included in the same letter to make the facility emergency ready. Councilperson Bryant asked if both generators could be included in the letter of intent. Councilperson Lynch and Bryant agree that we could get more funds for the ECC as we would be getting more funds than we would for the highway department. Councilperson Lemke asked if the ECC could get funding from another source. Councilperson Lynch would like Courtney Bailey to be unmuted to speak on this matter. The ECC is looking at the Brick grant to bring the ECC up to an emergency bldg. One of the reasons that the ECC is addiment that they put a full grade commercial kitchen in the bldg. is that they can provide meals in-case of an emergency and the town would lose power they would be able to serve food to residents. The ECC has already received grant monies to switch out the flooring as carpeting can't be in a building used as an emergency shelter. Debbie Teeter has been handling all of the grant paperwork. Courtney stated they can add a kitchen at a later time, once the flooring is changed they could actively take people in as an emergency shelter, they would be unable to cook for them though. Councilperson Lemke would like to check in to see if this is the same grant and if there will be additional rounds of funding. Supervisor Redmond will confer with Debbie Teeter. Councilperson Bryant asked the cost on the commercial kitchen, Courtney Bailey stated they have an estimate it is not currently in front of her. Councilperson Bryant will call her at a later date to discuss options for a commercial kitchen. Councilperson Lemke stated if they are not the same grant it would help. Councilperson Lynch would like to know if we can get the answers to these questions in time to write a resolution for the next board meeting. Councilperson Lynch moves that we prioritize the ECC project and write a grant for that project unless this project is redundant. Councilperson Lemke even if this is not a duplicate grant, she would like to evaluate the ultimate outcome and the best impact on the project in determining the appropriate project. Councilperson Lynch would like to know if we can get the answers to these questions in time to write a resolution for the next board meeting. Councilperson Bryant suggested a call to Anna Kelles that maybe she would have better input and suggestions. Supervisor Redmond agrees that Councilperson Lynch's suggestion is the way to go. Supervisor Redmond will gather more information and have it drafted for the next board meeting.

Discussion regarding chairs for board room: The ECC has chairs to sell to the Town and would like us to purchase them for the Town Courthouse/Boardroom at \$30.00 each. Councilperson Lynch would like to know how many chairs we should purchase. Supervisor Redmond suggests purchasing 6 chairs as they are large. Councilperson Lynch is okay with purchasing 6 chairs.

Supervisor Redmond motioned to purchase 6 chairs. Councilperson Bryant Seconded.

Vote: Councilperson Bryant Aye, Councilperson Lemke Aye, Councilperson Lynch Aye, Councilperson Ricks Aye, Supervisor Redmond Aye, carried.

Discussion regarding flags for light poles: Ed Hetherington has asked that the town Purchase three sets of flags for the town light poles and three sets one set of each of the following: American Flag, Support our Troops, Happy Holidays. Flag costs of approximately ~\$1,000. Councilperson Lynch would like to purchase the American Flags and have the beautification committee's input on the other flags, Councilperson Bryant agrees. Supervisor Redmond would like to move forward with purchasing the American Flags. Councilperson Ricks does not like flags and has a problem with all flags. Councilperson Ricks suggests that the beautification committee input on the matter.

Councilperson Lynch Moved to purchase the American Flags for the light poles. Councilperson Bryant seconded.

Vote: Councilperson Bryant Aye, Councilperson Lemke Aye, Councilperson Lynch Aye, Councilperson Ricks Aye, Supervisor Redmond Aye, carried.

Discussion regarding LED Lights –NYSEG: The LED conversion program. We have a choice 3,000 Kelvin light – yellowish color. 4,000 Kelvin – white light. Council Lemke asked on the cost. Initial cost is ~\$422. Then an annual savings of ~\$313. Councilpersons wonders if Enfield residents would have a preference on the color of the lights. Councilperson Lynch has a question on the two colors of lights and if the residents would have a problem with color choice. Supervisor Redmond is not sure on the color of the lights, does the Town Board have a preference on the color of the lights. Councilperson Lynch has a question on the two colors of lights and if town residents would have a problem with color choice. Councilperson Lemke asked If the life expectancy is different with the different colored lights. Supervisor Redmond has not reached out to NYSEG and is only looking at the information that was initially sent. Supervisor Redmond will check in on the cost difference and if there is any sort of warranty. Supervisor will ask NYSEG some of the following questions, is there is a cost difference for the 3,000 or 4,000 Kelvin lights and if the brightness levels have registered any objections to brightness. Councilperson Lemke asked if these lights brighter than what we are replacing? Residents may not like extremely bright lights. Supervisor Redmond will find out more information and report back to the

Motion for executive session related to a matter of personnel related to a particular person or persons. Councilperson Lynch Moved and Supervisor Redmond Seconded.

Vote: Councilperson Bryant Aye, Councilperson Lemke Aye, Councilperson Lynch Aye, Councilperson Ricks Aye, Supervisor Redmond Aye, carried.

Executive Session: 8:04 pm – 8:44 pm

Councilperson Lynch I wish to move a motion that the report by RM consulting Solutions LLC., Otherwise known as Ronald Mendrick for the board of the Town of Enfield be forwarded to Town counsel for his review with the intention that following the review by town counsel that the report be released to the public in its entirety. Councilperson Lemke seconded.

Vote: Councilperson Lemke Aye, Councilperson Lynch Aye, Councilperson Ricks Aye, Supervisor Redmond Aye, carried.

Announcements: June 8th is world Ocean day. Please consider reducing your plastic use as 10 % of all plastic used ends up in the ocean.

Councilperson Lynch moved to adjourn and Councilperson Lemke seconded, Adjourned 8:46 pm.

Respectfully submitted,

Mary Cornell
Town Clerk