

**Town of Enfield**  
**Town Board Meeting**  
**Wednesday, June 9, 2021 at 6:30 p.m.**  
**Virtual Meeting Via Zoom Meeting Portal**

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

**Absent:** Town Councilperson Bryant, excused.

Supervisor Redmond called the meeting to order – 6:31 p.m.

**Privilege of the Floor: Art Godin** – He recognizes how diligently Supervisor Redmond is in preparing for town board meetings and how carefully agendas are prepared while recognizing the order placements of the agenda to get through the considerable business at each meeting. Unfortunately, sometimes something gets overlooked. At the May 12 town Board Meeting there occurred a mishap prompting him to write a letter to the town board. Councilman James Ricks asked him to read the letter at the board meeting. While listing from home to the May 12 meeting, Sachem George Chief of the Cayuga Nation had been invited, he was dismayed to that his address was placed on the agenda under New Business instead of first on the agenda where it belonged. Councilperson James Ricks had invited Sachem George to address the board and the attending Enfield Community, and he had graciously accepted the invitation. Whatever prayer ceremony or insight Sachem George had planned to share with us, after listening to more than an hour of committee reports, Sachem George had gone offline. We badly need to hear the instructive voices of the indigenous elders about a history not represented in our school history textbooks. He understands that Sachem George is willing to attend a future town board meeting and he is very happy to see that he is here tonight. He hopes the town board apologizes to Sachem George for the regretful scheduling oversight. He hopes that he is shown more respect by letting him be the first to speak, by designating a specific time for him to speak. He will read this letter at the next town board meeting which has transpired. Supervisor Redmond stated the meeting have been reordered and she apologizes to Sachem George.

**Beth McGee** – Thank you, first she would like to thank Sachem George and appreciates him taking the time to come back to speak with us this evening and appreciates his time and patience with our town board. She is concerned about the process the town board is taking to construct the salt barn. It has been mentioned that the supervisor can't sign the contract with the DEC because other documentation needs to be completed. And this isn't accurate, the contract with the DEC must be signed by the supervisor before the town can commit to any other further actions. A tentative budget was prepared and proposed by this former supervisor in a packet documenting tentative costs, construction and financing options in the winter of 2020. Which was subsequently approved by the board and authorization was given for the supervisor to sign the contract. Shortly after Covid hit and then things slowed down with the DEC and it has not been signed. The board approved and authorization was given for the supervisor to sign the contract. All documentation that needs to be uploaded to meet all obligations and the contract was provided in the packet mentioned. The grant that she wrote that will pay for half of this project includes \$30,000 for planning and engineering services. Which means to hire a firm that knows how to determine what the size of the building we need based on reality and proof, Ground testing RFP preparation, etc. She is concerned that five board members and a Highway Super whose only requirements to get elected are to be 18 or older and a resident think that they can manage the coordination of this project themselves. She asks that the board take the proper and responsible action to do what is proposed in the grant request made to the DEC to prevent wasting our money due to poor management of a project that none of you have ever done. So you are accountable to us and she asks that we please follow a responsible process and she welcomes any questions. If anyone wants to know what the process was what the steps were, what documentation is needed. If you haven't retained it for some reason, at least three of you who are on the board currently got that packet and approved that. She is really concerned that you are willing to go forward with an RFP that wasn't prepared by a firm that knows who to do that and

knows what we need. Thank you. Supervisor Redmond stated that she thought we were where we needed to be and will connect with Beth to go over items.

**Art Godwin** would like to speak and state if the correspondence is too lengthy, we will be back where we were beforehand.

**Sachem George** went offline and Councilperson Ricks was able to contact him. He is hopeful that he will be allowed to speak first at a future town board meeting, before privilege of the floor. Sachem George will attend in July if he is the first person to speak. He stated that The Town Board doesn't understand the importance of allowing an invited guest to speak first in the order of the meeting.

**Robert Lynch** – led the assemble in the pledge of allegiance.

**Additions and Changes to the agenda:** Councilperson Lynch asked if we would like to discuss the return to in person. With the extension we have time to plan before the July meeting. He suggests that we move to in-person meetings, Supervisor Redmond will add it to the agenda under New Business. Councilperson Lemke will we discuss the Letter to the IDA, Supervisor Redmond stated it will be added to the agenda under old business.

**Correspondence:** No correspondence

#### **Quarterly Reports:**

**Environmental Management Council-** Supervisor Redmond – An appointment needs to be made for this position. Supervisor Redmond has not yet attended a meeting, she has a meeting with the EMC tomorrow and will report at the next town board meeting.

**Enfield Community Council-** Courtney Baily – Teen school age program has wrapped up excluding teen nights (the last one was last month with the bulk of the time spent outside), the library is almost ready to set up, summer camp – they are working on a water system that is required by the health department and they are working on a Garden program. Supervisor Redmond asked if masks will be required, they will be required inside and if they are outside, it is still being determined at this time. The plan is to have most of the programs outside.

**Tompkins County Youth Board-** Lisa Monroe. The youth resource allocation committee is working allocating funding for youth at risk “open doors program” as of 2020 the Open doors project is not funded and they are looking into further ways to fund this program. The summer camp guide is on the website and they are working on fiscal year 2022 budget. She is curious as to who Enfield's recreational partnership liaison is. Councilperson Ricks had stepped in temporarily. Councilperson Ricks would like to know what the duties entails Supervisor Redmond let him know that it is a monthly meeting, he is willing to jump in and be Enfield's Liaison.

**Food Pantry-** Jean Owens – No Report

**Cayuga Lake Watershed IO-** Supervisor Redmond – As many of you may know DEC released a total daily maximum for phosphoresces for Cayuga lake. The comment period was extended to July 8 and the IO is working with others to come up with a list of comments for the DEC. They are working to designate the Finger Lakes areas as a natural heritage area. They have hired a water shed manager Ian Smith, who also works with Seneca lake and he is looking into a ditch assessment program. They are working on building up their website and communications/outreach.

**Tompkins Health Consortium-** Supervisor Redmond - If anyone is interested in serving on this committee, please let Supervisor Redmond know. Committee members can be a town employee, Town Resident, etc. They have a new

election of chair and approved bi-laws of their organization and looking into a plan. May was mental health month and have been working on that program. They went through their budget reports.

**Cemetery Committee** - Cassandra Hinkle - Groundhog removal went well and we had a second mowing in May. If we see any ground hog activity let the wildlife company know and they will come back out.

**Water Protection Committee**- Nancy Spero – they have been working with Steve Winkley and are working hard. All are welcome to the meetings. They are working on possible amendments to the site plan review law related to issues that would help protect our water in the future. The next meeting July 12<sup>th</sup> at 6:30. Steven Winkley NY water organization they are publicly funded with the USDA, dealing with drinking water protection in local communities. He is working with Enfield and did ~20 years ago, he has been helping the water protection committee and gave results on the well water committee. He has the State dept of health interested in the water quality. for the water well survey 2/10-3/28. The survey was confidential (The committee felt that it was important). 190 responses received and 164 were complete (someone completed all of the questions). Individuals put their nearest intersection. A very good distribution from across the town. Ask for the survey – presentation. 95% of town is Agricultural district. It will be interesting to see what the results of the water tests will be. Approximately 35 water supplies will be tested for some 15 parameters. The results will be confidential as to the testing location. The dept of health would like to start this process mid/end of June. 25 of the test's specimen will be taken from the health department in person. The remaining tests will be mailed to recipients and they will mail in the specimen. Supervisor Redmond sent the email to the 35 residents that were selected. Councilperson Ricks asked why the secrecy, do people not want others to know the quality of their water. It is to protect a homeowner if their well fails, everything that the health dept does is confidential and they would not issue results anyway. Councilperson Ricks asked if the well issues can be fixed in case someone is selling their home, etc. Wells can be shocked or you can install a treatment system. The homeowner and the town will receive the results with the town receiving a report.

Questions from the public- Cassandra Hinkle asked if you found e-coli in someone's well, is their financial assistance to individuals who need their wells fixed. Steven said the easiest fix is to shock their well with Clorox and some of the issues can be simple fixes, well casings etc. Tioga County has a healthy neighborhood program that purchases new well caps. He is not sure if TC offers the same program. Private wells are not regulated by the government so it would be up to the landowner to pay for fixing their system. If it a dug or spring system then it might be time to drill a well as shallow wells are susceptible to bacteria. Is a drilled well vulnerable to the placement of a compost heap (manure). It would depend on the minimum distances the NYSDOH has issues ~100ft. If it is not a vulnerable well than you are probably in good shape.

There will be an educational public presentation in the future. Councilperson Lemke, says the seller is not obligated to tell you and can opt to pay \$500 to waive the disclosure. You can ask this to be put into your contract.

### **Monthly Reports:**

**County Legislator** – Anne Koreman/Dave McKenna. She wants to say “Happy Pride” month, next week the county is doing different programs and forums regarding Juneteenth celebrations and the history of it. When the USA declared that slavery was illegal in Texas the people who were enslaved were not told for almost two years. It was on June 19<sup>th</sup> that those enslaved were finally freed. Look at Tompkins County YouTube page for more information. Active cases of Covid19 are down ~21 active cases less than half of last month, two are currently hospitalized. Being vaccinated is great, but there is a small chance that you can still get it. Vaccination site at the mall has closed down, because the percentage is so high of vaccinated individuals. Tompkins County 66.3 % of folks are vaccinated and 18+, 78% are vaccinated. We are second highest in the state of people who are getting vaccinated. If you are interested you can call 211 or pharmacies. More pop-up clinics will be coming. She is hopeful that Enfield will have a clinic again. A lot of offices are facing the public and, in some offices, you will still need to be wearing a mask, call ahead or look on the door. Carry a mask with

you, especially in regards to any health visits, etc. Broadband information regarding the study that Tompkins County had completed. ~12 months ago, the county did a study of the county. Several municipalities chipped in to help fund the study. It is however, a county study and some municipalities have stated they want to have the access to the collected information. Anne stated that they will not publish or give out the findings on resident's internet and speed connections. Councilperson Ricks spoke on Juneteenth and other states wanting to erase history. He said there is deception and he said slaves not being informed and it relates to how they are handling it today; he is not seeing much difference. Councilperson Lynch would like to thank Highway Superintendent Rollins for suggesting Juneteenth as a holiday for the town. Councilperson Lynch stated that he thought Legislative chambers were opening in July. Anne stated they are just starting talks on how to execute a hybrid model they have not decided on when to open legislative chambers. The current model will need new equipment which has not be approved yet. The American rescue plan is allocating to the county a total 20 million dollars. The county received half this year and will receive the remaining next year. They will have a survey; it will be sent to municipalities to send out to residents. It will be detailed on what funds can be spent on and what residents want the funds be spent on. Councilperson Lynch stated that the committee was adamant that they return in July what they did approve was purchase of equipment and it needs to go to the full legislature. They will meet next on the 15<sup>th</sup> and will go from there. No set date as to when the chambers will be opened again. Supervisor Redmond stated the Town has not received our promised funds as yet, she understood that it would be routed through the county. Anne suggested that Supervisor Redmond contact the finance office. Ann mentioned that information has been sporadic in coming out and when they applied for it, they received in within a week. On June 30<sup>th</sup> at 5:30 a Special Budget meeting they will go over the survey results and discuss potential plans, what they are thinking and what are the more urgent needs to keep things going.

#### **Town Supervisors Report – Supervisor Redmond**

She attended zoom meetings, weekly calls hosted by the county regarding Covid19 and budget updates. She attended the Planning board meeting. Discussed the decommissioning fund and dispute resolutions with Norbut Solar Farms and communicated with the IDA regarding the pilot agreement and community host agreement. She worked with Renovus to move to community solar project which is finalized now. They would like a report on our energy savings. she met with several local residents to discuss food security needs. Educational opportunities and needs within the town. She worked on the emergency operations plan, she worked on the HeatSmart campaign a webinar will be held on June 24<sup>th</sup>, which will offer monetary savings to residents. Information on this can be found on the town website. She worked on the RFP for the Salt Barn, met with the water protection committee, attended the finance committee meeting, attended finance committee training AOT, ordered flags for the town attended a webinar and helped with the letter of interest for the hazard mitigation grant. As well as performing the regular duties of the Town Supervisor.

**Town Clerk Monthly Report:** The Town Clerks office issued Marriage, Dog and Hunting licenses and collected funds for building permits in addition to the regular duties of the Town Clerks Office.

Councilperson Lynch had a question about the computers that were being purchased for the Town Clerks office and the Town Code Enforcers office. He understood from Clerk Cornell that she had the necessary permission to order the computers and that it was in the budget and within the parameters to not need a resolution to authorize purchase. Supervisor Redmond confirmed the purchase is allowed and was budgeted for.

**Highway Superintendent Report – Buddy Rollins.** Clean up days went. We filled 4 – 30 yd dumpsters which was one more than last year. A good half dumpster of steel. Sold the 2004 truck 2225.00 which was a little more than expected and they are doing their summer projects and things are going along well. Supervisor Redmond asked if Buddy was able to connect with King Construction on the paving. He is working on a state permit for the state as they are working in their right of way. He needs to have a date from them for when they will be doing the work. Supervisor Redmond asked Superintendent Rollins to Coord. with Jean Owens. Superintendent Rollins has already coordinated with her and tentative arrangements have been made. Superintendent Rollins has predicted a week and will coordinate with Food Pantry Director Jean Owens. Councilperson Lynch asking about the amendment that Board Members were asked to sign.

Oil and Stoning Griffin Rd to extend its life as well as Hines Rd. Black Oak was on the original one and Griffin and Hines were added due to additional funding.

**Code Enforcement Report** – Alan Teeter Issued 6 building permits one new home on Hines Rd. Solar has been completed at the Highway and Alan will be signing off on that permit shortly. Keri is leaving the county as Enfield’s contact and Steve will be the new person. Alan has updated building permit and building codes and he will deliver to Clerk Cornell. GenEx, we just received a subdivision from the town of Ithaca. The building itself it still up for sale. Alan received a call from a real estate agent about 30 acres on Sage Rd., for a Solar Farm proposal. Alan sent her a copy of the Town Solar Law.

**Fire Department Monthly Report** – Alan Teeter. A total of 16 calls, 13 EMS, 2 Fire and one Hazardous condition. Trainings on slims –state learning membership. Fire police training and extrication training.

**Planning Board Monthly Report** - Per Alan Teeter Discussed the Family life tower, Norbut Solar farm dispute resolution. Subdivision approvals, two parcels. Question on a landlocked parcel on Applegate Rd and will bring more information to the board next month.

**TCCOG:** Councilperson Lynch

The Tompkins County Council of Governments (TCCOG) has not met since our May report. However, TCCOG’s Broadband Committee held a special meeting Friday, June 4<sup>th</sup> specifically to discuss the extent to which confidentiality should apply to the County-sponsored, yet municipally-funded research by the Southern Tier Network (STN) and Fujitsu consultants, including those findings included in the final report that consultants may hand up later this year.

On May 18<sup>th</sup>, Interim County Administrator Lisa Holmes, County Attorney Jonathan Wood, and Katie Borgella, the County’s Commissioner of Planning and Sustainability, wrote a memo to TCCOG Broadband Committee members. The memo urged strict nondisclosure of the study’s evolving work product, as disclosure might infringe upon STN’s eventual ability to construct a county-wide broadband network. The memo included as items subject to nondisclosure: (1) the proposed miles of new infrastructure STN might build, (2) maps of where these new cables might be run, (3) whether the lines would be overhead or underground, (4) the “proposed network architecture and technology specifications,” and (5) the project’s design, engineering and construction costs. The memo indicated that consultants would not even share such details with the Broadband Committee.

In the memo, County Attorney Wood argued that the County’s “memo of understanding” with the consultants had specified “which aspects of the study would be shared with the public and which aspects are considered proprietary and confidential between the County and the Consultants.” Wood had maintained such nondisclosures are both “common practice” and “necessary” in consultant negotiations so as to protect the consultants’ “legitimate confidential business concerns.”

I specifically requested the June 4<sup>th</sup> Broadband Committee meeting to discuss whether the County’s circumspect preferences might run contrary to New York’s public disclosure and open meetings laws. With the County preferring Broadband Committee meetings be closed to the public, and neither publicized nor recorded, I questioned whether the County and the consultants expected me and other Committee members to keep secret—and share with neither the public nor this Town Board—key elements of the unfolding consultants’ research, facts that we would otherwise subject

to public oversight. For an hour and twenty minutes, the Broadband Committee weighed the limits of proper disclosure, but failed to reach a unified position on going forward.

As background, last October the Enfield Town Board, like most other rural municipal boards, allocated \$5,000 toward an \$80,000 County-commissioned study aimed at extending broadband Internet to currently unserved or underserved areas. Enfield has not yet paid this money. And for reasons I will later discuss, we may not. The consultants' study would include a market assessment, design analysis, and a financial plan, though not an actual buildout.

However, in recent weeks, municipal representatives have come to question the study's thoroughness. Both the Towns of Lansing and Newfield have commissioned road-by-road surveys as to where broadband cables exist and where they do not. On May 27<sup>th</sup>, the Newfield Town Board appropriated up to \$4,000 for its survey. To provide STN/Fujitsu sufficient specificity, Enfield would likely need to spend an equivalent amount.

At the Broadband Committee's June 4<sup>th</sup> meeting, Commissioner Borgella suggested that once STN and Fujitsu had finished their work, their report might go directly to the County Legislature and avoid public release. The County Legislature might then hold the report in confidence until such time that it announced a Request for Proposals (RFP) to build out the governmentally-run system.

Questions raised at the Friday meeting took several directions. Given the consultants' penchant for confidentiality, I questioned whether the parties' primary goal here was to facilitate broadband expansion or "to enhance STN's business model." I received no clear answer, most officials implying the goals were likely one and the same.

Joe Wetmore of Lansing urged that consultants inform municipal officials of their ongoing findings even if those officials could not inform their constituents. County officials responded that keeping secrets among a group as large as the Broadband Committee could prove difficult. I responded to Wetmore that municipal nondisclosure could run contrary to Open Meetings Law requirements and governmental obligations under FOIL.

County Attorney Wood acknowledged that "the drafting of the law is imperfect" as to what a municipal board can hold in confidence and what it cannot. Wood maintained that public disclosure laws, relevant to FOIL, allow nondisclosure of information that might inflict upon a party "substantial injury." Open meetings laws, in contrast, provide very few and limited exceptions to public officers' obligations to discuss matters in public. Nonetheless, those officers can be sanctioned—or presumably, even sued—for publicly sharing confidential information. Wood conceded that the two pertinent laws do not mesh very well. His explanation left us with few bright line rules.

Perhaps most significant was Danby County legislator Dan Klein's observation. Klein argued that a study into broadband expansion should be a county-wide obligation, not one assigned to—or even necessarily funded by—the various towns. Klein suggested that if any town felt uncomfortable with the confidentiality policy or with the study's overall objectives and progress, the municipality could withdraw its funding commitment and County Government could—and should—pick up that municipality's share. I responded to Klein that Enfield might be among those municipalities accepting Klein's offer.

Based on both the course of Friday's discussion and the potential need to underwrite supplemental road-by-road field work as Newfield has done, I would suggest that our Enfield Town Board weigh its options to determine whether we choose to proceed as a continued partner in the STN/Fujitsu study and whether we should pay the \$5,000 previously promised as our Town's share.

Nick Helmholdt of the County Planning Staff admitted the consultants' study stands "a little behind its initial time line," an ambitious one. STN and Fujitsu in April had predicted a mere 120 days to finish their work. Helmholdt now predicts work will be "wrapped up by the end of the year."

But as Lansing's Wetmore remarked as Friday's meeting closed, "Where do we go from here, since I don't think that we resolved anything at this meeting."

Councilperson Ricks asked if we had promised \$5,000 towards the whole build. Enfield passed a resolution and sent in our commitment. We were notified that we could back out of the plan if we are uncomfortable with the plan. We need more information to see if the town can assist with this project. Anne Koreman stated the county will take the lead on this. Supervisor Redmond asked her if she had a timeline. The County is still in planning stages, a study needs to be completed to see what the needs are and if they can assist with getting costs down.

### **Consent Agenda:**

**Audit Claims:** The Town Board authorizes the Supervisor to pay: General Fund Vouchers #113 to #137 dated June 9, 2021 in the amount of \$30,988.98, and Highway Fund Vouchers #79 to #94 dated June 9, 2021 in the amount of \$15,047.20.

Supervisor Redmond moved and Councilperson Lemke seconded.

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

Approval of Minutes from 5/12/2021 and 6/1/2021

Supervisor Redmond moved and Councilperson Lemke seconded. Councilperson Lynch noted there were a couple of typos, but the minutes were thorough.

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

### **Old Business:**

Town Hall Discussion for the resident input regarding proposed new laws. No discussion.

Supervisor Redmond moved to set a public hearing at the Town Board Meeting on July 14, 2021 at 6 pm. Councilperson Ricks seconded. Discussion: Councilperson Lynch asked that the community is offered a second chance to speak, Supervisor Redmond asked all to unmute, no community input. Councilperson Lynch a couple of weeks ago he attended a meeting of the Newfield Town Board discussing an issue of an entirely different issue. There was a member of the board Casey Powers, he said regarding their measure "We should have a public hearing for the public to speak, because that is what public hearings are for, and we want to hear what people have to say." He has heard very little comments about these local laws which are significant. What makes this much more palatable as it was explained by Supervisor Redmond a month ago and he checked the language of the local laws and she is correct. That the change would not take effect in terms elected this November but would take effect in terms elected in 2023. It makes it more palatable for him and he did not state his own voting opinion. He thinks that maybe we should the well to encourage people to come to a public hearing on whether or not this should be on this ballot this fall. He thinks that we need to act before early august. Set 6 pm before the next regular town board meeting. Councilperson Lemke asked about the white paper that the board was asked to prepare, Virginia Bryant was going to work on the paper and she was not present to ask on the status of

the paper. Supervisor Redmond is in support of putting info on the town website. Councilperson Lemke will contact Virginia Bryant to check in. She believes it is important to get the changes out.

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

**Pump Track Proposal** –Joseph He reached out to Town of Geneva and the Town of Canandaigua. He came out yesterday they took measurements at the highway facility and has agreed to sit on the committee. He projects starting slow and working forward. Jim Martinez he was recently in our area working on pump tracks and bike parks. He is currently in Naples doing maintenance on the track. He visited the possible site and mentioned that materials may be readily available and they can do a small track for little kids and a larger track for older kids. If it becomes popular than the track can be extended. He mentioned that it will be a great opportunity for our township. The way he works is with volunteers from the community with donated materials and equipment. What this does for the local community keeps the costs down and a place where the community can invest in and sit back with pride. This is an additional benefit as the township does not need to maintain it as it is done by community members. They ask for minimal assistance from the town to bring in material, a source of water to assist with maintaining it in the future.

Questions presented. Supervisor Redmond, what permits would be needed. Jim works as a subcontractor and this would become a town project. He can connect us with another Town Supervisor to find this information. They do require a risk management plan, with weekly inspections. The Park would be considered an unsupervised bicycle park. Signs would be posted at the park, to make sure their equipment is operating correctly. Code Enforcer Alan Teeter does not think that any permits would be required. Supervisor Redmond asked why water is needed. The water is needed to work with the dirt to make a smooth service with less dust. Water would be used to build it and maintain it. The preferred method is a spigot. Either run from the highway department across the driveway with a padlock. That is the preferred method or have a 600-gallon tank with a pumping system. A ballpark figure with a small and large pump track will be close to 9,000-10,000 and that is just for his services. This would rely on donations for materials needed. Fees would increase on increasing the track size. How many volunteers are needed, he said a minimum of 48-man hours per day over 15 days in general. It can vary within a few days on either side. He tends to work on Fri-Sat-Sun. Usually on Fridays the municipalities assist with setting up materials and the volunteers on Fri and Sat

Highway Superintendent Rollins states it needs to go back near the ponds in the back and room for expansion. It would be on town land that has no other purpose. He is not sure where they imagined it being in the front. If the highway department helped with this it would need to come out of the A fund. They would need to put in a roadway and a parking lot. There are a lot of upfront costs. The highway department does not have staffing that could be used. Water could be pumped out of the creek or one of the two test wells. Supervisor Redmond stated The USGS is done with the water. They would have to run 500' from the wells or purchases a pumping system out of the group. Superintendent Rollins stated the water and the labor work would be part of the issue. Marcus Gingerich had been working on a park to the right. Superintendent Rollins in looking to the left. Marcus does not recall actually checking into anything in this regard. Supervisor Redmond apologized for putting him on the spot as he does not recall every working on any of this. Councilperson Lemke questioned how would bathrooms be available. Nothing is currently in the plan to create a park. In the Geneva Park the bike park is built behind the Town Hall (Jim Martinez). They spent 2 ½ years getting the bike park built and Jim came in and had it built in 2 ½ months. They have a port-a-potty for use during the season. If you have a 600-gallon pump on site, it does not need to be a constant source. Councilperson Lemke questioned the demand in Enfield for this park and the safety concerns around residents using roads to reach the park by foot/bicycle. What is the liability involved to Enfield, we may need to have specified insurance? Supervisor Redmond stated gauging the community need and the location need. Mark Venuti from Geneva may be able to address some of our issues. Councilperson Lemke believes this may be a good idea to combine with other ideas (small park). Joe Dawson was looking into creating a park in near the proposed location from Highway Superintendent Rollins. Councilperson Ricks stated he hates the term sweat equity, saying you work for nothing. He does not like the idea of building a smaller track first and



why not can we look at Geneva's and just build a larger pump track. He stated people would have to be committed if you are looking at a group of guys with a combined 48 hrs. in a day. Where would these volunteers come from. With other parks a lot of parents were involved in getting outside and helping the community. Councilperson Ricks asked if this would be apparent if we looked at another park. Councilperson Ricks wants to make sure that this would benefit our community. Supervisor Redmond suggested that they look into funding options and connect with Joe Dawson. She will connect with Mark Venuti and discuss the insurance risks.

## RFP for Town of Enfield Salt Barn

                    , 2021

### Introduction

The Town of Enfield (the "Town") will construct a covered building for the storage of salt and sand on municipal property, using funds granted by the New York State *Department of Environmental Conservation* Water Quality Improvement Program (WQIP). The Town uses approximately 9,000 tons of salt and sand annually. The Town is seeking to reduce salt and sediment runoff through the construction this storage building.

### Scope of Work

The Town is requesting proposals from qualified NY contractors to design and install a salt and sand storage building on Town property located at 475 Enfield Main Road. Building design and construction is the bidder's responsibility. Proposals must be in adherence with these bid documents.

### Project Specifications

- The total cost of the project's base bid shall not exceed \$700,000.
- The building must have a 9,000-ton storage capacity with a side entrance.
- The building must have a metal roof over 5/8" plywood roof decking.
- The Contractor shall strictly follow all public works and prevailing wage rules and shall abide by the PRC number and its stated requirements for this project.
- The Contractor specifically agrees to follow the provisions of the Workers' Compensation Law and all requirements of Article 15 of the Executive Law relating to discrimination in employment.
- This bid is not and shall not be subject to New York State Sales Tax or local sales taxes.

### Project schedule

                    : Deadline for submission of bids/proposals \*Dates subject to change dependent upon Covid-19 pandemic restrictions

\*Proposed deadline for Notice of Award 30 days after submission deadline

\*Proposed deadline for signed project contract 30 days after Notice of Award

\*Proposed deadline for project completion 30 days after project contract signed

### **Proposal Submittal deadline and process**

Interested and qualified contractors must submit a proposal no later than [REDACTED]. Proposals shall be mailed to Mary Cornell, Town Clerk, at Town Clerk's Office at 168 Enfield Main Road, Ithaca, NY 14850.

It is the responsibility of each bidder before submitting a bid: to consider federal, state and local laws and regulations that may affect cost, progress, performance or furnishing of the work and services; to study and carefully correlate bidder's knowledge and observations with the bid as submitted; and to promptly notify the Town of all conflicts, errors, ambiguities or discrepancies which bidder has discovered within any bid notices, documents, or requirements.

On request, the Town will provide each bidder access to the site to conduct such examinations, investigations, explorations, tests, and studies as each bidder deems necessary for submission of a bid. The bidder must clean-up and restore the site to its former condition upon completion of such explorations, investigations, tests and studies. No destructive testing is allowed. If there is a bid or price condition or variable required as based upon the inability to perform destructive testing or disassembly, then such shall be clearly stated and labelled as such in each submitted bid.

All questions about the meaning or intent of the bid requirements and documents are to be directed to the Town Supervisor, and any interpretations or clarifications considered necessary in response to such questions will be issued by bid addenda and delivered to all parties having received bid documents. Questions received less than two days prior to the date for scheduled bid opening may not be answered. Only questions answered by formal written addenda will be binding, and oral and other interpretations or clarifications, including at site visits, will be without legal effect. Addenda may also be issued to modify the bid documents, requirements, or timelines, as determined by the Town.

Bids may be modified or withdrawn by an appropriate document duly executed and delivered to the place where bids are to be submitted at any time prior to the opening of bids. If, within twenty-four hours after bids are opened, any bidder files a duly signed, written notice with the Town and promptly thereafter demonstrates to the reasonable satisfaction of the Town that there was a material and substantial mistake in the preparation of its bid, that bidder may be permitted to withdraw its bid, but thereafter, that bidder will be disqualified from further bidding on this project and any future bidding for the same.

### **Proposal and bid requirements**

Each proposal or bid shall (1) specify the correct gross or lump sum, and (2) the unit prices for each of the separate items (including each of the Options). In case the amounts shown in words and the equivalents in figures do not agree, the written words shall be considered binding. Bidders acknowledge that there may be Town employees and other contractors on site, and that part of the project is to coordinate access and project sequencing. Bidders are encouraged to visit the work site. Bidder also agrees to furnish, with each bid, copies of all licenses and permits allowing it to provide the work services bid upon. In order to be considered, proposals must include the following:

- Company information, including the primary contact person, and list of key team members and personnel, including qualifications of each
- Specification of proposed size, location, required components, and layout
- An itemized budget for the project and a total project cost

- Proposals may not exceed 10 pages in total length.

The contract is subject to competitive bidding under General Municipal Law § 103 on the basis of lowest responsible bidder standards, specifically including compliance with project bidding requirements and based upon the selection of the base bid plus any one or more of the approved or selected options. The overall savings and total production of each site or proposal are proper bid review and bid award considerations.

In submitting a bid, the bidder automatically warrants and represents that:

- Bidder has examined copies of all the bid information and documents, and all official addenda issued by the Town.
- Bidder has familiarized itself with the nature and extent of the project and work site, its locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work and services.
- Bidder has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies which pertain to the site or otherwise may affect the cost, progress, performance or furnishing of the work and services as bidder considers necessary for verification of the bid price.
- Bidder has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the bid, and the bidder has given the Town written notice of all conflicts, errors or discrepancies that it has discovered in the bid documents, and any written resolution thereof issued by Town is acceptable to bidder.
- The bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; bidder has not directly or indirectly induced or solicited any other bidder to submit a false or sham bid; bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and bidder has not sought by collusion to obtain for itself any advantage over any other bidder or over the Town.

### **General and reserved rights of the Town**

The Town reserves the right to reject any or all bids or proposals received in response to this RFP, and to withdraw the RFP at any time, at the agency's sole discretion and including for mere convenience. No bid or bid award is binding upon the Town until a contract is approved and executed by the Town, and any inability or substantial delay in approving or executing a contract will result in disqualification of such Bidder and allowing the Town to proceed with negotiations with the next qualified bidder with the next lowest price relative to the base bid and selected Options. The Town may seek clarifications of any bid and require updated proposals from any or all bidders, including upon issuance of any addenda or in the event of any needed project update or clarification. The Town may use information obtained through proposals, site visits, management interviews, and investigation of a bidder's qualifications, experience, ability, or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information, in the course of evaluating and issuing any notice of award under this RFP. The Town also reserves the right to extend the dates of performance after the issuance of a notice of award for just cause, to negotiate change orders and extras, and to eliminate non-material specifications when doing so is in the best interests of the Town and does not otherwise materially violate applicable laws.

## Evaluation Criteria

Bids will be opened and read aloud publicly at the place where bids are to be submitted. An abstract of the amounts of the base bids and Options will be made available to all bidders after the opening of bids. All bids that the Town believes to have a reasonable chance of receiving the award will remain subject to acceptance for 60 days after the day of the bid opening and the Town may, in its sole discretion, release any other bid prior to that date.

In evaluating bids, The Town will consider the qualifications of bidders, bid compliance, and the price submitted with or without any one or more selected project Options. The Town reserves the right to reject any or all bids, including without limitation the rights to reject any or all nonconforming, non-responsive, or conditional bids, and further including the rights to disregard any non-material non-conformity or error. The Town reserves the right to waive all informalities not involving price, time, or changes in the project.

Proposals will be also evaluated by the Town Board of Enfield based on the size, efficacy, location, and overall design and utility of the system.

Supervisor Redmond has some questions for Superintendent Rollins. Beth McGee had mentioned that we had not used the amount of space requested. The Highway Department used close to 6,000 tons of sand each year and would like more space if we are going to have a harsher winter and sand is used for more than road maintenance in the winter time. Sand is used for road maintenance in the summer. He went back and averaged what was normally used in the winter and this is the amount that we usually stock. We have had this amount in this spot in the last 10 years. Councilperson Lemke heard from Beth McGee that we were possible over building and Highway Superintendent Rollins has stated we are not as he has already stated the multiple project use for the sand. Councilperson Lemke would like to understand from Superintendent Rollins if we were over building. The Salt Barn would house multi-purpose sand Superintendent Rollins would like to state his opinion. Supervisor Redmond would like to know what the maximum amount of sand Superintendent Rollins purchases in a year. It is \$9 a ton and the highway department spend close to \$50,000 a year on sand. Councilperson Lemke would like to clarify that Superintendent Rollins would like to keep a 50% surplus. Councilperson Lemke questioned the fiscal impact of building a larger building verses purchases the additional purchases when needed. Councilperson Lemke suggested that the cost between a 6,000 ton and a 9,000 ton facility would be approximately a ~25% difference. Councilperson Lynch inquired if all of the paperwork was completed correctly. Superintendent Rollins stated engineering will be approving the plans for the building. Councilperson Lemke suggested hiring Labella to overview the specs to make sure the building would do what we want them to do, etc. Superintendent Rollins stated that you give the amount of sands and the state gives you the size of the building. He states that the building even though it is projected at 9,000 ton that it may only hold 7,000 ton. Supervisor Redmond will go back to the grant and make sure we have completed due process and to make sure are paperwork is correct.

### Hazard Mitigation Grant Program:

Supervisor Redmond has been working with Debbie Teeter on the Grant for the ECC Bldg., Debbie has been working on the letter of interest. Supervisor Redmond has been collecting documentation of expended funds from the flood in 2013. A draft is ready. She asked for funds to be passed. A letter of Interest will be sent on behalf of the ECC Bldg.

Councilperson Lynch moved and Supervisor Redmond seconded.

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

Discuss regarding LED Lights.

Councilperson Lemke is indifferent to the colors of the lights. Councilperson Lynch stated the brighter the light the better, as it may be safer. Councilperson Ricks prefers yellow. The 4,000 Kelvin would be the same brightness as the 3,000 Kelvin. Superintendent Rollins stated that the residents had complained about the lights being too bright as they were white lights initially and that they have toned down over time. The Town board will go with the yellow lights as they are more downcast. Supervisor Redmond would like to send in the letter of agreement.

Councilperson Lynch moved and Councilperson Lemke seconded.

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

### **Resolution #68 -2021 Bridge Reserve Account**

WHEREAS the town board did not use allocated the \$30,000 in funds for bridge repairs contractual in the 2020 highway fund budget, and

WHEREAS, \$30,000 was allocated to Bridge Reserve in the 2020 budget, now therefore be it

RESOLVED at the town board authorize the town supervisor to transfer \$60,000 from DA909 Unreserved Fund Balance to the highway fund bridge reserve DA230A

Supervisor Redmond moved and Councilperson Lemke seconded.

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

Norbut Solar Farms: Supervisor Redmond edited the letter that Councilperson Lynch drafted. This letter is the letter that Supervisor Redmond sent to Town Board members. Councilperson Ricks asked for clarification as to what this vote is for. Councilperson Lynch would like to table this to the July meeting and the board is in agreement. We are asking them to make their pilot agreement conditioned on Norbut giving us a community host agreement. We are not giving them a letter saying we are okay with what they are doing and that we want a community host agreement. Councilperson Lynch read the letter.

Councilperson Lynch moved and Councilperson Lemke seconded.

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

Decommissioning bond Update: Councilperson Lemke had a discussion with attorney Gary Abraham. While the planning board does have the right to override the town board, they would still need to comply with the waiver requirement. Councilperson Lemke stated that they cannot meet the undue hardship requirements. The planning board would not be able to approve the waiver. Councilperson Lynch stated we can amend the law, Councilperson Lemke stated she would not support that and that we should contact Gary, she posed the question to him about the performance bond if the

town is willing to go through the effort to amend the law and is waiting for a response. Councilperson Lynch would like to table this to the July meeting and the board is in agreement.

**Resolution #69-2021** Updating Fee Schedule for Building Permit

WHEREAS the most recently adopted fee schedule for building permits is quite high for a small project, therefore be it

RESOLVED the fee schedule is to be updated to the previous fee schedule

Value of Improvement		Fee	
\$ 1	To	\$5,000	\$35.00
\$5,001	To	\$10,000	\$50.00
\$10,001	To	\$20,000	\$70.00
\$20,001	To	\$30,000	\$90.00
\$30,001	To	\$40,000	\$120.00
\$40,001	To	\$50,000	\$150.00
\$50,001	To	\$100,000	\$200.00
\$100,001	To	\$150,000	\$300.00
\$150,001	To	\$250,000	\$400.00
\$250,001	To	\$500,000	\$600.00
\$500,001	To	\$1,000,000	\$800.00
\$1,000,001	To	\$2,500,000	\$1,250.00
\$2,500,001	To	\$5,000,000	\$2,250.00
\$5,000,001	To	\$10,000,000	\$3,500.00
\$10,000,001	To	\$20,000,000	\$4,500.00

Supervisor Redmond moved and Councilperson Lemke seconded. Councilperson Lynch would like Code Officers Teeter to shed some light on the fee schedule for commercial projects. Any commercial project is \$5 per thousand.

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

**Resolution # 70-2021** Standard Work Day and Reporting

Be it Resolved, that the Town of Enfield, Location Code 30576, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title:	Standard Work Day:	Name:	Current Term:	Record of Activities:
Town Clerk	8	Ellen Woods	01/01/21-3/11/21	20
Highway Superintendent	8	Buddy Rollins	01/01/21-12/31/21	20
Deputy Town Clerk	6	Patricia Speno	01/01/21-03/31/21	12.5
Justice Clerk	6	Tiffany Poole	01/01/21-12/31/21	8.89
Code Enforcement Officer	6	Alan Teeter	01/01/21-12/31/21	19.23
Bookkeeper	6	Brian McIlroy	01/01/21-12/31/21	3.71

Supervisor Redmond moved and Councilperson Lemke seconded.

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

**Resolution #71-2021** Minutes Policy as amended

WHEREAS, the Town is required by law to provide written minutes of its meetings that include summaries of all motions, proposals, resolutions, and any other matter formally voted upon;

WHEREAS, such minutes are intended to accomplish a number of important goals, including, but not limited to, providing legal protection to the Town for its actions by informing those not present (e.g., the public, municipal officials, absent members, and New York State courts) what transpired; tracking the evolution of issues and applications where precedent has been set; indicating that proper procedure was followed; assuring that the media and public were notified; verifying that a proper quorum and majority vote was undertaken; documenting that SEQRA was considered; and recording a member's recusal and reasons therefore (e.g., conflict of interest);

WHEREAS, there is no set legal standard for how minutes should be prepared other than certain minimum requirements; WHEREAS, best practice for minutes is considered to be the use of summaries and narrations that include an accounting of discussions and important details of the meeting;

WHEREAS, the Town of Enfield currently lacks a formal policy on how its minutes should be prepared;

NOW, THEREFORE, the Town Board hereby adopts the attached Town of Enfield Town Board Meeting and Public Hearing Minutes Policy.

**TOWN OF ENFIELD TOWN BOARD MEETING AND PUBLIC HEARING MINUTES POLICY Adopted June 9, 2021 by the Enfield Town Board**

1. The Town Clerk or a Deputy Clerk (the "Clerk") shall attend each public Town Board meeting, special Town Board meeting or public hearing conducted by the Town Board and record the minutes of such meeting. If required by law, the Clerk shall also attend each Executive session of the Town Board and record the minutes of such meeting.
2. The minutes shall be prepared in writing by the Clerk and kept for the period of time required by law. The Clerk shall also make an audio recording of any Town Board meeting, special Town Board meeting or public hearing and keep the recorded copy of the minutes in the Town records for the period of time required by law.
3. The minutes of a public Town Board meeting or special Town Board meeting represent an official record and shall, at a minimum, contain the following:
  - a. Board name, date, time, and place of the meeting;
  - b. List of members in attendance and a notation of those who were absent;
  - c. Times that the meeting was called to order and adjourned;
  - d. The approval and/or corrections of previous minutes;
  - e. Summary of all reports and announcements;
  - f. Any motions to enter into Executive session, including a description of the general area or areas of the subject or subjects to be considered during the Executive session;

- g. Summary of any discussions, proposals, resolutions, and motions; and
  - h. The results of any votes.
4. The following standards shall apply when preparing Town Board minutes:
    - a. Motions and resolutions shall be recorded verbatim. They shall be read back during meeting for accuracy.
    - b. The minutes shall be prepared in narration form to provide concise and coherent summaries, presenting information logically, but not necessarily chronologically in the case of long discussions. They should include an accounting of all discussions and important details of the discussions.
    - c. The minutes should include all key points made during the meeting.
    - d. The Clerk should separate fact from opinion in the minutes. Facts are objective and indisputable. Opinions are personal views.
  5. The minutes of an Executive session of the Town Board represent an official record and shall contain the following:
    - a. Date of the meeting;
    - b. List of members in attendance and a notation of those who were absent;
    - c. A summary of any final determination taken by formal vote; and. The results of the vote.  
Notwithstanding the foregoing, such summary should not include any matter that is not required to be made public under the Freedom of Information Law. No minutes are necessary if no formal action is taken during the Executive session.
  6. The minutes of a public hearing represent an official record and shall, in addition to the information required by a public Town Board meeting, at a minimum, contain the following:
    - a. A summary of any testimonies made at the hearing, including a copy of any written testimonies;
    - b. Whenever possible, the identification of the speaker whose testimony is being summarized;
    - c. Transcripts or summaries of comments from public at the hearing;
    - d. Written comments submitted during public comment period;
    - e. A summary of any expert opinions or copies of any written expert opinions;
    - f. Any visual references, or if not possible to include the visual reference itself, a description and summary of the visual reference; and
    - g. Summaries of any Board members' personal observations and knowledge. The general standards outlined in paragraph 4 above shall apply to the preparation of public hearing minutes.
  7. The Board may determine, in its discretion, to require the Clerk to provide a video record of any public meeting in lieu of an audio record.
  8. A draft of minutes of any public Town Board meeting shall be made available to the public within two weeks of the meeting by posting them on the Town website. A draft of Executive session minutes (if required by law) shall be made available within one week of such session by posting them on the Town website. The minutes and records of a public hearing shall be made available in accordance with the provisions of law that apply to such hearing.
  9. As the first order of business during a Town Board meeting, the Town Board shall review the minutes prepared by the Clerk and propose any corrections, deletions or additions they feel are necessary to properly reflect the events of the meeting or hearing. Final minutes shall be approved by the Town Board by a majority vote



Councilperson Lynch asked Town Clerk Cornell's opinion of the minutes policy. Clerk Cornell stated that she does not have an issue with policy as she believes that requested requirements are currently being met. Clerk Cornell addressed section 7 of the policy and stated that the Town is required to provide any needed equipment to perform the requirement.

Supervisor Redmond Moved and Councilperson Lemke seconded.

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

**HeatSmart Webinar** will be hosted again on June 24<sup>th</sup>. Flyers have been posted and Supervisor Redmond asked for NYSERDA for 75% of the cost with the town at 25%. We have already passed a resolution and when 10 people sign up then it will close. Is it okay for Supervisor Redmond to print the flyers once we have funding approval.

Councilperson Lemke moved and Councilperson Ricks Seconded.

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

**In person meetings at the Town Court building.** Councilperson Lynch states this meeting has gone on too long tonight and we will pick this up and have a discussion in July. The Board is in agreement. Supervisor Redmond will work with Renee Carver.

**Privilege of the Floor:** Beth McGee – Thank she loves the idea of the bike park. They travel about an hour to their grandson's motocross event and these events needs a lot of parking. It would be a great idea for our town and would help our community. She stated that there is always almost nothing around these bike parks. She reinforced that it was a great idea.

**Motion to adjourn:** Councilperson Lemke motioned and Councilperson Ricks seconded. Adjourned 10:24 pm.

Respectfully submitted,

Mary Cornell  
Town Clerk