

Town of Newfield Regular Board Meeting Minutes
January 4, 2010

The Regular Meeting of the Newfield Town Board was called to order by Supervisor Driscoll at 7:00PM. Present: CP James, CP Laughlin, CP Hart and Supervisor Driscoll. Also present: Town Attorney, Edward Hooks; Highway Superintendent Kevin Berggren

Meeting was opened with the Pledge of Allegiance led by Supervisor Driscoll.

Supervisor Driscoll asked to update some changes in the order on the Agenda. Number 5 Old Business was moved to under 6 New Business. He asked to add the Barton and Loguidice Contract to Old Business and under New Business the addition of the Harris Beach Contract and the 2009 Expenditure Encumbrances.

PRIVILEGE OF THE FLOOR – There was no to speak.

CORRESPONDENCE – No Correspondences

Supervisor Driscoll reviewed Resolution #1 with the Board and residents attending the meeting.

Motion was made by CP Hart to approve Resolution No. 1 for 2010.

RESOLUTION NO. 1-2010

1. Fire and Building Code Officer shall be Harry Wright at an annual salary of \$27,848.00
2. Environmental Code Officer shall be Tony Petito at an annual salary of \$3,373.25.
3. Water and Sewer Billing Clerk shall be Katharine Crance at an annual salary of \$1,463.33 per year.
4. Tax Collector shall be Katharine Crance.
5. Town Hall Cleaner shall be Steve Wright at an annual salary of \$3,443.29.
6. Your Recreation Director shall be Richard Berggren at an annual salary of 13,905.00.
7. Newfield Youth Secretary shall be Sue Whittier at the rate of \$10.30 per hour not to exceed \$3,000.00 per year
8. Newfield Youth Treasurer shall be Katharine Crance at \$11.00 per hour not to exceed \$3,000.00.
9. School Crossing Guard shall be Jenny Ferrell at an hourly rate of 7.97 per hour.
10. Water/Sewer Supervisor shall be Rob Brewer at the hourly rate of \$22.13.

OTHER REMUNERATIONS

1. Justice Allen's Court Clerk shall be paid an annual salary of \$14,445.00 per year.
2. Justice Payne's Court Clerk shall be paid at an annual salary of \$5,095.00
3. The Deputy Town Clerk shall be paid an annual salary of \$25,307.00
4. The Supervisor's Bookkeeper/Assistant shall be paid an annual salary of \$27,500.

Motion was seconded by CP Laughlin.

AYES

CP James

CP Laughlin

CP Hart

Supervisor Driscoll

NAYS

None

Motion carried.

Supervisor Driscoll reviewed Resolution No. 2 – 2010 with the Board and residents attending the meeting.

Motion was made by CP James to approve Resolution No. 2-2010.

RESOLUTION NO. 2-2010

- A. Official meeting dates for the Town Board Meetings will be the second Thursday of each month at 7:00PM with the exception of January. The Organizational Meeting will meet on the first Monday after the New York.

- B. Town Officials will be reimbursed for all necessary expenses when on Town Business mileage rate to be set at \$.52 per mile.
- C. Highway Department Workers and Deputy Highway Superintendent shall be paid weekly. Elected Officials and all other Town Employees shall be paid monthly on the first day of each month. When the first day of the month occurs on a week-end, payment shall be effected on the preceding Friday.
- D. Highway Dept. is authorized to perform in hind services for the Newfield School District but for the fuel costs which shall be reimbursed by the District of the Town.
- E. Town Clerk shall pay monthly expenses and utility bills prior to Board Meeting if payable due date is prior to that meeting.
- F. Highway Superintendent shall purchase salt, gas, diesel fuel and tires on State Bid. The purchase of materials and services on County bid.
- G. Bookkeeper to be in charge of employee's benefits including writing notification to employees in respect to NYS retirement system.
- H. Alan Chaffee to be the Town Historian.

Motion was seconded by CP Hart.

AYES	NAYS
CP Hart	None
CP Laughlin	
CP James	
Supervisor Driscoll	

Motion carried.

Supervisor Driscoll stated that he would like to hold the other appointments at this time while he makes his appointments. He appointed Brenda Gill as his Bookkeeper/Assistant to the Supervisor. CP Hart to be the Deputy Supervisor.

Supervisor Driscoll then asked for a motion to fill his Councilperson seat. Motion was made by CP Hart to approve Rich Dolge to fill this position term to expire on 12/31/2010. Motion was seconded by CP James. All approved.

Supervisor Driscoll stated that he would like to address his interest in appointing Cindy Schulte to be the Stormwater Enforcement Officer but ask that they hold on this appointment until the Board has a discussion on this subject at their work session.

Supervisor Driscoll reviewed Resolution No. 3-2010.

Motion was made by CP James to approve Resolution No. 3-2010

Resolution No. 3- 2010

RESOLVED, that Tioga State Bank, a New York Bank, be and hereby is designated a depository of the Town of Newfield; and be it further

RESOLVED, that, acting alone, either of the following persons (individually an "Authorized Party"):

	Name	Title
1.	<u>Richard Driscoll</u>	<u>Town Supervisor</u>
2.	<u>Jeffrey Hart</u>	<u>Deputy Town Supervisor</u>

be and hereby is authorized, directed and empowered, in the name and on behalf of the Depositor to represent and act in the legal financial interest of the Depositor as outlined by the Bank in the Deposit Account Certificate of Authorization.

Motion was seconded by CP Laughlin

AYES

NAYS

CP James
CP Laughlin
CP Dolge

None

Motion carried.

Supervisor Driscoll reviewed the Harris Beach Retainer Contract. The monthly fee for the retainer is \$2,081.25 a 3.5% increase from last year. The contract would be for legal services 1/1/2010 – 12/31/2010. Motion was made by CP Dolge to approve Supervisor Driscoll signing the Agreement with Harris Beach, LLC. Motion was seconded by CP Hart. All approved.

Expenditure Encumbrances for 2009 was reviewed by the Board. Motion was made by CP Dolge to approve the Encumbrances for the following:

Increase 2010 General Fund with 2009 remaining balance for new Supervisor working at office in Town Hall by \$500.00. New line item for 2010 budget would be \$1000.00 for A1220.2

AT&T	A1620.415	\$ 229.11
Staples	A1620.499	\$ 16.47
Quill	A1620.499	\$ 100.73
Staples	A3620.4	\$ 189.37
NYS Retirement Fund	A9010.8	\$ 9,245.00
Griffith	DA5110.452	\$ 6,690.79
Cargill	DA5142.454	\$ 3,209.24
	DA5112.4	\$ 4,000.00
NYS Retirement Fund	DA9010.8	\$22,257.00
NYS Retirement Fund	SW1-9010.8	\$ 1,027.00
NYS Retirement Fund	SW1-9010.8	\$ 1,027.00
NYS Retirement Fund	SS1-9010.8	\$ 685.00

Motion was seconded by CP Hart. All approved.

OLD BUSINESS

Atty. Hooks updated the Board on the Dog Control contract. The issue was whether or not under section 114 of the Ag and Markets Law if the Town could contract with Gina Leonard to be the Dog Control Officer for the Town. In reading that Statute Atty. Hooks states that you may appoint a dog control or you may enter into a contract with an incorporated Humane Society. Under this statute or under an Attorney General's opinion to enter into a contract with an individual for Dog Control services. Atty. Hooks' concern is two-fold 1- If someone were to call us on this, what would the enforceability be and 2. Perhaps if someone actually contested whether or not she could be paid because there would be a violation of section 114. If the Town were to appoint her as Dog Control Officer it would mean withholding taxes etc. Atty. Hooks spoke with Mrs. Leonard and she does not wish to have deductions withheld. They do not wish to be dog control officer with withholdings. They were also considering sub-contracting some of the work that needed to be done in this area. Atty. Hooks has some real concerns as to how we would structure this relationship. More over there would have to be some kind of lease agreement probably for cats or other animals with Tompkins County. It was Atty. Hooks' recommendation that the Town should not be going this route. Since there was no contract signed there was no formal appointment. CP Hart stated that the reason the Board had decided to go this way was because several people had complained regarding the time of response with the SPCA. Supervisor Driscoll stated that in the contract there is a provision for an Advisory Board and it will have 3 representatives from the 6 municipalities to serve on the Board to help with issues such as time of response. CP Hart asked if all municipalities agreed to a 3 year contract. Supervisor Driscoll stated he had talked with Abigail Smith from the SPCA and a 1 year contract is fine if the Board so wishes. CP James stated that the contract speaks of a consortium but this contract is directly with the Town of Newfield. What are the benefits of being in a consortium? CP James stated that is were to join a consortium she would like to see the total cost as a whole and what our portion would be. None of that was put in the contract.

After further discussion motion was made by CP Hart to rescind the appointment of Gina Leonard as Dog Control Officers for the Town of Newfield. Motion was seconded by CP James. All approved.

Motion was made by CP James that the Board entertain the Tompkins County Animal Control contract. Motion was seconded by CP Hart. CP Hart stated that he would like to have a 1 year contract and asked what the other members felt regarding a multiple year contract. CP James stated she would like to see a 3 year contract but would like the Town to be a representative on the Advisory Board. Supervisor Driscoll stated he would discuss all questions regarding the Advisory Board and the consequences of terminating contract with the TCAC Executive Director.

A friendly amended motion was made by CP James that the Town enter into a 2 year agreement with the Tompkins County Animal Control giving Supervisor Driscoll authorization to sign the contract. Motion was seconded by CP Hart. All approved.

Supervisor Driscoll stated that Atty. Hooks had negotiated a contract with Barton and Loguidice. Atty. Hooks stated that to update the Board, at the Dec. meeting when the contract was reviewed there were some provisions he wanted to have added. He wanted an indemnification clause, insurance provision and the Town also wanted some termination rights in the event the Town felt obliged to do so. Clarification for expenditures was done and he feels that he agrees to this new revised Agreement. Motion was made by CP Dolge to approve Supervisor Driscoll to sign the new contract between the Town and Barton and Loguidice. Motion was seconded by CP Hart. All approved.

Work Session will be held on January 14th at 7:00PM.

Upon review of the Bills by the Board, motion was made by CP Dolge to approve the payments of the December 2009 monthly bills and the January 2010 monthly bills. CP Hart seconded the motion. All approved.

DECEMBER 2009

General Fund	numbers	359 – 373	Totaling	\$ 15,642.18
Highway Fund	numbers	214-238	Totaling	\$147,573.01
Water Dist. I	numbers	50-51	Totaling	\$ 2,897.00
Water Dist II	numbers	37-38	Totaling	\$ 1,085.19
Sewer District	numbers	43-49	Totaling	\$ 630.70
Recreation	numbers	103-109	Totaling	\$ 2,699.60
General Fund	numbers	1-8	Totaling	\$ 2,821.10

REPORTS

Supervisor – Supervisor Driscoll stated that what he wanted to talk about the Town Work Session. It is his intention to move forward as a unit as much as they possibly can as a Town Board and identify those areas where they would like attention paid. He would like to report back in Feb. what the objectives are.

Highway Superintendent – Highway Superintendent Kevin Berggren reported that the Highway Dept. has been plowing snow. CP Dolge asked how he finished off the summer and did he go over budget at all. Mr. Berggren stated that he had not received any reports on personal services information so he is taking it was okay. A snow plow is in Binghamton being repaired. The hydraulic hose on the spreader is broken. The truck is 7 years old.

Mr. Berggren stated Sheri had stated that elected official's health insurance was paid. Supervisor Driscoll stated he would look into it and they would discuss it.

Code Enforcement Officers – No report

Recreation – No report

Water/Sewer Supervisor – No Report

County Board Representative – Supervisor Driscoll welcomed our new County Legislator Dave McKenna. Mr. McKenna stated that he has been attending several meetings in January, 2010.

Mr. McKenna stated that at the last meeting the approval was made to fund the Bridge replacement on Newfield Depot Rd.

There being no further business, motion was made by CP Dolge to adjourn the meeting. Motion was seconded by CP Hart. All approved.

Respectfully submitted,

Katharine Crance
Town Clerk

Jan. 12, 2010
Date