

Town of Newfield Town Board Meeting Minutes
February 11, 2010

The Regular Meeting of Newfield Town Board was called to order by Supervisor Driscoll at 7:00PM. Present: CP James, CP Laughlin, CP Hart, CP Dolge and Supervisor Driscoll. Also present: Town Attorney, Edward Hooks; Highway Superintendent, Kevin Berggren; Water/Sewer Supervisor, Rob Brewer; Recreation Director, Richard Berggren; Code Enforcers Tony Petito and Harry Wright and County Representative Dave McKenna

The meeting was opened with the Pledge of Allegiance.

Supervisor Driscoll presented a proclamation declaring February 2010 as Library Lovers Month in the Town of Newfield. He presented a certificate to Tina Winstead, Librarian for the Newfield Town Library. Ms. Winstead thanked the Board and the community for their support.

Motion was made by CP Dolge to approve the Minutes of the Jan. 4, 2010 Regular Board Meeting. Motion was seconded by CP Hart. All approved.

PRIVILEGE OF THE FLOOR

Kathy King, Assessor and Ilene Kehoe, Assistant Director for the Tompkins County Assessment Office introduced themselves to the Board and the Community. Ms. Kehoe stated they wanted to come and update the Board on the happenings at the Assessment Office. Valarie Coogan retired last year and Jay Franklin was appointed Director. Mr. Franklin then appointed Ms. Kehoe as Assistant Director. Ms. Kehoe wanted the Board to know that they are here for them if they have any problems or questions they can help with. This year a parcel by parcel review was done by the Assessment. It doesn't necessary mean there will be a change in value. If there is an increase in value a notice will be going out March 12th. CP Hart asked Ms. Kehoe who decided on the values of the State Forest Lands. Ms. Kehoe stated the NYS Office of Real Property Services. CP Dolge asked why the County Tax Levy went up 35 ½% and he was wondering why? Ms. Kehoe stated she would have to talk to Jay and will get back to CP Dolge. He also asked why the sales tax used to off set County Tax Levy went down by \$80,000. He asked why isn't the Town getting \$900, 020.00 in offset. Ms. Kehoe stated the Town determines how to use the sales tax whether they want to offset the County portion or the Town. This is something the Town might want to look into.

Tompkins County Health Consortium – Dave Sanders, Program Manager for the Greater Tompkins County Health Consortium updated the Town and the Board on the Health Ins. issue. The Consortium meets the last Thursday of every month at the Ithaca Town Hall at 5:30PM. If anyone would like to come and get an update they may. Also the County website has a link – Municipal Shared Services initiative. The consortium was suppose to start Jan. 2010. Mr. Sanders reviewed why the consortium did not start in Jan. 2010.

CORRESPONDENCE

Supervisor Driscoll spoke with the Board regarding a letter he received from Mr. Bury requesting an appeal to a Stop Work Order on his project. Supervisor Driscoll has spoken with the Code Enforcer regarding this issue. Mr. Bury is requesting to come before the Board on March 11th. This issue will be reviewed at a work session.

Supervisor Driscoll stated that he had written a letter to Joe Mareane, which is in their board packets. Months ago the Town participated as an endorser of Clarity Connect's request to the Dept. of Labor to obtain a grant to begin the process of providing Broad Band to rural areas including the Town of Newfield. This is a coordinating effort that includes all the towns. Supervisor Driscoll read the letter. The Board approved Supervisor Driscoll to send the letter.

NEW BUSINESS

HUD Grant Mortgage Subordination Agreement – Supervisor Driscoll stated that a resident in the Town holds a HUD rehabilitation loan and is applying for a mortgage. The bank is asking the Town, in the event of a default on the mortgage, to subordinate its claim on the HUD loan in favor of the bank. Motion was made by CP Dolge approving the Subordinate Agreement. Motion was seconded by CP Hart. Discussion was held and Atty. Hooks stated that the request is not unusual and the Town has had similar agreements in the past. All approved.

Oeschner Agricultural Land Use Agreement - Supervisor Driscoll stated a farmer living on Trumbulls Corners Rd., is asking for an agreement to farm the Town Park plot owned by the Town. He had been farming the land with an agreement with the Van Kirk's. Supervisor Driscoll stated he had a discussion with Russ Maines, from Harris Beach and was given some information. Supervisor Driscoll then turned over the discussion to Atty. Hooks. Atty. Hooks stated you can not treat the property like you would if you were a private individual. Because the property has been dedicated for park purposes the town residents would need to be told how the property is going to be used. A legal in the paper saying in 10-20 days the Town is thinking about leasing this property, the description. Then there would need to be a Public Hearing. After it is leased there would need to be a permissive referendum. There would be some expense. Supervisor Driscoll stated that this would be an in-kind agreement. CP Dolge stated that the property needs to be mowed. Atty. Hooks stated that maybe they could get a ball park figure of what the hay is worth on that property. CP James asked how much it cost the Town to maintain the field. Highway Superintendent Berggren stated he thought the field was mowed twice last year. Atty. Hooks stated that instead of having the Highway Dept. mow the land the Town could contract with the farmer to mow the property. CP Hart stated that the Town bought this as a town park and is not saying put up buildings but let people know that there is town land and they can use it. Rob Brewer reminded the Board that a discussion was held several months ago regarding the use of part of the property for a spare water tank for the Trumbulls Corners water tank. Supervisor Driscoll asked if they like the idea of Atty. Hooks getting us more

information on a contract with the farmer to mow the property. The Board agreed they would like a little more knowledge regarding the options that are available to the town.

Code Enforcement Officials Job Descriptions – Supervisor Driscoll stated that Brenda Gill, the Town Bookkeeper, went to the Tompkins County Personnel Office to have an introductory meeting. He also explained that most towns the size of Newfield throughout NYS, by municipal law, use the County Personnel Dept. as the Human Resources Office for over site and compliance. Through this meeting it was discovered that both of our Code Enforcers were not registered with the Personnel Office. The Town needs to adopt a job description for the Code Enforcement Officers and file them with the County.

RESOLUTION NO. 4 – 2010

Motion was made by CP Hart to approve the Job Description for a full time Code Enforcement Officer and a ½ time Code Enforcement Officer. Motion was seconded by CP Laughlin. CP Dolge stated that he didn't think that we shouldn't just use the Boiler Plate Job Description. The Board will review the Job Description at a later date.

AYES	NAYS
CP Hart	None
CP James	
CP Laughlin	
CP Dolge	
Supervisor Driscoll	

Motion carried.

Supervisor Driscoll asked for a motion to provisionally appoint Harry Wright, Code Enforcement Officer. Motion was made by CP Dolge to provisionally appoint Harry Wright, Code Enforcement Officer. Motion was seconded by CP Hart. All approved.

NYSERDA – Supervisor Driscoll stated that the Towns of Enfield, Dryden, Danby and Caroline are joining forces to make applications for a NYSERDA grant to hire an energy consultant to conduct energy audits and assessments in their Towns. He would like Newfield to take advantage of this consultancy with a specific focus on Operational and Facilities Energy Improvements. NYSERDA will conduct an Audit and make recommendations improvement plans with payback calculations. Dryden is the applicant municipality. There is no cost to the Town.

Motion was made by CP James to approve Resolution No. 5-2010. Motion was seconded by CP Dolge.

RESOLUTION NO.5-2010

The Town Board of the Town of Newfield hereby authorizes the Town Supervisor to sign a grant application to the New York State Energy Research Authority (NYSERDA), currently known as RFP 10. The grant would provide funds for a staff person or consultant to work among several municipalities in Tompkins County to work on the following projects:

- Projects to perform energy management functions
- Projects to develop zoning guidelines for sustainable development
- Projects to implement regional plans that reduce energy use in various sectors

The Town of Newfield would benefit from the first item – specifically, Operational and Facilities Energy Improvements. Conduct Audit and recommend improvement plans with payback calculations.

Motion was seconded by CP Dolge.

AYES
CP James
CP Hart
CP Laughlin
CP Dolge
Supervisor Driscoll

NAYES
None

Motion carried.

Marcellus Shale Road Ordinance – Supervisor Driscoll stated there are 7 towns participating in the Marcellus Shale Work Group of TCCOG. The Town of Newfield would make 8. These Towns have banded together to hire Guy Krogh, Attorney to research a road ordinance that could be adopted by the Towns. This approach will deep our respective Town Attorneys from conducting their own research on such road use ordinances independently and at more time and potentially expense than a collective approach would provide. CP Hart asked if the Town was limited at \$300.00. Atty. Hooks stated that Guy Krogh is very familiar with Marcellus Shale. The work group has piles of road ordinances that they have been reading through.

CP Driscoll asked for a motion to entertain a discussion on Marcellus Shale. Motion was made by CP Dolge to open the discussion on the Town joining the Marcellus Shale Work Group of TCCOG. CP James seconded the motion. Supervisor Driscoll stated at this point it is road ordinances and what the process is for accessing road values so you can achieve a bond number. CP Hart asked if the attorney was anti-gas or is he bias against gas drilling. He stated he wanted someone that would protect us all but didn't want someone who is bias. Atty. Hooks stated he didn't think that he was anti-gas company. Atty. Hooks stated he felt Atty. Krogh was going to

just look at the road ordinances. CP Hart felt that \$2400.00 would be a bargain if Atty. Krogh could give the Towns an ordinance that will work. After discussion motion was made by CP Dolge to approve the Town paying \$300.00 for the purpose of working with 7 other towns to hire Attorney Guy Krogh to research a road ordinance that can be adopted by the Towns. Motion was seconded by CP James. All approved.

Floating Class Room Agreement – Motion was made by CP Dolge to accept the Agreement between the Floating Class Room and the Town of Newfield. Motion was seconded by CP James. The fee would be \$1600.00. Bill Foster from the Cayuga Lake Floating Classroom Project explained the process of the class room and what the children will learn from this. Supervisor Driscoll called for a vote. All approved.

OLD BUSINESS

Stormwater Management Enforcement Officer – Motion was made by CP Dolge that the Town adopt the Stormwater Management Officer's job description. Motion was seconded by CP Hart. Discussion was held regarding the Job Description and the duties. There was no further discussion. All approved.

Health Ins for Highway Superintendent – Motion was made by CP Dolge approving the Town paying 100% of Highway Superintendent Kevin Berggren's health insurance. Motion was seconded by CP Hart. The floor was opened for discussion – CP James stated that as much as she respected Kevin, health insurance is becoming one of the greatest burdens for municipalities, schools etc. Moving forward should be goal to have everyone contribute for their insurance. She is not sure who contributes to the ins. Supervisor Driscoll stated that percentage goes across a pretty wide spectrum based on the CSEA. There is only precedent no policy. CP James stated this is a complicated issue with layers in the contract when you retire. Highway Superintendent stated that the contract was for Union employees not elected officials. He stated he was told by Shari, the Town Bookkeeper/Secretary at the time, that his health ins. was going to be paid. She asked Brenda if the ins. would be paid. CP Dolge stated that he looks at it as part of his overall compensation he takes a cut in pay because he does not get over time because he is Superintendent and he looks at it as a package. CP Hart stated he agreed with CP Dolge, however, he wanted to make sure that elected officials here on forward would contribute to their insurance. CP Dolge stated his motion should state for 2010. He feels that this is something that should be addressed. CP Hart stated he felt it should go to all elected officials. CP Hart also felt that he didn't think it was fair to have a CSEA contract and to have some that do not have to follow the basic principles of it. CP James stated that she could not support the taxpayers paying 100% insurance for anyone and she thought it was unfair to Kevin expecting that it was going to be paid and then it find it was not. Rob Brewer, Water/Sewer Supervisor stated that it had been a precedent for the last 20 years when elected a Highway Superintendent's Health Ins. would be paid. It is not fair for this term to make someone pay. CP Dolge stated that the Board will decide what the compensation and benefit package will be. The Board will be fair. CP Hart asked if Kevin

was granted next month full coverage would it be retroactive? The answer was yes. A friendly amendment was added to the original motion and the motion will read as follows: Motion was made by CP Dolge to approve the town to pay 100% of Highway Superintendent Kevin Berggren's health insurance for the year 2010. Friendly amendment was made by CP Hart to include: current full time elected officials will continue to get their health insurance at 100% for their term. Motion was seconded by CP James. All approved.

Dog Enumeration – CP Dolge made motion to have the Town contact the Leonard's to do a dog enumeration. Motion was seconded by CP Hart. The Town Clerk will contact the Leonard's for the contract. All approved

Motion was made by CP Dolge to approve the payments of the February 2010 monthly bills. Motion was seconded by CP Hart.

General Fund	Totaling	\$56,547.99
Highway Fund	Totaling	\$38,191.66
Street Light Fund	Totaling	\$ 110.70
Sewer Fund	Totaling	\$ 1,362.49
Water District 1	Totaling	\$ 3,023.98
Water District 2	Totaling	\$ 1,182.07
Recreation	Totaling	\$ 4,864.53

All approved.

REPORTS

Supervisor – Supervisor Driscoll stated the Bookkeeper is on track to closing 2009. The books had not been closed for Oct. Nov and Dec. and in the process of closing Oct. she had difficulties with some accounts not balancing. One account was not balanced through January. There was an enormous amount of research, time and work. She is in the process of closing Nov. and will be able to hopefully close Dec. in time for the work session next Thursday. The Audit recommendations that were reviewed in our work session 3 have already been addressed. A tentative audit date has been established for Feb. 22.

CP Hart asked why Judge Payne's court could not be audited by the same auditors that audit the Allen Court. As long as Jerry Mickelson has nothing to do with the audit why wouldn't it be okay? Supervisor Driscoll stated he would check that out with the Court Administration.

T. G. Miller has finished their work on the consulting that they have been doing throughout the County on water/sewer. Supervisor Driscoll will be meeting with T. G. Millers and Rob Brewer next week. He will present the reports to the Board at the work session.

CP Dolge and Supervisor Driscoll will present a proposal for the formation process to conduct a Strategic Plan in 2010. They will present it to the Board at the work session in March.

Highway – Highway Superintendent Kevin Berggren stated that the highway crew has been busy keeping the roads plowed. They've also started painting some of the rooms at the Town Barns. This week he had an issue with Robby's tractor being broken. Luckily the school was able to sweep the sidewalks for the Town with their tractor. He would like to look into buying a tractor with a broom so the Town will be covered in case something happens Bobby can not do the walks.

Water/Sewer Supervisor – Rob Brewer reported that he is working on the water quality reports that goes out in May. He's also been painting the well house floors and other winter maintenance jobs.

Code Enforcement – Code Enforcer Tony Petito reported that January has been a very slow month.

Code Enforcer Harry Wright reported that developments are starting to pick up. He is looking for plans for 9 lots to be submitted for the Van Kirk land on Cox Rd.. Mr. Frandsen, the larger apt. complex is right on the cusp of starting his project. His plans are done. The attorney for the gas co. wrote a letter to Mr. Wright stating that Mr. Frandsen does not have permission to use the land. It is okay for him to use the existing driveway. They have a gas main they want to replace in order to accommodate the traffic the complex is going to cause. They want Mr. Frandsen to pay for this replacement and as of right now he is trying to get out of it. As soon as the weather breaks Millard Hill development will start working on the road again.

Recreation – Recreation Director Richard Berggren reported that the Basketball season is almost over, 2 weeks left. There were 112 children in the program. Cheerleading has 2 weeks left also, there were 23 children in that program. He will be starting to work on the Baseball season that we will be setting up for the Spring. No final decisions on the Coordinator yet. He has been meeting with Connie Delfino every Monday making plans for the Day Camp. Applications for Day Camp are done and will be distributed the week of Feb. 22.

CP Laughlin stated that the Recreation Committee met on 2/10 and they have to 2 people they would like approval to have on the Committee. Motion was made by CP Dolge to approve the appointment of Jennifer Pawlewicz and CP Hart to the Recreation Committee. All approved. CP Hart abstained from the vote.

County Legislature – County Representative Dave McKenna stated that he had a meeting with the Youth Bureau, they stated that a Newfield Representative is needed on the Ithaca Recreation Committee and the Youth Bureau. Mr. McKenna will be serving on the County Infrastructure, Government Operations and Cooperative Extension Building and Facilities Committee.

There being no further business motion was made by CP Dolge to adjourn the Regular Meeting at 8:55PM and go into Executive Session to discuss a Civil Service Issue. Motion was seconded by CP Hart. All approved.

Respectfully submitted,

Katharine Crance
Town Clerk

Date