

Town of Newfield Regular Board Meeting Minutes
August 12, 2010

The regular meeting of the Newfield Town Board was called to order by Supervisor Driscoll at 7:00PM. Present: CP Laughlin, CP James, CP Dolge and Supervisor Driscoll. Also present: Water/Sewer Supervisor Rob Brewer, Code Enforcer Tony Petito, Code Enforcer Harry Wright, County Legislator Dave McKenna and Town Attorney Edward Hooks. Absent: CP Hart due to a motorcycle accident.

The meeting was opened with the Pledge of Allegiance.

Motion was made by CP Dolge to approve the Minutes of the July 8, 2010 meeting. Motion was seconded by CP James. Supervisor Driscoll stated he would like to make a correction to the minutes page 2 line 3 should read implied instead of implicated. This change will reflect in the final minutes. Motion approved.

PRIVILEGE OF THE FLOOR

Dan Burke, Project Coordinator from Cooperative Extension of Tompkins County, stated he would like to make the community and the Board aware of a program offered to the residents of Tompkins County. It is a pilot program that could cut heating bills in half if people are using oil or propane to heat with. An energy audit would be done and there are low interest financing for home improvements aimed at energy efficiency and direct incentives for purchasing a pellet stove. For more information interested individuals can contact Mr. Burke at burke.ccetc@gmail.org or call 607-527-0031. Flyers with more information may be found in the Town Hall.

Tom Gerow, Blakeslee Hill Rd. stated that he had been contacted by Mr. Chaisson, Reporter for Newfield News. Mr. Chaisson is writing an article regarding the infestation of the Emerald Ash Borer. This insect will kill ash trees in very large quantities. It started its march in 2002 and is marching its way across the state. Mr. Gerow's concern is if the municipality has a lot of ash trees who is going to be paying for the removal of these trees when they die. He has had the opportunity to drive through Newfield and there is not a lot of ash in Newfield. Since it is going to be here at some point in time he wanted to make the Town Board aware and consider reviewing what their responsibilities would be when the infestation comes. He is willing to take a drive through the Town with the Highway Superintendent and see where and how many ash trees there are.

Tony Russo, Co-Chairman of the Planning Board updated the Board on the work the Planning Board has been working on. A schedule has been prepared on how they will be proceeding for the rest of the year and next year. A draft comprehensive plan has been put on line. Mr. Russo also commended Diana Bryant for a job very well done on the website.

CORRESPONDENCE

Supervisor Driscoll stated the Town Board received a Thank You note from CP Dolge for the care and concerns for his injury last month.

NEW BUSINESS

Supervisor Driscoll reviewed the Financial Reports for the month of July. He stated that the Recreation budget revenue side had a mislisting of revenues in the budget and therefore makes for a strange calculation. CR2350.1 Youth Services County and State the listing is \$10,645.00 was incorrectly listed. The Youth Services CR2353 – CCE is correct and that is where the revenues should be. A correction will be made to redistribute correctly where the revenue lines should be.

There is an increase usage in the diesel fuel. That corresponds with the sand usage and Cornell is not making cinders available so Kevin has been purchasing sand in anticipation of the winter. It is inflated due to the additional miles the trucks have to use to haul the additional sand in along with rock and gravel. As of the paying of the July 2010 bills there are 2 line items over budget. Supervisor Driscoll will be discussing those with Highway Superintendent Kevin Berggren. Those line items are A5123.42 and A5132.499.

Amend 2010 Budget – Discussion was held regarding the need to amend the 2010 Budget on line item A3301 – Erosion and Flood Control. The Town will not be a recipient of the \$26,000.00 from the State. This money was received in 2009 after the budget had been adopted. It remains on the budget for 2010 and Supervisor Driscoll stated that he proposed an amendment to correct the budget to reflect that the town will not be receiving the \$26,000.00. He has discussed this with Highway Superintendent Berggren to rework how he wants to expend this line for the rest of this year. CP Dolge stated that he didn't feel you could amend the budget without taxpayer's approval because they had already approved this budget. Supervisor Driscoll stated he had talked with the Bookkeeper and she said the budget could be amended. A discussion was held regarding this budget line item. CP Dolge stated that he felt it was right that Supervisor Driscoll brought this to the Board and that there is a \$26,000 listed as a grant revenue that we will not be receiving. Supervisor Driscoll stated that this reduces our balance for the year and the balance is \$13,000 and everyone needs to keep in mind that we do not have \$39,000 in that line.

Supervisor Driscoll stated he would like to remove the next item on the Agenda for a Resolution regarding Road Use Agreement VIZ State Municipal and DOT law. He would like to discuss this issue further with the Town Attorney.

OLD BUSINESS

Supervisor Driscoll stated that the State Attorney General is no longer issuing fire work permits and the towns be the maker of Fire Work Permits. Atty. Hooks stated that this Resolution is modeled on the NYS penal Law 405.00 which sets forth specific requirements. The key piece to this whole resolution is the requirement that there be a bond or insurance which indemnifies the town harmless from any and all respect pertaining to the use of the fireworks. CP Dolge stated that his concern was the town's liability when it comes down to the site inspection. If it is determined that the inspector was negligent could the town be held liable?

After a lengthy discussion motion was made by CP James to approve Resolution No. 9-2010. Motion was seconded by CP Laughlin.

RESOLUTION NO. 9-2010

WHEREAS NYS Penal Law 405.00 provides the authority for the administration of permits for firework displays, and

WHEREAS the NYS Attorney General has opined that the responsibility for administering firework display permits lies with local governments,

NOW THEREFORE BE IT RESOLVED that the Newfield Town Board creates for the following procedure for the application and issuing of permits for fireworks displays within the Town of Newfield pursuant to Penal Law 405.00.

The Town of Newfield Code Enforcement Officer shall administer and enforce all the provisions of the NYS Penal Law 405.00.

- A) The Code Enforcement Officer shall have the following powers and duties:
- (1) To receive, review and approve or disapprove applications required for Fireworks Display Permits pursuant to Section 405.00 of NYS Penal Law and the plans, specifications and construction documents submitted with such applications;
 - (2) To determine such terms and conditions, as the Code Enforcement Officer may deem to be appropriate, to be incorporated in the permit;
 - (3) To conduct site inspections prior to the time of display and any inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of this Penal law;
 - (4) To review and investigate complaints
 - (5) To maintain records
 - (6) To collect fees as set by the Town of Newfield;
 - (7) Notify appropriate Fire Company Chief of the issuance of the Fireworks Display Permit;

- (8) Notify Tompkins County Sheriff of the issuance of the Fireworks Display Permit;
- (9) To pursue administrative enforcement actions and proceedings;
- (10) Before issuing the Fireworks Display Permit consult with regional DEC Officials regarding fire danger at time of planned fireworks display.
- (11) In consultation with the Town Attorney pursue such legal actions and proceedings as may be necessary to enforce the provisions of this Penal Law; and

B) Permits

- 1) The Code Enforcement Officer must develop and maintain a permit application form that complies with the requirements of NYS Penal Section 405.00

2) Time Limits: Firework Display Permits shall become invalid unless the Display is commenced within 1 month following the date of issuance. Fireworks Display permits shall expire 1 month after the date of issuance. A Fireworks Display Permit which has become invalid or which has expired pursuant may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code enforcement Officer.

(3) Revocation or Suspension of Permit. If the Code Enforcement Officer determines that a Fireworks Display Permit was issued in error because of incorrect, inaccurate or incomplete information or that the information for which the Fireworks Display Permit was issued violates the NYS Penal Law Section 405.00 the Code Enforcement Officer shall revoke the Permit or suspend the Permit until such time as the Permit Holder demonstrates that all plans and information supplied then is in compliance with all applicable provisions of NYS Penal Law Section 405.00.

(4) Fee. The fee for Review and Issuance of Application is \$25.00 and must be paid at the time of submission of an application for a Fireworks Display Permit or for renewal of a Fireworks Display Permit.

C) COMPLAINTS

1) The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the NYS Penal Law 405.00. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate.

(a) Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection.

(b) if a violation is found to exist providing the applicant and any other person who may be responsible for the violation with notice of the violation an opportunity to abate correct or cure the violation;

(c) if appropriate issuing a Stop Work Order;

(d) If a violation which was found to exist is abated or corrected performing an inspection to ensure that the violation has been abated or corrected preparing a final written report reflecting such abatement or correction and filing such report with the complaint.

D) RECORD KEEPING. The code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel. All such records shall be public records open for public inspection during normal business hours.

E) PROGRAM REVIEW AND REPORTING. The Code Enforcement Officer shall annually submit to the Newfield Town Board a written report and summary of all business conducted by the Code Enforcement Officer with regards to Firework Display permitting including a report and summary of all transactions and activities in conjunction with the issuance and enforcement of

Firework Display Permits and a report and summary of all appeals or litigation pending or concluded.

AYES

CP Laughlin

CP James

Supervisor Driscoll

NAYS

CP Dolge

Motion Carried.

There was an extensive discussion regarding damage which could occur to Town highways as the result of the regular use of certain roads for travel by heavy equipment and vehicles of substantial weight which exceed normal traffic load conditions. In particular, discussion centered about the presentation made at the June 10, 2010 meeting by Mr. Steve Messmer of Delta Engineers, Architects & Land Surveyors, P.C. ("Delta") concerning the work which should and must be done in order to develop a valid and enforceable law or regulation designed to protect Town roads from such damage or if damage occurs and to implement a permitting process concerning such road use. Following this discussion, CP Dolge with a second by CP Laughlin moved the following resolution:

RESOLUTION NO. 10-2010

WHEREAS the Town Board has determined that it is in the best interest of the Town to develop a law or regulation for the purpose of assuring that the Town will be adequately protected as, if and when Town roads hereafter are regularly used for transportation by heavy equipment and vehicles of substantial size and/or weight; and

WHEREAS in order to properly develop and implement such law and regulation it is necessary to retain the services of a traffic engineering firm possessing specialized skills and training to analyze Town roads and to make recommendations pertaining to the maintenance and protection thereof; and,

WHEREAS the Town Board at its June 10, 2010 meeting received a detailed presentation from Mr. Messmer of Delta concerning the services it might render in connection with the above; and

WHEREAS the Board has carefully reviewed and considered the proposal submitted by Delta in care of Supervisor Driscoll on July 6, 2010 with respect to this project and has found it acceptable in all respects; it is,

RESOLVED that Delta's proposal for basic services as therein described be accepted and it be awarded a contract to be effective July 2, 2011 to prepare, develop, and make recommendations with respect to the use of Town roads by heavy equipment and vehicles of substantial size and/or weight all such work as particularly described in the Delta proposal which is submitted with and made a part of this Resolution; and if is further,

RESOLVED that the Town shall spend not to exceed \$8,500.00 in consideration for the work to be performed by Delta pursuant to such contract; and it is further,

RESOLVED that Supervisor Driscoll be and hereby is authorized to execute on behalf of the Town an agreement consistent with this resolution with such additional or modified terms and conditions therein as the Supervisor, upon consultation with the Town Attorney, deems appropriate, provided that no material changes shall be made without the approval of the Town Board.

AYES

CP Laughlin

CP James

CP Dolge

Supervisor Driscoll

NAYS

None

Motion carried.

Highway Superintendent Berggren will be asked to explore the Cornell Road Program to see if he feels it would be adequate for the Town.

A discussion was held regarding the fee schedule for the Stormwater Management, Erosion and Sediment control plans and related inspections. After discussion motion was made by CP Dolge to approve Resolution No. 11-2010. Motion was seconded by CP James.

RESOLUTION NO. 11-2010

WHEREAS the Town of Newfield has adopted Local Law No. 2 in 2007 to establish stormwater management and erosion and sediment control, and

WHEREAS Article 4, Section 4 entitled "Fees for Service" specifies that the Town may require any person undertaking land development activities regulated by this law to pay reasonable costs prevailing rates for review of SWPPP's inspections, or SMP maintenance performed by the Town or performed by a third party for the Town of Newfield,

NOW THEREFORE BE IT RESOLVED THAT

- A. A non-refundable fee shall be paid along with each SWPP implementation as set forth below to cover expenses related to the initial review and processing of the SWPP application.
- B. For each SWPP review under any Stormwater Local Law, an escrow account shall also be established as set forth below and an additional amount shall be deposited as escrow to be used by the Town to cover the actual costs and expenses incurred by the Town in relation to the review of a SWPPP and subsequent inspections for SWPPP implementation. An escrow agreement providing for the deposit of the amounts herein set forth shall be executed by the applicant and the Deposit made in the amount set forth her or therein. Sums so deposited and not utilized in the review and inspection process shall be returned to the applicant within a reasonable period of time after final approval by the Town of SWPPP implementation. At the time of such return (or if no funds are due, within a reasonable period of time after final disposition of the SWPPP activity), the Town will provide an accounting of the expenses charged to the escrow account.
- C. Fees for Land Development Activities as defined in and as regulated by the above cited Stormwater Local Law are as follows:

BASIC SWPPP

Non-refundable application fee:	\$ 90.00
Review and Inspection Fee:	\$250.00 Initial deposit as escrow

FULL SWPPP

Non-refundable application fee:	\$250.00
Review and Inspection fee:	\$500.00 initial deposit as escrow

AYES	NAYS
CP Laughlin	None
CP Dolge	
CP James	
Supervisor Driscoll	

Motion carried.

CP Dolge requested another item under old business. He has met with another tree person from Tree Tops. He is having a problem getting professionals to cut the trees down. The trees are in precarious positions and have been hit by lightning. He hopes to get the tree down that is near the neighbors.

Motion was made by CP Dolge to approve the payments of the August 2010 monthly bills. Motion was seconded by CP James. All approved.

General Fund totaling	\$ 24,793.76
Highway Fund totaling	\$146,875.20
Street Lighting District totaling	\$ 1,192.34
Sewer District fund totaling	\$ 307.08
Water District #1 totaling	\$ 1,162.53
Recreation totaling	\$ 603.95
Water District #2 totaling	\$ 167.45

REPORTS

Supervisor – Supervisor Driscoll stated that he had met with Rob Brewer and Kevin Berggren and they have received their budget forms. Dog enumeration is going very well. 107 previously unlicensed dogs are now licensed 100 outstanding that needed to be licensed by the end of the month, if they are not the SPCA will be issuing licenses.

Highway – Rob Brewer, Water/Sewer Supervisor submitted a report from Highway Superintendent Berggren. He stated he believed that in the original talks with Delta the cost would be \$50.00 per mile. The Box Culvert is on schedule. CP Dolge asked when they were scheduled to open. Mr. Brewer stated around the first day of school.

Mr. Richard Hunter a Warris Rd. Resident apologized for being late to the meeting but wanted to speak to the Board regarding the condition of Dassance Rd. It is in very ill repair and needs serious repair. CP Dolge stated the roads have not been worked on as they have in the past because of the repair of the bridge on Main St. Supervisor Driscoll will look into this matter and get back to Mr. Hunter.

Water/Sewer – Water/Sewer Supervisor reported that Mr. Frandsen's application has been signed and forwarded to the Health Dept. Sewer station is going to be updated in October. Water District 2 valve on Main St. needs a new altitude control valve. The valve will cost about \$6500 and another \$3700 for installation. This valve controls the tank levels.

Code Enforcement – Code Enforcer Tony Petito reported on the cases he is working on. He has 1 new case this month and 4 inspections he will be doing.

Code Enforcer Harry Wright reported that Mr. Frandsen started pouring the floors and foundation to his housing development. CP James asked if Mr. Wright could get him a report on how many permits issued this year and last year. Mr. Wright will get this information for the Board.

County Legislator – County Legislator Dave McKenna reported that the County is working on the budget process. The County has come up with a data sheet on each program to give them a tool to work with. The Medical Consortium has been approved and will be up and running by January 1. The Town might want to take a second look into this. Supervisor Driscoll stated we have a 12% increase in health ins. for 2011 and he would be interested to see what the Health Consortium costs will be. There is a planning study being done for the Covered Bridge that the County will be undertaking. Supervisor Driscoll will be going to a meeting to learn more about this and the County might be asking for monies from the town to do this study.

Supervisor Brewer stated that he forgot to mention in his Highway Report that the diesel fuel had increase .48 cents per gallon this year.

There being no further business motion was made by CP James to adjourn the meeting at 8:20PM. Motion was seconded by CP Laughlin. All approved.

Respectfully submitted,

Katharine Crance
Town Clerk

08/19/2010