

Town of Newfield Regular Board Meeting Minutes
September 8, 2011

The Regular Meeting of the Newfield Town Board was called to order by Supervisor Driscoll at 7:00PM. Present: CP Laughlin, CP James, CP Hart and Supervisor Driscoll. CP Trask was late due to working at his job. Also present: Town Atty. Edward Hooks, Code Enforcer Harry Wright, Highway Superintendent Kevin Berggren, Recreation Director Dustin James and County Legislator Dave McKenna.

The meeting was opened with the Pledge of Allegiance.

PRIVILEGE OF THE FLOOR – There were no responses from the floor.

Supervisor Driscoll asked for approval of the August 11, 2011 Regular Board Meeting Minutes. Motion was approved by all Board Members present.

AGENDA CHANGES – CP Laughlin suggested that Highway Superintendent Kevin Berggren be allowed to give his report now since he had such a long night working in the storm last night. This suggestion was approved by all.

NEW BUSINESS

Highway Superintendent Kevin Berggren reported that there was only one road that washed out and that was Carter Creek on the seasonal use end. That was closed and will be fixed Monday. There were minor wash outs along the edges of the road mainly coming out of people's driveways and hitting the edge of the road and washing it away. Town is building up the sides on the creek near the Town Hall on Main St. 25-30 loads of gravel were taken out of the culvert and large rock was hauled in to hold the bank back. Van Buskirk Rd. will be finished soon.

Supervisor Driscoll stated that he wanted to mention that Ben Emery and the Fire Dept. were working and keeping an eye on the storm for the Town. There were a lot of people that were burning the midnight oil to make sure things were safe in the town, which is what CP Trask is doing tonight.

Supervisor Driscoll introduced Karen Besemers from the Tompkins Insurance. She presented the Board with copies of the current plans with comparisons. The increase will be posted the first week in November. There would be a 2% savings in the difference between the Healthy Blue and the simply blue ins. Healthy Blue has a rewards program for insurers that join the program and do healthy things for themselves i.e. quit smoking – exercising etc. It may be a savings if the employees are not using it the program could be changed to Simply Blue. So maybe the Board should survey the employees to see if they are using it. Ms. Besemers stated that if the Town was considering going with the Consortium that the Town should be sure that the consortium is going fully with Excellus. If they are not then the Board will

have to do something different for the retirees. Highway Superintendent Kevin Berggren was asked if the Highway Dept. had any concerns regarding the HSA Accounts or the health ins. Mr. Berggren stated that they had no complaints other than the monies for the HSA Acct. He stated that the men would like to have the full amount front loaded at the beginning of the year so the monies would be there when they needed it. Ms. Besemers stated that the Town could do that but needed to keep in mind that if the monies are front loaded and an employee leaves the Town might lose the money. Ms. Besemers will look into this issue for the Board.

A discussion was held regarding the Lease Agreement between the Town of Newfield and Thor Oechsner. This Lease Agreement is for the property owned by the Town of Newfield on Van Kirk Rd. CP Hart asked if there could be some sort of stipulation that would allow access for the Engineers to enter the property to drilling and testing for the reserved water tank.

After discussion motion was made by CP Hart to approve Resolution No. 8, 2011 with the following statement being added to Page 10 under Other Terms and Conditions. It shall state: Notwithstanding, Tenant agrees that Landlord may have access to the Premises at such time(s) as may be necessary in order for the Landlord or its agents, contractors or employees to conduct tests, make borings or perform other work on the Premises in connection with making improvements to the Town of Newfield water district; provided that Tenant shall be given reasonable advance notice of such work and it will be conducted so as not to unreasonably interfere with Tenant's use of the Premises.

RESOLUTION NO. 8-2011 Thor Oechsner Agreement

At a duly noticed and called meeting of the Town Board of the Town of Newfield on the 8th day of September, 2011, it was resolved as follows:

WHEREAS, the Town of Newfield is authorized, pursuant to Section 64(2) of the Town Law Lease to own property, and

WHEREAS, the Town desires to lease certain vacant property it owns on Van Kirk Rd. ("Former Van Kirk Property") and

WHEREAS, a Newfield resident, Thor Oechsner, has requested to lease the former Van Kirk Rd. property, it is hereby resolved as follows:

1. The Board approves a written lease to Mr. Oechsner in the form annexed hereto, at a rate of \$30.00 per acre for the lease time which rate the Board finds

is reasonable. The Lease Term shall be Oct. 1, 2011 to Dec. 31, 2012 with the total lease payment of \$412.60.

2. The Board hereby agrees to lease the property, subject to a permissive referendum pursuant to Section 90 of the Town Law.

Motion was seconded by CP Laughlin.

Ayes
CP James
CP Laughlin
CP Hart
Supervisor Driscoll

Nays

Motion carried.

The NYS Environmental Quality Review Short Environment Assessment Form was review and filled out. No adverse environmental issues were found. Supervisor Driscoll signed the Report with the Board approval.

RESOLUTION NO. 9-2011

WHEREAS earlier this year the Tompkins County Dept. of Personnel discovered that Harry Wright, the Town of Newfield Code Enforcement Officer, had never taken a Civil Service examination prior to his full time employment, and

WHEREAS the examination is a requirement of the Civil Service System in order to be eligible for full time employment, and

WHEREAS the Tompkins County Department of Personnel has indicated that the Town may now make an appointment for the position of Town of Newfield Code Enforcement Officer,

NOW THEREFORE BE IT RESOLVED that the Town of Newfield hereby appoints Harry Wright as the Town of Newfield Code Enforcement Officer.

Motion was made by CP Laughlin to approve Resolution No. 9-2011. Motion was seconded by CP James.

AYES
CP Laughlin
CP James
CP Hart
Supervisor Driscoll

NAYS
None

Motion carried.

After discussion motion was made by CP Hart to approve Resolution No. 10-2011.

RESOLUTION NO. 10-2011

WHEREAS Justice Payne has advised the Town Board and provided detail of her plans to improve security in the Newfield Town Court Room, and

WHEREAS the outlay for this undertaking comes to \$13,085.93, and

WHEREAS funds are available from the New York State Justice Court Assistance Program,

NOW THEREFORE BE IT RESOLVED that Justice Payne may make application to the Justice Court Assistance Program to cover these expenses.

Motion was seconded by CP Laughlin

AYES

CP Hart

CP Laughlin

CP James

Supervisor Driscoll

NAYS

None

Motion carried.

After discussion motion was made by CP James to approve Resolution No. 11-2011.

RESOLUTION NO. 11-2011

WHEREAS the Newfield Town Board has adopted Local Law #2-2010 "Excavation and Construction in Municipal Roadways and Highway Rights-of-Way and,

WHEREAS, Section 7 of the Law authorizes the Town Board to establish by resolution a schedule of fees pertaining to the issuance of Permits,

Now therefore be it resolved that the following schedule is established

BORING AND TUNNELING

\$100.00

Permit requires description of location and proposed work staked out on site.

Motion was seconded by CP Hart.

AYES

CP James

CP Hart

Supervisor Driscoll

NAYS

CP Laughlin

Motion carried.

A discussion was held regarding the Contract with the SPCA in 2011. Supervisor Driscoll stated that he had placed an email that the Board had received from the Town

Clerk and the Deputy Town Clerk asking the Board to support this contract. Supervisor Driscoll also stated that the SPCA will be reviewing the contracts and will slow down the increases over a 3 year contract period and right now the estimates for the 3 years will be \$22,000.00 for 2010, \$24-25,000.00 2013 and \$28,000.00 2014.

Motion was made by CP James to approve Resolution No. 12-2011.

RESOLUTION NO. 12-2011

WHEREAS the Newfield Town Court has been operating with one Clerk since June 10, 2011 upon the resignation of Justice Gary Allen, and

WHEREAS Justice Payne has presented a requested to the Town Board increase the compensation of her Clerk due to increased responsibilities out is deserving of a pay rate that is in proportion to other Court Clerks in similar Towns of Tompkins County, and

WHEREAS, funds remain in the account of the former Justin Allen's Clerk account to cover additional compensation,

NOW THEREFORE BE IT RESOLVED that Justice Payne's Clerk pay shall be increased from the current rate of \$11.25 per hour to \$12.00 per hour.

After discussion there was no second for this motion.

Motion failed.

After discussion motion was made by CP Hart to approve Resolution No. 13-2011.

RESOLUTION NO. 13-2011

WHEREAS the Newfield Town Court has been operating with one Clerk since June 10, 2011 upon the resignation of Justice Gary Allen, and

WHEREAS the Court Clerk has had to increase her hours decreasing the budget line A1110.112 to a very low amount.

NOW THEREFORE BE IT RESOLVED that such funds shall be moved from line item A1110.110 in the amount of \$2,000.00 from time to time, to line item A1110.112 to be used for Justice Payne's Clerk salary.

Motion was seconded by CP Laughlin.

AYES

CP Laughlin

CP James

CP Hart

Supervisor Driscoll

NAYS

Motion carried.

A discussion was held regarding Resolution No. 14-2011 regarding an adjustment in salary for Justice Payne. The resolution did not contain a dollar amount which was open for discussion. After discussion motion was made by CP Hart to approve Resolution No. 14-2011.

RESOLUTION NO. 14-2011

WHEREAS the Newfield Town Court has been operating with one Justice since June 10, 2011 upon the resignation of Justice Gary Allen, and

WHEREAS Justice Payne has presented a request to the Town Board to increase her compensation due to increased caseloads through December 31, 2011, and

WHEREAS funds remain in the account of the former Justice Allen to cover additional compensation.

NOW THEREFORE BE IT RESOLVED that Justice Payne's compensation shall be increased by \$4, 270.00 and that such funds in this amount shall be moved from A1110.101 to A1110.102. This increase will be effective Sept. 1, 2011.

Motion was seconded by CP Trask.

AYES

NAYS

CP James

CP Laughlin

CP Hart

CP Trask

Supervisor Berggren

Motion carried.

OLD BUSINESS

CP Hart asked if the AUD report was done. Supervisor Driscoll stated it was not done and Ciaschi and Dietershagen was working on it. Supervisor Driscoll stated he has been in contact with the State Comptroller's office and they are aware of the situation.

CP Hart asked what happen with the fine for carrying 2 policies last year. Supervisor Driscoll stated he is still looking for an explanation from Perma with respect to the distribution of the fine and the fee. They have not sent this info so we are still at the same status that he reported 2-3 months ago.

Motion was made by CP Laughlin to approve the payment of the September 2011 monthly bills. Motion was seconded by CP Trask. All approved.

General Fund totaling	\$21,515.67
Highway Fund totaling	\$49,195.80
Street Light Fund total	\$ 939.73
Sewer District Fund	\$ 5,412.77
Water District 1 Fund	\$ 2,797.44
Water District 2 Fund	\$ 2,193.61
Recreation Fund	\$ 6,756.09

Motion carried.

REPORTS

Tompkins County Legislators – Tompkins County Legislator Dave McKenna reported that a pro-preservation law was passed. 2011 budget has an increase of 5.4% which exceeds the tax cap. Budget presentations will now begin.

Recreation – Recreation Director Dustin James reported that soccer was starting up and he will be starting Cross Country Training and Volley Ball. Needs Assessment is under way. He would also like to revamp the Adult Rec Program. He has also revamped the Recreation Times, a newsletter he sends home to the parents. A chicken Barbecue will be held at Old Home Days and the Cheerleaders will be marching in the parade.

There being no further business Supervisor Driscoll adjourned the meeting at 9:00PM.

Respectfully submitted,

Katharine Crance
Town Clerk

Sept. 15, 2011
Date

Work Session is scheduled for September 22 at 7PM.