

April 12, 2018

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room April 12, 2018 at 7:00 PM. The meeting was called to order by Supervisor Jeffrey Hart and opened with the Pledge of Allegiance to the flag.

*Present were:* Supervisor Jeffrey Hart, Councilperson Mike Allinger, Councilperson Joanne James, Councilperson Christine Laughlin and Councilperson Casey Powers. Also present: Highway Superintendent Kevin Berggren, Code Enforcement Officer Alan Teeter, Newfield Representative to the Tompkins County Legislature Dave McKenna and Town Attorney Tom Smith and 19 attendees.

**Privilege of the Floor**

*No one wished to speak*

**Agenda Changes**

Supervisor Hart asked to add Chazen Engineers to New Business and to add an Executive Session to discuss possible pending litigation.

**Approval of March 13, 2018 Public Hearing, Board Business Meeting Minutes and March 29 Board Meeting Minutes**

Motion was made by Councilperson Laughlin to approve the March 13, Public Hearing and Board Business Meeting Minutes, seconded by Councilperson James.

Vote	AYE	4	Hart, Allinger, James and Laughlin
	NAY	0	
	ABSTAIN	1	Powers

Carried

Motion was made by Councilperson Laughlin to approve the March 19 Board Meeting Minutes, seconded by Councilperson Allinger.

Vote	AYE	3	Allinger, James and Laughlin
	NAY	0	
	ABSTAIN	2	Hart and Powers

Carried

**Reports:**

*Highway:* Highway Superintendent Kevin Berggren reported gravel is being brought in and stockpiled for spring and summer projects, the roads were being repaired from winter plow damage, TC Miller is working on the bid packet for the Stone Jug project and TCSWC for the Carter Creek project.

Superintendent Berggren presented a quote packet from Lime a sub contractor for NYSEG to replace the street lights and Highway Barn facilities with LED lighting.

*Water and Sewer Department:* Superintendent Berggren reported they had been painting the well houses. Supervisor Hart asked if any word had been received regarding the leach field project and the well replacement project from Hunt Engineers and TG Miller.

April 12, 2018

*Recreation:* Recreation Director Dustin James was absent. Councilperson Laughlin reported Shannon LaBarge has been hired as the Summer Camp Director. She will begin councilor interviews soon. Summer Camp will be limited to 75 children. Spring sports programs have coaches in place and will begin April 23<sup>rd</sup>.

*Code Enforcement:* Code Enforcement Officer Alan Teeter reported he issued 3 permits in March. CEO Teeter also reported he had just completed his annual 24 hours of in service training. He will be attending training on Clean Energy that can be used in conjunction for NYSERTA grants.

*Tompkins County Legislature Report:* Newfield Representative David McKenna stated that he awarded a construction bid for stream stabilization for the Ludlowville Bridge, awarded a contract for electronic records for the health department. The Legislature also passed a resolution banning single use plastic bags in Tompkins County.

*Planning Board:* Planning Board Member Leo Tidd reported the Planning Board had been working on a nuisance law that would include junk, noise and animals and that Site Plan Review application was now on the Website. The Planning Board was presently was working on mapping environmentally sensitive areas. Councilperson James asked for a time frame regarding the nuisance law.

*Hamlet Beautification:* Bill Chernish reported TCAT was ready to deliver the proposed new bus shelter as soon as a location could be agreed upon.

*VanKirk Road Park Committee:* Councilperson Laughlin reported Highway Superintendent Berggren is waiting for information from Hunt Engineers. Angel from TCSWC and Dustin James from TG Miller have offered to help lay out the field elevations and measurements.

*EMS:* Michelle Henry reported on the February presentation of the bike ride and Tompkins County Ride Share, Streets Alive Program and Solar tariff was discussed as well.

*Supervisor:* Supervisor Hart reported he and Highway Superintendent Berggren have met with TG Miller regarding the new well location project. Availability of funding grants is being looked into. Supervisor Hart also reported he was hoping to begin the leach field improvement in August. He also reported meeting with Verizon to upgrade the Town Hall phone system. Supervisor Hart is hoping to have estimates for Town Hall maintenance by May. Highway Superintendent Berggren commented the Highway Department could do the sidewalks at Town Hall.

## **New Business**

*Court Proclamation* - Councilperson James read the following proclamation:

### **Proclamation of Thanks to Justice William Chernish**

WHEREAS, William Chernish has brought civic pride to the Town of Newfield through his efforts as Justice in the Newfield Town Court; and

WHEREAS, the Court has become more accessible and convenient for the residents of Newfield with the adoption of flexible hours, an evening court, adoption of partial payment of fines, acceptance of personal checks and credit cards; and,

WHEREAS, the physical improvements made possible in the courtroom through three successful Justice Court Assistance Program Grants along the cooperation of the Tompkins County Department of Probation Service

April 12, 2018

Work Alternative Program have resulted in one of the most attractive and workable courtrooms in the County; and,

WHEREAS, the operational efficiencies introduced by Justice Chernish have improved operations in the flow of cases, expedited case handling and reduced the overall court costs. Justice Chernish now handles the caseload previously overseen by two judges; and,

WHEREAS, the Newfield Town Court has been recognized as adapting to necessary changes by utilizing electronic record retention, communications, as well as with working with other county and state entities, THEREFORE BE IT RESOLVED: the Newfield Town Board and residents wish to thank and recognize Justice William Chernish for the many improvements to the Newfield Town Court.

*Angel Hinickle: Tompkins County Soil and Water Conservation* - gave a slide presentation of the I4 Pony Hollow Watershed study; this included the back ground report and stream corridor assessment. Highway Superintendent Berggren recognized how much Angel helps the Town of Newfield.

*Nexamp Update:* John Murphy; Senior VP of Corporate Development updated the construction activities of the community solar project on Millard Hill Road. Mr. Murphy also commented Newfield residents are being offered a 10% savings along with other Tompkins County residents. Councilperson Laughlin asked how many Newfield residents had signed up so far- approximately 30 to date, the system can support 1000 residential customers. Mr. Murphy also stated Nexamp also now owns the 3 LLC's on Millard Hill Rd. Supervisor Hart asked what connection Nexamp has with Delaware River Solar, Mr. Murphy stated other than purchasing the projects from DRS there is no association. It was noted the Town has the decommissioning agreement and escrow funds and the IDA has approved a PILOT agreement. The Town will be responsible to invoice Nexamp for the annual fee scheduled in April of each year for the decommissioning escrow for the next 20 years, as well as providing an annual statement of each account. Councilperson Powers asked how Nexamp was getting the word out; Mr. Murphy replied that Nexamp has been reaching out to local community organizations, mailing directly to residents and also is using trusted third parties. Christopher Perron introduced himself to the Town Board as the Senior VP, EPC. Mr. Perron introduced Nicholas Vamvas, project engineer of record from Chazen Companies to address the Board regarding erosion control and the SWPP. Mr. Vamus reviewed the history of the project regarding previous approvals in its various stages, including the tree and vegetation removal. Tompkins County Soil and Water Conservation have shown concern regarding proposed tree and vegetation removal. Mr. Vamus stated amended plans had been sent to the TC IDA for approval in January 2017, it is unknown if the Town of Newfield received copies of those plans. Supervisor Hart and the Board reviewed the history of the Town and Delaware River Solar regarding the plans, conversations regarding the trees and the ownership of the project with the present representatives from Nexamp. At this time Supervisor Hart and the Town Board are not comfortable approving the SWPP as it is currently presented. Nexamp and Chazen consult with Tompkins County Soil and Water Conservation to revise an acceptable SWPP to the Town for Supervisor Hart's approval.

*Discussion and Action Regarding the Agreement for Expenditures of Highway Monies*

April 12, 2018

Highway Superintendent Berggren reviewed the proposed road repairs: Stone Jug stone arch bridge and creek stabilization, Carter Creek Road Creek bank stabilization and Fishkill Road. Superintendent Berggren is also looking in to grant funds for repairs and replacements to the Chaffee Creek, School House and Jackson Hollow Road bridges.

Motion was made by Councilperson Allinger to approve the expenditures of Highway monies, seconded by Councilperson James.

Vote	AYE	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

*Discussion and action regarding Resolution No. 7-2018 Authorization to Fund, accept ROW Acquired by NYSDOT*

**Resolution No. 7-2018** Authorization to Fund accept ROW Acquired by NYSDOT and Execute the State Administered Master Agreement for the Right-of-Way Incidentals and Acquisition Phases with the NYSDOT – PIN 375617 – Main Street over West Branch Cayuga Inlet Bridge Replacement (BIN 2257740), Town of Newfield

WHEREAS, a Project to replace the Bridge on Main Street over West Branch Cayuga Inlet, BIN 2257740, P.I.N. 375617, (the Project) in the Town of Newfield, is eligible for funding as a locally-administered project under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the Town of Newfield desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Right-of-Way Incidentals and Acquisition Phases, now therefore be it

WHEREAS, as part of the property agreement, the NYS DOT will acquire the necessary property ROW for this project and is requesting that the Town of Newfield agrees to accept by Official Order the real property acquired for this project; and

RESOLVED, on recommendation of the Town of Newfield Highway Superintendent, that the Newfield Town Board hereby approves the above-subject Project,

RESOLVED, further, that the Newfield Town Board hereby authorizes the Town Supervisor to pay in the first instance one hundred (100%) percent of the federal and non-federal share of the costs of the Right-of-Way Incidentals and Acquisition Phases for the subject Project or portions thereof,

RESOLVED, further, that the sum of \$12,261.00 is hereby made available, to cover the cost of participation in the Right-of-Way Incidentals and Acquisition Phases of the Project,

April 12, 2018

RESOLVED, further, that the Town of Newfield will accept from NYSDOT the real property acquired for this project; and

RESOLVED, further, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Newfield Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification of the New York State Department of Transportation thereof,

RESOLVED, further, that the Town of Newfield Highway Superintendent be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid on behalf of the Town of Newfield with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of Project costs and permanent funding the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible,

RESOLVED, further, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project,

RESOLVED, further, that this resolution shall take effect immediately.

Motion was made by Councilperson Laughlin to approve Resolution No. 7-2018 Authorization to Fund, accept ROW acquired by the NYSDOT, seconded by Councilperson Allinger.

Vote	AYE	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

*Discussion and action regarding Resolution No. 8-2018 to Authorization to execute and Fund the State Local Agreement*

**Resolution No. 8-2018** Authorization to Execute and Fund the State Local Agreement Supplemental Agreement #1 with the NYSDOT – PIN 375617 – Main Street over West Branch Cayuga Inlet Bridge Replacement (BIN 2257740), Town of Newfield

WHEREAS, a Project to replace the Bridge on Main Street over West Branch Cayuga Inlet, BIN 2257740, P.I.N. 375617, (the Project) in the Town of Newfield, is eligible for funding as a locally-administered project under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds, and

WHEREAS, the Town of Newfield desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Scoping, Design (Phases I-VI) and ROW Incidentals, now therefore be it

RESOLVED, on recommendation of the Town of Newfield Highway Superintendent, that the Newfield Town Board hereby approves the above-subject Project,

April 12, 2018

RESOLVED, further, that the Newfield Town Board hereby authorizes the Town Supervisor to pay in the first instance one hundred (100%) percent of the federal and non-federal share of the costs of Scoping, Design (Phases I-VI) and ROW Incidental work for the subject Project or portions thereof,

RESOLVED, further, that the sum of \$162,500.00 is hereby made available, to cover the cost of participation in all of the Design and ROW phases of the Project,

RESOLVED, further, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Newfield Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification of the New York State Department of Transportation thereof,

RESOLVED, further, that the Town of Newfield Highway Superintendent be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid on behalf of the Town of Newfield with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible,

RESOLVED, further, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project,

RESOLVED, further, that this resolution shall take effect immediately.

Motion was made by Councilperson Powers to approve Resolution No. 7-2018 Authorization to Fund, execute and Fund the State Local Agreement, seconded by Councilperson Laughlin.

Vote	AYE	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

**Old Business**

*Discussion and Action Regarding the Signing of the Decommissioning Agreement for Millard Hill LLC 4 and Millard Hill LLC 5*

Motion was offered by Councilperson Powers authorizing Supervisor Hart to sign decommissioning agreement for Millard LLC 4 and Millard LLC 5, seconded by Councilperson James.

Vote	AYE	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

April 12, 2018

*Discussion regarding the Food Scrap Recycling*

Motion was offered by Councilperson James to convene a Public Hearing May 10, 2018 at 7:00 PM for public comment regarding proposed Local Law No. 2 for of the year 2018, seconded by Councilperson Powers.

Proposed Local Law No. 2 for the year 2018 reads as follows:

**Local Law No. 2 for the year 2018**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF NEWFIELD AS FOLLOWS:

Section 1.0

Title, Statutory Authorization and Purpose

1.1.1 TITLE

This local law shall be known as the “First Amendment to the Solid Waste Management Facilities Law of the Town of Newfield.”

1.1.2 STATUTORY Authorization

The Municipal Home Rule Law and Sections 130 and 136 of the Town Law

1.1.3 PURPOSE

It is the purpose of this local law to promote the health, safety and general welfare of the residents of the Town of Newfield by permitting municipally sponsored food scrap recycling within the Town of Newfield.

Section 2.0

2.1 Section VI of Local Law 1 for the Year 2015 the Solid Waste Management Facilities Law of the Town of Newfield, is hereby amended to add a new subsection (4) that shall read:

“(4) Any food scrap recycling program that is sponsored by the Town of Newfield or the County of Tompkins.”

Section 3.0

Savings Clause and Effective Date

3.1 If any section, paragraph, subdivision or provision of this local law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this local law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

3.2 This law shall take effect upon its filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

*Discussion of the DASNY Grant*

Attorney Smith provided the opinion counsel and Supervisor Hart has signed the documents to be returned.

**Approval of the Payment of the April 2018 Bills**

Motion was made by Councilperson Allinger to approve the payments, seconded by Councilperson Laughlin.

The Board authorized the payments of the following amounts:

April 12, 2018

General Fund	\$28,561.25
Recreation Fund	\$58.85
Highway Fund	\$72,960.15
Street light Fund	\$1,865.67
Sewer Fund	\$1,142.96
Water District 1 Fund	\$3,234.50
Water District 2 Fund	\$2,578.34
Trust and Agency	\$5,580.60

Vouchers were audited by Councilpersons Allinger and Powers.

Vote	AYES	5	Hart, Allinger, James, Laughlin and Powers
	NAY	0	

Carried

At 9:17 PM a motion was made to move into an Executive Session to discuss a pending litigation.

At 9:50 PM, the Meeting was called back to the Regular Meeting of the Newfield Town Board. Councilperson Laughlin offered a motion to move to adjournment at 9:50 PM seconded by Councilperson Powers.

Respectfully Submitted,

April 26, 2018

Karen Miller Kenerson  
Newfield Town Clerk