

Newfield Town Board Regular Meeting
October 11, 2012

The regular Newfield Town Board Meeting was called to order at October 11, 2012 at 7:00 by Supervisor Driscoll. Present were Council Person Trask, Council Person James, Council Person Laughlin and Council Person Powers. Also present were: Code Enforcement Officer Harry Wright, Recreation Director Dustin James, Tompkins County Legislator David McKenna, and Town Atty. Ed Hooks.

Supervisor Driscoll opened the meeting with the Pledge of Allegiance.

Opening Privilege of the Floor

Brian McIlroy: asked about the lack of budget modifications that he had notified the Board about on August 9, 2012. He also asked if Supervisor Driscoll had written to the IRS or New York State to asking forgiveness of the \$16,545.44 in penalties and interest paid. He also wondered if the town had paid the Workmens Compensation fees from when the agents were changed. He also encouraged the Board pass a resolution requiring Board approval for appointing a Bookkeeper.

Gene VanZile: concerns about the proposed garbage transfer station. He had a tax assessor come from another county who stated he felt it was absurd to have another transfer station built when there was one in operation so close by. He stated it would destroy the land values; there also would be difficulty to attracting renters or possible buyers for property for sale. It was his opinion that the property values would never recover.

Jeff and Sue Golden: asked the Town Board closely monitor all proceedings and to stay abreast of all investigative measures concerning the proposed garbage transfer station. They did not feel it would be a business viable for the town. They asked the Board to consider a 24 month moratorium, to ensure that all impacts are fairly, honestly and completely reviewed. During this time he suggested that review would include DEC findings, review of all permitting, State Environmental Quality Review (SEQR), report from the USGS, water table assessment, and a full impact statement with these specifics in the forefront. They asked of the possibility of an independent group to review the feasibility of the project. He asked again for a minimum of a 24 month moratorium or a complete ban for this facility.

Dorothy Hulbert: presented the Board with a budgetary request from the NICE Program.

Brenda Lapp: thanked the Board for considering a moratorium for the proposed garbage transfer station. She agreed with Mr. Golden that it should be a minimum of 24 months and preferably should last until after the aquifer study is complete. She feels that this facility should not be rushed into production when its impact on fresh water homes in the area is unclear.

Emily Clay: also commented on the proposed garbage transfer station. She feels the community has been deluged with information of conditions that could change the community for quite a while. She uses AWS service for cost savings. And is happy with the service she receives. She came this evening to become more informed with the possible transfer station issues. She commented on the amount of unmonitored truck traffic on Trumbull Corner Road. She has spoken to County Legislators about it. She also would like to comment on the sorting of garbage looking for recycling at transfer stations. She suggested that the town do something similar to Ithaca if the priority is to recycle in this community. Such as require the use of clear plastic bags for garbage and if recycling is not taking place in a household, they

should be given a fine. She finds that to be invasive. She also thinks that the water and trucks would be a huge situation as well for the town roads. She is concerned about property values dropping as well.

Agenda Changes:

Supervisor Driscoll asked to add a resolution to permit the Court Justices to make an application for a grant for improvement of furniture and technical support for the Court.

Adoption of the September 2012 meeting minutes:

Motion was made by Council Person Laughlin to approve the September 13, 2012 Board Meeting minutes, and seconded by Council Person Powers. There were no comments or changes made.

Vote: Council Person James: AYE, Council Person Laughlin: AYE, Council Person Powers: AYE, Supervisor Driscoll: AYE. Council Person Trask absent. Motion: Passed.

Correspondence: None since the last meeting.

Reports:

Code Enforcement: Code Enforcement Officer Butch Wright began commenting on the Environmental issues. While Code Enforcement Officer Petito was working there were three active cases, he reported to the Town Board. Mr. Petito's policy had been as long as there was progress being made he would continue to work with the property owners. One of the original complainant's feels that all progress has stopped on a Millard Hill Road property when Mr. Petito was unable to continue working the cases. Mr. Wright has visited the questioned property and it appears that no progress has been made. He will be contacting the property owner and will work on getting the project motivated and started back up. Another property in question is on Crestview Lane. Mr. Wright was contacted by a concerned neighbor and a construction company working nearby that there was garbage being stored at the property in a construction type trailer full of bagged garbage. When Mr. Wright read the property maintenance code it states that all garbage must be, (other than landfills and transfer stations) housed in an approved container with a tight fitting lid. Mr. Wright spoke to the property owner and the trailer was removed. He has concerns with the codes at hand, it should be established that if one were to pick up garbage for a business, you must take it to a transfer station that day, and not sit in a residential neighborhood, on a town right of way. Another case was on Carter Creek Road. It appears to Mr. Wright that slow and steady progress is being made in eliminating some of the accumulation that is there.

Recently Mr. Wright received a complaint from the Highway Superintendent of an unregistered vehicle parked on Carter Creek Road in the town right of way. Mr. Wright visited with the resident and it was agreed upon that the vehicle will be moved before plow season. Mr. Wright has also discovered other properties with several unlicensed vehicles and they will be moved. Building Permits, 160 have been issued year to date in 2012. Last year to this date there 92, this year permits, there were 70 repair permits and 53 were results of the hail storm. In earlier reports he had reported that there would be some new construction coming up. Those homes have all started. What can be expected for the remainder of the year could be: on Burdge Hill there is are 3 cottage type homes built, with the plan for 3 more, and a family home as well on the same site. He expects that one of those will start soon. There is another house to start on the Millard Hill Road sub division within the next week. In addition there is a greenhouse projected on a lot on Route 13. Right now the owner is working with the NYSDOT for a safe site distance and curb cut abilities to get in and off the property. The owner will also need a State variance since it will

be a glass building. It is hoped that since he already did have a variance in a neighboring town for the same structure, the state will allow it with the address change.

Recreation: Recreation Director Dustin James reported that the Rec dept is at the peak of its fall season and is now gearing up for the winter activities. There are about 20 involved in Cheer and 90 in the soccer program. The Cheerleaders have a competition the first week in November. Last year the Jr. Squad placed second. Ski Club will meet October 12th. and October 22nd.& 23rd. there will be winter youth sports sign ups (basketball and winter cheer leading) at Town Hall. Last year Mr. James helped form a new league for the youth basketball program. That program is moving strong and he feels it will be even better this year. He is working with the Varsity Basketball coaches again this year to provide a series of clinics for the program. The outdoor movie was postponed because of rain. He originally had planned for the new date to be October 20, but with the temperature dropping, it was suggested that move it to May 2013 in order to use the Mill Street Park. Adult programs have started up, Tai Chi, Men's Recreation basketball and a Dance Yoga Program. Supervisor Driscoll complimented Dustin on the seeds that he planted in new programs last year have taken hold and are now part of the program.

Tompkins County Legislature: David McKenna reported that the budgetary proceedings are continuing toward voting at the last meeting of the month. His biggest news was concerning the Broad Band Grant. Haefele Cable, Clarity Connect along with Finger Lakes Technology are on board along with the other municipalities. The Grant application proposal has been endorsed by the Tompkins County Legislature to the State for the latest funding round. If the County were to receive funding the plan is that everyone could have high speed broadband. There was a strategy meeting for the Health Department for the coming future. It may become a public and private partnership to deal with possible pandemics. Supervisor Driscoll congratulated Mr. McKenna on the work that he did as Vice Chair of the ADHOC Broadband Committee. It was a long three year haul. Mr. McKenna also said that even if the funding did not come through with the State aide, the committee is looking forward to have a shovel- ready package for the next funding stream.

Supervisor Report: Supervisor Driscoll commented that the Town Website is getting populated on a regular basis. He commented how the Homepage is where news and announcements as they break. He encouraged everyone to sign up for notices whenever there is an announcement made. Supervisor Driscoll also shared how Newfield Town Board joined with 14 other towns to pass a resolution to join the grant effort proposal with Clarity Connect, Haefele and Finger Lakes Technology. The Town Board is full into budget season and the budget meeting dates are published on the Homepage. The public is invited to come and listen.

NEW BUSINESS

Supervisor Driscoll read the following proposed resolution concerning information technology policy for computer drives in the Town:

TOWN OF NEWFIELD RESOLUTION NO. 34 – 2012

TO SET INFORMATION TECHNOLOGY USER POLICY

WHEREAS, the Town of Newfield has upgraded its computer equipment, installed a server and attended to the security of its data in order to be in compliance with data protection and generally accepted disaster recovery protocols, and

WHEREAS, the server now houses “Z” Drive which acts as a collocation for all Town Offices and their respective records and data – be it financial, administrative, legal and other areas pertaining to the Town’s official business in the interest of the public good, and

WHEREAS, the Town has contracted for the backup of all information contained on “Z” Drive to an off-site location of all such data on a daily basis, and

WHEREAS, it is the responsibility of the Town to maintain the security and integrity of the Town’s official public records from all exterior threat from viruses, hackers, theft, and other such invasive potential,

NOW THEREFORE Be It Resolved that the Town requires that all public transactions requiring the use of Computer Technology be made and retained in the appropriate file located on the “Z” Drive.

Motion was made by Council Person James to accept Resolution 34-2012, and seconded by Council Person Powers.

Council Person Laughlin asked about the initial concerns about social media. Supervisor Driscoll stated that he had removed that after a conversation with Recreation Director Dustin James. Dustin let him know how much information is gathered from Facebook. In the course of the conversation it was decided that Dustin would look into developing a Social Media Policy.

Vote: Council Person James: AYE, Council Person Laughlin: AYE, Council Person Powers: AYE, Supervisor Driscoll: AYE, Council Person Trask: Absent. Motion passed.

Supervisor Driscoll then read proposed Resolution 35-2012:

**TOWN OF NEWFIELD
RESOLUTION NO. 35 – 2012**

**TO ADD UNPAID WATER AND SEWER FEES TO 2013 TAX
COLLECTION**

WHEREAS, the Town of Newfield Water and Sewer Funds state on the October bills that any delinquent balance after November 1, 2012 will be re-levied on the 2013 Town and County tax bills, and

WHEREAS, a courtesy reminder letter with the balance of \$20.00 or more for the water and sewer charges to the account is sent out to all homeowners and tenants, and

WHEREAS, after November 1, 2012 the collector will reduce said delinquent amounts from accounts in order that they be re-levied on the 2013 Town and County tax bills,

RESOLVED, that the collector will re-levy the unpaid water and sewer account charges on all accounts with a balance of \$20.00 or more to the 2013 Town and County tax bills.

BE IT FURTHER RESOLVED that all unpaid water and sewer account charges under \$20.00 will be carried over to the next water and sewer billing cycle.

Motion was made by Council Person Powers to accept Resolution 35-2012 and seconded by Council Person James.

Vote: Council Person James: AYE, Council Person Laughlin: AYE, Council Person Powers: AYE, Supervisor Driscoll: AYE, Council Person Trask: Absent. Motion passed.

Supervisor Driscoll then read proposed Resolution 36-2012 as follows:

**TOWN OF NEWFIELD
RESOLUTION NO. 36 – 2012**

**TO ADD UNPAID STORMWATER INSPECTION FEES THE 2013
COUNTY AND TOWN TAX BILL**

WHEREAS, the Town of Newfield pays for inspections conducted by the Tompkins County Soil and Water Conservation of a Developer's construction site under local Stormwater Law permitting regulations, and

WHEREAS, the Town bills each Developer that requires such inspections for the amount charged to the Town, and

WHEREAS, a number of these bills remain delinquent, and

WHEREAS, a courtesy letter is sent to all Developers delinquent in their payments to the Town stating that any delinquent balance after November 10, 2012 will be re-levied on the 2013 Town and County tax bills,

RESOLVED, that the Town will apply the delinquent Stormwater Inspection Fee charges to the 2013 Town and County tax bills.

Motion was made by Council Person James to accept Resolution 36-2012, and seconded by Council Person Laughlin.

Council Person Laughlin asked how much the outstanding balance was. Supervisor Driscoll stated that he and Code Enforcement Officer Wright had spoken concerning this and that Mr. Wright felt that the larger part of the outstanding amounts would be in before the November 10 deadline. He had spoken with them, but felt there still may be some delinquency. Council Person James asked how many developers were delinquent; Supervisor Driscoll felt it was 4.

Vote: Council Person James: AYE, Council Person Laughlin: AYE, Council Person Powers: AYE, Supervisor Driscoll: AYE, Council Person Trask: Absent.

Motion passed.

Supervisor Driscoll read proposed Resolution 37-2012 as follows:

**TOWN OF NEWFIELD
RESOLUTION NO. 37 – 2012**

TO CHANGE INSURANCE AGENCY BROKER

WHEREAS the Supervisor has expressed interest in and has recommended changing the Town's General Insurance and Worker's Compensation Insurance Broker with a view towards improving the level of Broker Services to the Town and has detailed reasons supporting this recommendation,

WHEREAS there will be no increased cost or expense to the Town in making the proposed change,

NOW THEREFORE Be It Resolved that the Town of Newfield effective November 1, 2012 will change its Insurance Broker from True Insurance located at 142 Seneca Way, Ithaca, NY to Tompkins Insurance Agency Group, 105 Craft Road, Ithaca, NY; and be it further,

RESOLVED that the Town Supervisor be and hereby is authorized to take such action as may be necessary and required to effect such change.

Motion was made by Council Person James, to accept Resolution 37-2012, and seconded by Council Person Powers.

Supervisor Driscoll stated his reasons for possible change were: Tompkins Insurance has been providing excellent service to the Town for its Blue Cross Blue Shield Health coverage. The agency also 40 municipalities that they also insure, a staff of dedicated staff to handle the accounts, they provide 24/7 reporting service, access to software and programs that provides information to municipalities. They also provide broker services to the Newfield School District, Newfield Public Library, and the Newfield Fire Company.

Vote: Council Person James: AYE, Council Person Laughlin: NAYE, Council Person Powers: AYE, Supervisor Driscoll: AYE, Council Person Trask: Absent.

Motion passed.

Supervisor Driscoll then pointed out that the next resolution was the same resolution that was entertained last year, he then read proposed Resolution 38-2012 as follows:

**TOWN OF NEWFIELD
RESOLUTION NO. 38 - 2012**

WHEREAS, according to New York State General Municipal Law §3-c(5), if a town government decides to adopt a town budget with a property tax levy that exceeds the level set by the State, the town government must pass a local law to override that cap; and,

WHEREAS, adopting said local law is not predictive of the final tax levy but will provide the Newfield Town Board flexibility to exceed the Property Tax Cap if it is deemed necessary;

WHEREAS, it is the intent of the Town Board to adopt a budget that does not exceed the 2013 tax cap requirement for the Town; and

WHEREAS, however during the Budget process and deliberation between today's date and the adoption of the Town's 2013 Budget in mid-November the Town Board may find that it may need to exceed the cap in order to provide the Town's residents with a level of services the Board Members deem desirable and or necessary; and

NOW THEREFORE, BE IT,

RESOLVED, that a public hearing be held before the Town Board at the Newfield Town Hall on November 8, 2012, at 7:00 o'clock in the evening thereof concerning proposed Local Law #2 of 2012 Local Law Overriding Tax Levy Limit for Fiscal Year 2013. At such time and place all persons interested in the subject matter will be heard concerning the same.

RESOLVED, further, that the Town Clerk is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the Town and to post the same in accordance with Law.

SEQR ACTION: TYPE II-20

Motion was made by Council Person Powers to accept Resolution 38-2012 and seconded by Council Person James:

Council Person James asked if this is set up and the Town needs to increase the assessed a tax levy, the Town will have already approved it and it can be done. Supervisor Driscoll responded that if the tax levy override is a law, it must be passed before the Town Board then can adopt a budget that exceeds the tax cap. Before the Board can adopt a Town Law it must hold a public hearing. All that happening is to agree to hold the public hearing and then follow with the adoption of the override law if necessary. At 8:00PM Council Person Trask entered the meeting, he apologized for being late, there was a bomb scare in Ithaca and he had to remain at work. Council Person Laughlin stated that she did not want to see the Town go over the tax cap. She feels that everyone needs to tighten up; every house hold is hurting right now. She doesn't feel that we cannot ask that of our tax base and residents. She would like to see the taxes as low as possible until families can survive and not be burdened with additional taxes. She felt it was going to be a hard budget process again and things were going to need to be cut to stay within our means. Council Person James commented that this was a necessary first step to take in that the Board is putting forth a resolution to have the public hearing. She watched a webinar from the Office of the State Comptroller regarding the tax cap. They are making modifications to the tax cap calculation because over 60% of the computations that were looked at last year were wrong, because it is convoluted, it is not straight forward. What happens is if the Town to put in place and restrict its self and not pass this resolution and a mistake were made in the calculation and more is brought in than calculated, then is has to be given back .She thinks that is a further burden on the tax payers. In order to protect ourselves and the community she

feels it is important to have this reassurance. She does not want to go over the 2% either. She understands the needs of the community. Council Person Trask feels that this is an important issue. He feels there are equally as many people that could support overriding the tax cap as there are that don't want to. He did not know if the Town Board heard any other comments regarding the tax cap over ride. Last year the majority of people that came to the meetings and heard the about the tax cap over ride were not in favor of it. He is not sure if the same feeling is held this year or not. His personal feeling is that we should live within the tax cap. It is an unpopular idea to do that with most of the taxpayers; however he can see some of the other side of it as well. There are certain things of the tax cap that he does not appreciate, one is does not like another layer of government telling the town how to spend the tax payers money responsibly. He thinks the Town Board as a whole for years has done a good job managing the budgets, and spending the tax payer's money wisely. He truthfully does not like the States imposition of a tax cap. But he does feel the Town Board owes it to the tax payers if that is what they want to live within the tax cap. The Board owes it to the tax payers to try. He will do his best to live within the tax cap, and he will support that. Supervisor Driscoll agreed completely with the statements previously made. He pointed out and point up Council Person James comment and the comment he made last year that the Board is three and half to four weeks away from the tax cap decision. It would be conjecture for the Board to anticipate exactly how the deliberations of the budget are going to be going along. This provides the Board with a caution and an opportunity to be cautious in terms of their decision making process. He is going to be in favor of having the public hearing to entertain the potential for the override.

Vote: Council Person Trask: NAYE, Council Person James: AYE, Council Person Laughlin: NAYE, Council Person Powers: AYE, Supervisor Driscoll: AYE.

Motion passed.

Supervisor Driscoll then read proposed Resolution 39-2012 as follows:

**TOWN OF NEWFIELD
RESOLUTION NO. 39 – 2012**

**TO CONVENE A PUBLIC HEARING ON THE ADOPTION OF THE TOWN OF NEWFIELD
2013 BUDGET**

WHEREAS that the Newfield Town Board is currently in the process of creating a Town Budget for the year 2013 to be presented to the Town Residents for their consideration,

NOW THEREFORE Be It Resolved that the Town Board does hereby call for a Public Hearing on Thursday November 8, 2012 at 7:15 p.m. on a proposed adoption of the Town of Newfield 2013 Budget, and

Resolved, further, that the Town Clerk is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the Town and to post the same in accordance with Law.

Motion was made by Council Person Trask to accept proposed Resolution 39-2012 and seconded by Council Person Laughlin,

Vote: Council Person Trask: AYE, Council Person James: AYE, Council Person Laughlin: AYE, Council Person Powers, Supervisor Driscoll: AYE.

Motion passed.

Supervisor Driscoll then read proposed Resolution 40-2012 to approve an application being made by the Payne and Dresser Courts to the Justice Court Assistance Program as follows:


TOWN OF NEWFIELD
RESOLUTION 40 – 2012

TO APPROVE AN APPLICATION BEING MADE BY THE PAYNE AND DRESSER COURTS TO THE JUSTICE COURT ASSISTANCE PROGRAM

WHEREAS, the Justices Payne and Dresser have identified a need for improved signage, furniture and a Cell Phone Network Extender to ensure consistent, present service permitting Sheriff's Deputies, NYS Police Officers and the Assistant District Attorney to make cell phone calls as needed, and

WHEREAS, these improvements will be in the amount of \$6,431.55 with no cost for this request being borne by the Town, and

WHEREAS, the Justices wish to apply to the NYS Justice Court Assistance Program for a grant to cover the cost of these improvements,

RESOLVED that the Town approves this request and the application being made by the Justices to NYS Justice Court Assistance Program.

Motion was made by Council Person Powers to approve Resolution 40-2012 and seconded by Council Person James.

Council Person James thought it was wonderful that the Justices were going out to seek ways to improve the Court. Supervisor Driscoll explained that the extender is needed for cell phone use by the District Attorney, law enforcement to make calls and to boost the signal in the rear of the building.

Vote: Council Person Trask: AYE, Council Person James: AYE, Council Person Laughlin: AYE, Council Person Powers: AYE, Supervisor Driscoll: AYE

Motion passed.

OLD BUSINESS:

Council Person Laughlin asked if the AUD had been filed yet. Supervisor Driscoll said that it had not been filed yet. He said he had been in touch with the Comptroller's Office and they know we are on the way to doing that. They are fine with that. The examiners know as well.

Council Persons Laughlin and Trask stated that they had each spoken to one of the examiners and he was concerned about it as well. Supervisor Driscoll responded that it was not that the AUD was not being

filed, it was a question of whether it was going to be done in house or hire it back out to Carol Golden. It also depends on when we are finally able to get our audit from CDLM. He has been in touch with them concerning that. Council Person James also said that some of the updates have not been able to be done, those being critical pieces of it. She did not know if the Town was capable of doing that in house. Council Person Trask added he did not think it should be done in house as well. Council Person Trask also added that he had spoken to the examiners concerning the AUD and they indicated that they are also concerned, but it has not become a giant issue. However, they would like to have it done in a timely manner and so would Council Person Trask. Supervisor Driscoll agreed, but in a practical matter the Town is not in a position to do that now. His intention is not to ignore it. Council Person James does not want people to think this is Supervisor Driscoll's entire burden. It is the responsibility of the Board to know where things are, look at what needs to be done first and try to accomplish that goal. Council Person Trask stated that it is unacceptable that the audit has taken as long as it has. The fact that it is taken as long as it has to get an audit from a third party auditor, is absolutely not acceptable. Supervisor Driscoll stated that the Town does have figures that can be used to help with the budget process. Council Person James asked if this could be looked at the next work session, Supervisor Driscoll said he would be sitting down with the auditor before then, and ask for a copy delivered to the Town. Motion was made by Council Person Laughlin and seconded by Council Person Powers to approve the September 2012 expenses that were audited by the Town Board.

General Fund:	\$34,166.15
Recreation Fund	\$ 3,877.85
Highway Fund	\$54,178.31
Street Light District	\$ 1,212.65
Water Dist. 1 Fund	\$ 3,179.80
Water Dist. 2 Fund	\$ 3,230.23
Sewer Fund	\$ 462.35
Trust & Agency	\$ 4,222.61
Totaling:	\$104,529.95

Vote: Council Person Trask: AYE, Council Person James: AYE, Council Person Laughlin, AYE
Council Person Powers: AYE, Supervisor Driscoll: AYE
Motion passed.

Closing Privilege of the Floor:

Marie Terlizzy: asked about the public hearings being held November 8th. one being at 7:00 and the other at 7:15 PM. Supervisor Driscoll replied that it is not unusual to have two public hearing in an evening before a local law and budget to pass. She was concerned with the duration of the meeting, and it was explained they could be extended if needed.

David McKenna: encouraged everyone to get out and vote on Election Day.

Brian McIlroy: voiced his satisfaction he personally has with Tompkins Insurance. He thinks the town will be very happy with them. He also spoke about the 2% tax cap. He does not want to see his taxes go up any more than anyone else and he recognizes it can be difficult to do the calculations. He asked that the Board do the best they could with the budget.

Amy Jacot: is applying to be appointed to the Tompkins County Youth Services. Supervisor Driscoll asked that she submit her resume for the October 25th. work session. The Board can entertain her letter of

interest and resume then at the November meeting the Board could entertain the appointment to the Tompkins County Youth Services Committee.

Brian McIlroy: he attended the water tower meeting and he learned the water rates had not been raised in 3 years. He encouraged the Board to raise the rates. He said he has several clients that run their water sewer districts as a business, no tax levy, and the water charges pay for everything.

Council Person Trask: announced that he had been appointed to the AG and Farm Land Protection Board for the County. If anyone were to have a farmland protection or agriculture issues that would like have brought before that Board, they could contact him and he would happy to move them along for them.

At 8:20 PM, Supervisor Driscoll asked for a motion to adjourn. Council Person Powers moved that the October 2012 Newfield Town Board Meeting be adjourned.

Respectfully Submitted,

Karen Miller Kenerson
Newfield Town Clerk

October 24, 2012

DRAFT