

Town of Newfield Regular Board Meeting
June 14, 2012

The Town of Newfield held its regular Town Board Meeting at the Newfield Town Hall, June 14, 2012. The meeting was called to order by Supervisor Richard Driscoll. Present were: Councilperson Trask, Councilperson James, and Councilperson Laughlin, Councilperson Powers, also present were: Highway Superintendent Berggren, Justices Payne and Dresser, Atty. Ed Hooks

Supervisor Driscoll called the meeting to order at 7:02 PM, and opened with the Pledge of Allegiance.

Opening Privilege of the Floor:

Zane Carter: presented the Board with the completion of his Eagle Scout project at the Van Kirk Road Property of building pathways, benches, sign stands and creating brochures for the Vernal Pools in Newfield. He showed before and after pictures and passed out the brochures he created. He thanked the Town Highway Department for bringing woodchips for the pathways, and the Town Board for allowing him to go through with the project.

Crystal Canfield: urged the Board to adopt the moratorium on gas drilling.

Don Woodman: urged the Board to adopt the moratorium on gas drilling and would like to see a ban on gas drilling.

Gundy Lee: also urged the Board to adopt the moratorium on gas drilling and a ban as well.

Madelyn Glase: feels there is a glut of gas in the US and we should be looking at other methods of energy that does not use natural gas, coal or oil. She would like to see more use of wind and other energy productions methods. She urged the Board to support the moratorium.

Janet VanEtten: supports the moratorium and feels we need the time to study the issue. She would also like to see a ban on gas drilling

Sue Crowley: has a concern about gas drilling, heavy truck traffic on our roads and quality of life. She urged the Board consider a full moratorium on gas drilling.

Jeff Goldman: voiced his concerns with the proposed Garbage Transfer Station on Bishop Road. He urged the Board to take responsibility of the safety of the residents of Newfield, in all aspects: roads, pollution, costs, impact studies, bonds. He felt it is not a zoning only topic but also a safety, pollution and cost topic.

Brenda Lapp: has a concern about the proposed Garbage Transfer Station as well. She feels some of the gas drilling concerns apply to this topic as well: ground water, well contamination, heavy truck use on the roads that would need to be maintained and paid for by the tax payers. She would like the Board to consider taking a stand on this situation.

Serena Morse: supports gas drilling and fracking. She feels Newfield needs to have more forward thinking for the future. She would like to see a gas company come and talk to the residents giving them an educated, forward thinking amount of information so that good judgment calls could be made. She feels if Newfield could embrace this in a healthy safe manner, the town could grow.

Paul Gardener: is concerned about fiscal responsibility and the moratorium law. He is wondering about the costs of the lawyer. If the moratorium is passed, who is going to do the study? Who is qualified to do the study, or would the Town pay someone to do a study? He feels the Town should get the information from people who have the information, who would be neutral, learn what the pros and cons are and then address the issue. Not spend the taxpayer's money to do something other people are doing, such as the State of New York, other towns, and the DEC. He suggested not spending any more money going down this path and use the resources others have already done.

Brian McIlroy: asked about the progress on the application to appeal the fines and penalties from the IRS and the State. He also asked about the issue concerning Supervisor Driscoll's January health insurance payment. He asked if the Town Board agreed to a set payback schedule and, if so, he would like to see a resolution so that it would get paid back on a set schedule.

Gene VanZile: spoke of his concerns regarding the proposed Garbage Transfer Station; he had Bishop and Fishkill Roads assessed by an engineer as to the cost of bringing the road up to standard to handle heavy truck traffic. It was estimated to be at least \$65,000.00 to do that. He felt it was not fair to all the residents of Newfield to suffer that tax burden to fix two roads. Mr. VanZile asked Supervisor Driscoll if he remembered making the statement at the last Board Meeting the Town had no say over the proposed Transfer Station. Mr. VanZile said there were ways to check on this matter and stop it. He asked if anyone had called the EPA, the New York State Park System, ENCON, or an engineer from the Town and certify the Fishkill Bridge for weight and traffic or the Douglas Road Bridge. He also asked if the Tompkins County Health Department, or Barbara Eckstrom from Tompkins County Solid Waste had been called. He also asked about the Town's liability if the roads and bridges are not deemed safe and should there be an accident.

Sandy VanZile: she feels that issues being discussed, fracking and the proposed garbage transfer station, comes down to the almighty dollar. There is much more to living in Newfield than making money. Friends and family are important and she worries about the children and future generations. She proposes that the Town Board look into a moratorium and start working on it. She has spoken to a municipal lawyer who advised her that it should not be done.

David George: voiced his concerns about gas drilling and his experience at a drilling site in Pennsylvania. He wondered what price the Town is willing to pay for natural resources

Helene Hembrock: wanted to state that she is 100% against gas drilling and fracking.

Amara Steinkraus: supports the Moratorium on gas drilling and Industrial development.

Dennis Hartely: said in the spirit of Nancy Regan, "Just Say No!"

Lew Ward: supports the Moratorium. He feels we need to protect our roads and environment.

Tom Reynolds: supports gas drilling and requested a debate with the Board. He stated that the anti fracking is based on fear and not facts.

Linda Callahan: she spoke of her concerns about the proposed garbage transfer station. She feels that this is not just a neighborhood issue but rather a Town wide issue. She stated it would affect

the watershed, ground water; it would affect the quality of life in the entire town. She would like to see a ban on this solid waste transfer station.

David Hirsch: he stated he is against fracking in the Town of Newfield. He has concerns of water contamination and road destruction.

Jane Port: supports the moratorium. She feels the Town needs time to look into protecting itself, if and when drilling gets here; we need to protect our roads, water sources, air and have something in place in case there was a hazardous material spill. The Town needs time to figure out what has to be in place so if drilling does come to Newfield, the Town is protected financially.

Scott Smith: he supports a ban and also spoke about alternative energy sources. Personally he installed a ground source heat pump. He said the technology is there, that are financially feasible and New York State has loans as well. He uses electricity in his home and he buys wind power from NYSEG through Community Energy. If one did not want to gas for electricity, you could support the wind industry. He feels there is a misunderstanding that the alternative fuels don't work, that they are expensive and that they are beyond reach of most people. He does not see the benefit of drilling for gas in Newfield because the risk far outweighs the benefit.

Bob Mente: owner of Alternative Waste addressed several concerns that were identified at the public meeting held on May 11, and the following responses were provided to those who left emails for him. As to dust control issue, the site to the entrance will be paved 50 foot in order to prevent dust and sediment from leaving the site if necessary. Bishop Road and the site entrance will be watered by the facility to control dust and the posted speed limit in the drive way is 5mph. As to traffic safety issues and mitigation options, a professional firm has been hired to come in and do an independent traffic study and proposed operations at the site.

The study will provide data and address potential impacts and possible mitigation efforts.

Fishkill Road and the bridge have been looked at, if an engineer needs be brought in, Mr. Mente offered a partial payment for the inspection of the roads and bridges. Property values and community character were issues that were brought up. The site is currently being operated as a garbage facility with trucks arriving and departing daily and the change to a transfer station should have little to no impact on local community properties. The handling of hazardous waste materials was another concern. Hazardous waste materials will not be accepted at the facility but they will have provisions for identifying and handling incidental hazardous material that may be present in solid waste loads. All workers will be trained for handling hazardous waste materials and all loads will be visually screened for hazardous materials. If hazardous materials are identified, they will be segregated and properly stored before being transferred off site. As to noise issues noise will mainly be generated machinery inside the transfer building; noise levels at the property line will not exceed the DEC requirement of 57 decibels during operations. AWS has planted additional trees and vegetation to serve as noise barriers and visual screening. AWS has just finished its storm water application, and that will be given to the Town.

Diane VanSchoonhoven: supports the moratorium on gas drilling. She urged the Board to stay focused, proceed with caution and seek consul if necessary to protect citizens of Newfield

against exploitation by companies that wants to drill for gas here. She urged the Board to approve the moratorium for gas drilling.

Another resident spoke of the need for more programs for at risk youth. She works in a New York State youth facility and said that Newfield children have been sent to NYS Youth Facilities. She feels that if gas drilling were allowed in Newfield, the taxes generated would help pay for the needed programs.

Agenda Changes: none.

Adoption of the Previous meeting Minutes: Motion was made by Council person Laughlin, and seconded by Council person Trask.

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE , Supervisor Driscoll: AYE. Motion Approved.

Correspondence: Supervisor Driscoll reported that the Board Members each received a letter from Tom Reynolds, which he read during privilege of the floor.

Kevin Reilly from the New York State Office of Court Administration was invited by Justice Payne to give the Newfield Town Board a brief over view of the Responsibilities and Functions of a Town Court. He also pointed out a few changes that have taken place in recent years and additions to job descriptions of the Justices and Clerks of the Court.

Reports

Highway Department: superintendent Berggren reported that the Highway department had been mowing the sides of roads, ditching and cutting shoulders, and VanBuskirk Road had been paved.

Water/Sewer Department: Supervisor Driscoll read a report from Steven Maybee, public health engineer for Tompkins County, on the recent inspection of Water District 1 and 2. Included was a special note commending Water/Sewer Supervisor Robb Brewer's and his co-workers for the superb administration and maintenance of the water districts.

Recreation: Dustin James, Recreation Director, reported that the youth sports that there is a travel soft ball team being formed. There is also a youth summer travel baseball program that will be starting at the end of the month. The program is now transitioning from the spring baseball/softball. Dustin wanted to thank Sean Norman and Wayne Miller for their efforts in umpiring the games for no charge. Dustin has received many compliments from other teams on the quality of the umpiring and the coaching and sportsmanship the Newfield teams have demonstrated. The Youth Track Program grew this year and he spoke of their participation in the Ithaca Mile, where Newfield children came in first, second and third! Sixty children have been signed up for summer camp so far. They will be using the school facilities. The pool is up and running and counselors are hired. Dustin is working with the Planning Board to help write the Recreation portion of the Comprehensive Plan. Dustin has also been working with Steve Brown

trying to help get the youth involved with the coming Farmers Market. Dustin is also working toward having an outdoor summer family movie. If electricity is installed at Mill Park, he would like to have it there. He is also working on having a starting a local summer co-ed pickup adult softball at the school on Sunday nights. That will begin the first Sunday in July. He will see how it works out as to whether or not there is enough for interest for an in-house league.

County Legislature: David McKenna, spoke about the next 5 year contract for the county Airport. Also discussed was the recent Tompkins County redistricting. He recently attended a Regional Economic Development Council Seminar. It is hoped that this could help fund the County Broadband initiative.

Supervisors Report: Supervisor Driscoll deferred to councilperson JoAnn James; she announced that Newfield will be having a Farmers Market Friday afternoons June 29 thru September 28 from 3:00 to 7:00PM. There are spaces for 24 vendors and they hope to have music there as well. She also said the market may be able to accept food stamps. Supervisor Driscoll reported that the Office of the New York State Comptroller's audit team is here in Newfield. They are conducting a general town wide assessment. They will decide which areas to focus on in terms of deeper audit areas, with a report expected to follow in December.

Supervisor Driscoll reported that the Town has received a Notice of Claim from the estate of Stephanie Knowlton. He then turned the matter over to Ed Hooks the Attorney for the Town to explain what the Town is to expect and what it pertains to. Mr. Hooks explained that a Notice of Claim is a notice that a claimant is going to be making a claim against the Town; it is a condition precedent to being able to sue the Town if they elect to do so. The Town's insurance company has assigned the matter to a law firm in Elmira. Mr. Hooks has requested that he be kept apprised of all developments. Pending any updates, Mr. Hooks will report to the Town Board at subsequent meetings during executive session.

New Business:

Supervisor Driscoll reported that through the Tompkins County Personnel Department the Town learned that it was only registered to have one Court Clerk position. He then read the proposed Resolution No. 28-2012 :

RESOLUTION NO. 28- 2012

Whereas County Personnel Departments across New York State provide, by New York State requirement, oversight and administration of employment practices for smaller Towns and Villages in the State, and

Whereas, two Town Justice Court Clerk positions have been in place in the Town of Newfield, and

Whereas, the Tompkins County Personnel Department has discovered that the Town of Newfield is registered with the Civil Service System to hold one Town Justice Clerk position, and

Whereas, the Tompkins County Personnel Department has advised the Town that it must register the second Town Justice Court Clerk position and to do so it must adopt a Resolution establishing the same,

Now Therefore Be It Resolved that the Town of Newfield hereby establishes a second Town Justice Court Clerk position, and

Be It Further Resolved that it establishes the duties for such a position as described in and attached to and combined with this Resolution.

Motion to adopt Resolution No. 28-2012 was made by Council Person Trask and seconded by Council Person James.

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE. Motion Passed.

Supervisor Driscoll then presented Resolution No. 29-2012 that had been brought forward in the May 10, 2012 Board Meeting.

Resolution 29-2012

Resolution Urging the Governor and the New York State Legislature to Develop a Blend of Revenue Streams and Other Taxation of Natural Gas Extraction and to Establish and Accurate, Transparent, and Verifiable Method of Measuring and Reporting Shale Gas Production

Whereas New York State is preparing to permit the process of extracting natural gas from the Marcellus Shale areas in our region in the near future, and

Whereas local governments have already incurred expensed in preparation for the extraction of natural gas and will incur expenses such as repair for roads, higher social service costs, emergency services, ect.,when this industry comes to town and before any ad valorem revenue is received, and

Whereas, ad valorem tax on production is the only revenue source for local governments to offset the cost of incorporation the gas extraction industry into its community, and

Whereas, ad valorem tax on production is not a revenue source for a municipality adjacent to one that has gas extraction, yet the adjacent community will also incur impacts and expenses from the gas extraction industry, and

Whereas, the State and local process for levying and ad valorem tax on gas production has a built in delay for a minimum of 3 years(1 gas produced but not reported until year 2 when it is added to assessment role for year 3 when the gas producers are sent tax bills for year 1's production) between the time that the gas is extracted(not the well pad constructed, well drilled and pipelines connected)and the year the local government will receive revenue which means that t under the current system, tax payers will need to pay for the impacts of this industry on the local government and community before any revenue is received to offset those costs, and

Whereas, other states that have hosted the gas and oil extraction industry for many years have a blend of fees and several taxes including ad valorem and severance to cover expenses to governments as they are incurred and do not saddle the civil society with this burden, and

Whereas the calculation for Unit Production Value (UPV) in determining assessment of natural gas in New York State has not been completed for tight shale deposits like Marcellus so any planning for ad valorem revenue from as extraction is impossible yet the prospect for impact is imminent, and

Whereas, the yet undetermined UPV is multiplied by self-reposted gas production to determine the assessed value of given well, and

Whereas, there is no independent oversight of the gas meter accuracy, its installation, or its reading of extracted natural gas (self-reporting by the energy companies) which is an affront to the assessment process used for all other taxable properties within our County, now therefore be it

Resolved, That the Town of Newfield strongly urges the Governor and the New York State Legislature to develop a blend of revenue streams through fees and other taxation of natural gas extraction to provide funds for state and local governments when expenses are incurred,

Resolved, further, That the Town of Newfield, NY urges the Governor to direct the Office of Taxation and Finance to establish, through an open and transparent process, the Unit Production Value for assessment of shale natural gas like Marcellus,

Resolved, further, That the town of Newfield, NY demands that the Governor and the New York State Legislature establish an accurate, transparent, and verifiable method of measuring and reporting shale gas production.

RESOLVED, further, That copies of this resolution shall be sent to Director Bradley J. Field of the New York State Department of Environmental Conservation Division of Mineral Resources, Governor Andrew Cuomo, NYSDEC Commissioner Joe Martens, Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Commissioner of Taxation and Finance Thomas H. Mattox; Chair of the Senate Committee on Energy and Telecommunications, George D. Maziarz, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O'Mara, [Liz Krueger, Thomas Duane, Bill Perkins], New York Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, United States Senate Committee on Energy and Natural Resources Chair Jeff Bingaman, United States Senate Subcommittee on Energy, Water, and Power Chair Jeanne Shaheen, United States Senators Charles Schumer, and Kirsten Gillibrand, United States Representatives Energy and Water Development and Related Agencies Subcommittee Chair Rodney P. Frelinghuysen, Subcommittee on Environment and the Economy Member Diana DeGette, United States Representatives Maurice Hinchey, and Richard Hanna, and the New

York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors.

Motion to adopt Resolution No. 29-2012 was made by Council Person Powers and seconded by Council Person James.

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE. Motion Passed.

Supervisor Driscoll then read proposed Resolution No. 30-2012

RESOLUTION No 30- 2012

Whereas the Newfield Town Board has undertaken the consideration of a One-Year Moratorium Law on High Volume Hydrofracking in order to complete work on laws and resolutions intended to protect the Town's assets, and

Whereas the Town Board has been meeting since February to discuss, review and debate a specimen law, and

Whereas the Town Board convened a Public Information Session on the subject of a Moratorium Law on April 19, 2012, and

Whereas the Town Board is presenting a Final Working Draft of a Moratorium Law for public review,

Now Therefore Be It resolved that the Town Board shall convene a Public Hearing on July 12, 2012 at 7:00 pm at the Newfield Fire Hall for public comment on a **“Moratorium on and Prohibition of Gas And Petroleum Exploration And Extraction Activities, Underground Storage Of Natural Gas, and Disposal Of Natural Gas Or Petroleum Extraction, Exploration, And Production Wastes.”**

Motion was made by Council Person Powers to accept Resolution No 30-2012, and seconded by Council Person James.

Discussion: Supervisor told the audience that a draft version of the Moratorium Law would be on the Town Website for public review.

Council Person Laughlin asked if that date had been discussed and set at the work session. Supervisor Driscoll stated that no, there was the need for a space for the public hearing, the Newfield Fire Hall had availability, so he booked the space for the date that also coincides with the next regular Board Meeting. Council Person Trask also was concerned that there had not been any discussion concerning the date for the public hearing. Supervisor Driscoll responded indicating that he had presented a working calendar at an earlier Work Session for Moratorium Deliberations in which a proposed Public Hearing date and vote had been initially set for the

June Regular Meeting and that there was no objection to hold such a Hearing at that regular Board Meeting. Supervisor Driscoll asked the Board Members how they wanted to proceed; it was decided to stay with the July 12th date for the Public Hearing.

Vote: CP Trask: NAY, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE. Motion Passed.

Old Business: None

Payment of May 2012 Expenses: Motion was made by Council Person James, and seconded by Council Person Powers.

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE. Motion approved.

Closing Privilege of the Floor

David McKenna: Asked if there was any financial responsibility to the town for the oversight of having an extra court clerk. Supervisor Driscoll stated there were none.

Serena Morse: Wanted to address the Resolution to have the Public Hearing on July 12th. She commented that the Public Information Session on the Moratorium did not give everyone the information they need from every aspect of the gas industry. She feels that more information needs to be given to the residents before the Public Hearing. She strongly suggested that a member of the gas industry come and speak to the residents with more information.

Evelyn Marques: Said that Peg-A-Sys an affiliate of Time Warner provides Video Taping as an option for Receptions movie night.

Tom Reynolds: commented on opportunities the Town could take to save money, and encouraged the Town to follow up with the ad valorem tax.

Supervisor Driscoll asked at 8:35 PM for a motion to adjourn, motion was made by Council Person James.

Respectfully Submitted,

Karen Miller Kenerson
Town Clerk

June 27, 2012