

A Regular Meeting of the Newfield Town Board was held at the Town Hall Board Room, 166 Main Street, Newfield NY on February 14, 2013 at 7:00 p.m. The meeting was called to order by Supervisor Driscoll, and opened with the Pledge of Allegiance. Present were: Supervisor Driscoll, Councilperson Trask, Councilperson James, Councilperson Laughlin, and Councilperson Powers. Also present were: Edward Hooks, Town Attorney, Dustin James, Recreation Director, Harry Wright: Code Enforcement Officer, David McKenna: Tompkins County Representative, and two Government class students from Newfield High School.

Opening Privilege of the Floor

For the benefit of the Government students Supervisor Driscoll reviewed the purpose and the rules of the Privilege of the Floor.

Jeff Golden: thanked the Town Board for understanding the need to create a moratorium concerning the proposed garbage transfer station. He wanted to bring to the Board's attention the continued modification plans associated with 71-73 Bishop Road. He is a member of the "Citizens to Protect Newfield", member of the community and a home owner adjacent to the said properties. He feels this is essential information. The modifications of the mentioned property include: entry road and entry approach preparation, direct modification of the area of the proposed for transfer building, the area modification to divert storm water runoff, and other prep excavation. He wanted the Town Board to be aware that modifications of property directly related to the proposed expansion of AWS for a transfer station or any similar property modification for anyone or anything is illegal without a permit. A permit has not been issued to the best of his knowledge specific to this property for transfer station preparation and construction. Permitting requirements cannot be inconsistent, if some property owners have storm water reviews in one manner and others have reviews in another, the Town has to assure that they review the those areas equally and fairly. He asks that the Board review these issues as detailed to ensure completeness, consistency and legality of any dissention review in any permitting process. It would protect all of those in Newfield.

Eugene VanZile: thanked the Board for working on a moratorium concerning the proposed garbage transfer station. He also commented on an article from the September 19, 2012 Newfield News.

Susan Golden: wanted to bring to the Board's attention of a recent development in Tompkins County. When on October 2, 2012 resolution 2012-194 was passed endorsing Tompkins County Conservation Strategy. Some of the key points from this resolution are: sustain and enhance agricultural activity, preserve the natural features, ecosystems and forest lands within focus areas, preserve and protect scenic views and rural character, ensure resource, stewardship, ensure planning including public, municipal and local expert input predevelopment. The October 2012 resolution led to the adoption of Tompkins County Conservation Strategy. After review key of points, she feels the Town of Newfield must consider: to protect the most important natural resources. Approximately 20,000 acres have been identified for priority area for protection. This includes 55 priority areas crucial to stream corridors, water quality conservation, wetlands and key lands adjacent to the State Parks. One of the areas of concern runs adjacent to the proposed garbage transfer station to critical and environmental areas. She is a member of Citizens to Protect Newfield, a member of the Community and Homeowners adjacent to the above mentioned property; she feels this is essential information. The group (Citizens to Protect Newfield) does not attend Tompkins County Planning Board meetings, and since this legislation was not reported by Newfield's County Representative at any previous Town Board Meetings. She felt it was critical information that must presented to the Town Board. The legislation directly affects the area AWS's proposed development.

Eleanor Perry: commented about remarks from the last Board Meeting concerning environmental activities in her neighborhood. She feels that it that it is important to have all of everyone's concerns addressed and clarify where possible.

Brian McIlroy: asked about the resolution concerning the opening of the mail. He thinks it should be a Town Board Policy that someone from each department should open, date stamp, every piece of mail. He suggested that the resolution modified to reflect that someone be designated in each department to open and date stamp all mail.

Bob Mente: commented that the Town Board members were elected by the majority vote of the people of Newfield to portray the opinions of the majority of the population of the town of Newfield. The Citizens to Protect Newfield Group currently have 33 signatures on their petition in which 4 are anonyms and cannot be validated. With the town population being approximately be 5225 people, this is .5% of the population and .1% of the registered 3034 voters. He feels that if the Town Board were to pass a moratorium based on the request of 10 people, he does not feel that is a fair number of responses that one would get in regards to the transfer station or the existing business. He also commented that the DEC was created in 1970 to conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution in order to enhance the health, safety and welfare of the people of the State and their overall economic and social wellbeing. It has strict developmental and operational regulations in place to protect from air pollution, damage to water shed, nuisance noise etc. If the DEC concludes that the design for the proposed garbage transfer station meets all of their requirements, which should be a clear indication it is safe. He would like the Board not to pass the moratorium in regards to the Bishop Rd. transfer station. He added that he has been working on this plan for a year. And he feels that it is what is needed for the growth of Alternative Waste Services: the growth that AWS needs to be able to move to a suitable location is what the proposed transfer station will bring to him and the company.

Becca Harber: commented that she had read a number of proposed regulations from DEC on horizontal hydro fracking during the comment period. She felt the regulations were a joke and offered no protection. She does not trust the DEC to take care of things.

Brenda Lapp: commented that Mr. Mente had said he needs the waste transfer station in order to generate business so he can move his business to a more appropriate location. After the June 2012 Board meeting, a local business owner told others that Mr. Mente intended to sell the permit to the highest bidder. She confirmed the information again by a DEC officer in January. This leads her to believe that this is not for Newfield but for the benefit of the business. She commented that the residents were not trying to stop a business that exists but, rather, trying to stop a commercial entity that is surrounded completely by residences. She feels that it does not belong on a town road that was not built for commercial traffic. She also commented that Mr. Mente's concerns of environmental issues were not listed in the minutes.

AGNEDA CHANGES:

ADOPTION OF THE PREVIOUS MEETING MINUTES:

Motion was made by Councilperson Trask to adopt the January 2013 Board Minutes, Councilperson Powers seconded his motion.

Vote: Councilperson Trask: AYE, Councilperson James: AYE, Councilperson Laughlin: AYE, Councilperson Powers: AYE, Supervisor Driscoll: AYE. Motion Carried.

Correspondence: none

Reports:

Highway: Absent

Water/Sewer: Absent

Recreation: Dustin James: Recreation Director reported on the Snowman Competition. He will be announcing the winner tomorrow and putting the video results on the Recreation page on the Town Website and the Facebook page. The youth basketball is just about wrapped up. He has started going through the Tompkins County Health Department regulations that he needs to be

aware of before camp. He has been in contact with the school superintendent about the pool. There is money left from the Triad Grant that could be used to help cover the expense of installing the handicap lift. There is a leak in the liner and he will be working on a fund raiser for that. He is working to create a new baseball/softball league for the spring, similar to the basketball league that was created 2 years ago. A new Tai Chi program has begun. The Dance Yoga program has not begun yet as the instructor is still recovering from surgery. It should be starting up again in April. Supervisor Driscoll asked if the Tai Chi program as for adults, Dustin responded that yes, it was an adult program. He also asked about the possible unknowns of the complication of the installation of the lift. He asked about the timing and fitting in with Dustin's camp deadline. Dustin said that camp would be at the school regardless of the status of the pool based on the free lunch program. If the pool were not available, there would less swimming and more swimming field trips, adding the expense of the busing to get to places to swim. He added that Dr. Thomas seemed fairly confident that things would happen in a timely fashion. There will need to be fund raising for the lift system.

Code Enforcement: Harry Wright Code Enforcement Officer reported there had been 6 permit applications since January 1, 2013, one of those being for the proposed transfer station. He is willing to meet with anyone concerning the permit for the proposed garbage transfer station. He mentioned he has been very busy because of a trailer fire and a home vandalism.

Councilperson Trask asked if there had been any movement concerning the Carter Creek Road issue. It was reported there had been none.

Tompkins County Legislature Representative: David McKenna reported that the Legislature was in the middle of the change over from 2012 to 2013 committees. There has no word on the Broadband Grant from Albany. The Human Service Annex is now open. The new chambers for the Legislature should be ready between March and June.

Supervisors Report: The 2011 AUD Report has been completed and filed. The Bookkeeper will begin the 2012 AUD Report; the goal is to have it completed this month.

New Business:

Motion was made by Councilperson Laughlin to adopt the proposed water rate increase to Water District II as follows:

**RESOLUTION NUMBER. 6-2013
SETTING WATER RATES FOR DISTRICT II**

RESOLVED, that the water rates and schedule of charges for services for the Town of Newfield Water District No. II be set and it hereby is set forth in the schedule which follows; and be it further

RESOLVED, that the Town Clerk is and hereby is directed to immediately post a copy of this resolution on the bulletin board in the Town Hall with a copy of the rates maintained in the Town Clerk's office, and it is further

RESOLVED, that the applicable water rates and charges shall go into effect as of March 1, 2013 and the Town Clerk hereby is authorized and directed to prepare bills and notices accordingly.

**WATER RATE TABLE NO. 1
RESIDENTIAL SINGE DWELLING**

	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>CHARGE</u>
1.	0	15,000 Gallons	\$44.00 base rate
2.	15,001	30,000	\$2.00/1000 gallons
3.	30,001	750,000	\$1.85/1000 gallons
4.	750,001+		\$1.25/1000 gallons

NOTE: The first range defines the base charge minimum of \$44.00 with an allowance of 15,000 gallons. It is a base charge charged to all customers and allows for the use of up to 15,000 gallons without incurring any additional charges. Thereafter, charges are on a per 1000 gallons basis.

**WATER RATE TABLE NO. 2
MULTIPLE FAMILY DWELLING, APARTMENTS, HOME PARKS**

	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>CHARGE</u>
1.	0	30,000 Gallons	\$77.00 base rate
2.	30,001	750,000	\$1.95/1000 gallons
3.	750,001+		\$1.35/1000 gallons

NOTE: The first range defines the base charge minimum of \$77.00 with an allowance of 30,000 gallons. It is a base charge charged to all customers and allows for the use of up to 30,000 gallons without incurring any additional charges. Thereafter, charges are on a per 1000 gallons basis.

Supervisor Driscoll then read the proposed Resolution Number --2013

**RESOLUTION NUMBER. --2013
2012 ADJUSTING BUDGET JOURNAL ENTRIES AND ACCRUALS**

RESOLVED that the attached represent the 2012 adjusting budget journal entries and accruals, and

RESOLVED that the Supervisor is directed to make these modifications to the 2012 budget.

Supervisor Driscoll explained there was a lengthy listing of budget modifications and one accrual. He said the all the lines in the first two columns identified the budget lines that have been out of balance and the amounts. The next columns reflect the Fund Code where the funds will be transferred from and the amount to be transferred. Councilperson Trask remarked that the document did not tell him anything other than the movement of funds. Supervisor Driscoll instructed him to see the reference and proof information from the December 2012 financial statement. Councilperson Trask added that he had not seen the document before the meeting and did not feel comfortable voting on a resolution to transfer money when he did not know where it was being transferred from, and he would like to proof it, and have a better explanation. Councilperson James asked what type of description he would like. She felt this was a perfunctory that the Board should be doing, that the Board had talked about these imbalances monthly and that this was mandatory clean up. She feels it should be approved so that the 2013 books could be opened before March. She did question the movement of funds in highway Supervisor Driscoll stated that was for interest for the loan for the backhoe. Councilperson James said that it would require a journal entry and not a transfer. Supervisor Driscoll then removed that item as it required a different action. Supervisor Driscoll told Councilperson Trask that there was not a formula saying where you find funds from surplus in each fund. Councilperson Trask stated that he understood the process but rather he wanted some assurance that it is correct. As there is a health insurance bill that is short in the budget, retirement issues last year that were short in the budgets and other things that have occurred, that does not allow him to believe that the proposed resolution is completely correct. Councilperson Laughlin noted that she found a concern as well in her review. Supervisor Driscoll asked that if this was going to be delayed, it

needs to be moving as the Bookkeeper needs to close 2012. The journal entries from the auditors have been entered, this is the last piece and that any delay is just going to delay closing 2012 and opening 2013. A January financial statement cannot be produced until this happens. Supervisor Driscoll asked if it was the consensus of the Board to table this action until they had time to review the document. Motion was made by Councilperson Trask to table Resolution Number -- 2013 until a special meeting was held. Councilperson Laughlin seconded his motion.

Vote: AYES: carried.

Supervisor Driscoll then asked for a motion to hold a special session Monday January 18, 2013 at 10:00 a.m. at Town Hall to discuss the year end budget modifications.

Motion was made by Councilperson James to hold a special session Monday January 18, 2013 at 10:00 a.m. at town hall. Councilperson Trask seconded her motion. Vote: AYES carried.

Attorney Hooks asked about the amount of time needed to put notice out for the special notice. Councilperson Trask made a motion to rescind the previous motion. Councilperson Laughlin seconded his motion. Vote: AYES: carried.

Councilperson Trask made motion to hold a special meeting Wednesday February 20, 2013 at 5:30 p.m. at the Newfield Town Hall. Councilperson Powers seconded his motion.

Vote: AYES: carried.

Supervisor Driscoll then read proposed

RESOLUTION NUMBER. 7-2013
ESTABLISHING MAIL PROTOCOLS FOR THE
TOWN OF NEWFIELD

RESOLVED that the Clerk's Office shall only open and record all incoming mail with the exception of mail labeled Confidential which shall only be recorded, and

RESOLVED that the Clerk's Office shall expedite the delivery of all mail directly to each recipient's mail box.

Councilperson Powers made motion to accept the proposed resolution. Councilperson Laughlin seconded her motion.

Discussion: Councilperson Trask noticed a typo and Councilperson James asked that a modification as well. The Resolution reads

RESOLUTION NUMBER. 7-2013
ESTABLISHING MAIL PROTOCOLS FOR THE
TOWN OF NEWFIELD

RESOLVED that the Clerk's Office shall open, record and date stamp all incoming mail with the exception of mail labeled Confidential which shall only be recorded, and

RESOLVED that the Clerk's Office shall expedite the delivery of all mail directly to each recipient's mail box.

Councilperson Trask clarified the reason for the resolution is that currently all comes directly to the Town Hall and then dispersed. The reason for the clerk's office to open, record, date stamp, accounted for, and then disperse to the proper department.

Vote: Councilperson Trask: AYE, Councilperson James: AYE, Councilperson Laughlin: AYE, Councilperson Powers: AYE, Supervisor Driscoll: AYE. AYES carried.

Old Business: None

January 2012 Expenses:

Motion was made by Councilperson Laughlin to accept the payment of the January 2012 expenses. Councilperson James seconded her motion.

Discussion: Councilpersons Laughlin and Trask asked about the rug bills from Cornell Laundry. Supervisor Driscoll replied we were not using the service. Supervisor Driscoll said that the Town would pay for the rugs to purchase and there had not been a discussion paying for January. Supervisor Driscoll will take care of that with them.

Councilperson Laughlin asked about the Crime Insurance. Supervisor Driscoll stated that it was something the Town has been paying for in our insurance package and wanted to discuss it during a work session. It is a twenty thousand dollar policy for two thousand dollars annually, it covers employee theft. Those two vouchers will be pulled and discussed at the February 28th.

Work session. Councilperson Laughlin noted that many of the vouchers were not signed by the department head. It was noted heavily in the General Fund. Supervisor Driscoll said that he did not initial the General Fund vouchers. She also noted that there were comments by the Comptrollers and the independent auditors stating that the signatures did need to be there.

Councilperson Trask added that technically unsigned vouchers do not have to be audited or approved if there are not signed. Supervisor Driscoll understood their concern. He spoke of the timing and sequencing and the collapsed period of time a week prior to and the week of a Board Meeting when there is a lot of activity involving the vouchers. He does not like it and would like to see it change. He would like to have that discussion again. Councilperson Trask stated that it was imperative that it is done properly and is coded correct account, but also needs to have supporting documentation stating what it is for. He noted there are several with vouchers with nothing attached. Making it difficult to determine what it was for. Councilperson Trask asked the Code Enforcement officer if he could keep a monthly mileage log. Councilperson Laughlin and Supervisor Driscoll agreed.

Councilperson Laughlin asked Supervisor Driscoll about the use of the Town Credit Card for his personal expense. She reminded him this was the second time it had happened and it was an illegal action to use government funds for personal use. She said the school credit card is kept in the vault and it is signed in and signed out when used. Supervisor Driscoll said he was sick when it happened. He had made a mental note to himself not to do it. It was an error on his part. When it was it was pointed out to him, he wrote a personal check from the correct account to First Niagara for the amount and it was mailed along with payment. Councilperson Trask asked that the record reflect the inappropriate use of the Town credit card and was refunded by the user for the correct amount.

Councilperson James remarked she was not aware of this. Councilperson Trask responded that he read it while auditing the bills. He also had another question regarding the use of the credit card for \$3.40 use for postage, when the town has a postage machine. Supervisor Driscoll said he mailed certified letter for the appeal to the IRS and the end of December. Councilperson Trask asked if that could not have been done here with the Town postage machine. Supervisor Driscoll said he did not know. Councilperson James would like to suggest that at the work session the Board come up with a protocol for use of the Town Credit Card. Councilperson Trask concurred and added that he felt the Town Credit Card should be kept in the vault until it was needed. He would like to see a policy for its use.

February 14, 2013

January Expenses

General Fund (with the exception of Vouchers # 52 and 53) Totaling	\$66,702.36
Highway Fund (with the exception of Voucher # 47) Totaling	\$122,615.41
Recreation Fund Vouchers Totaling	\$3,154.33
Water District 1 Vouchers Totaling	\$8,151.04
Water District 2 Vouchers Totaling	\$6,042.05
Street Light District Vouchers Totaling	\$2,027.24
Sewer Fund Vouchers Totaling	\$2,534.89
Trust and Agency	\$4,869.16

Vote: Councilperson Trask: AYE, Councilperson James: AYE, Councilperson Laughlin: AYE, Councilperson Powers: AYE, Supervisors Driscoll: AYE. AYES carried.

Closing Privilege of the Floor

Brian McIlroy: was glad the Board had tabled the budget modifications until the special Board Meeting since there was another error from another line. He said that when the Board does pass the resolution, he has a better spread sheet that he would share with the Bookkeeper that would make their lives easier. He recommends a caveat at the end and any other budget as necessary to clear over expenditures. He also suggested the bookkeeper show the Board the budget modifications after they are entered with the new expenditure report showing no negative numbers. Councilperson James clarified that the Board did not take funds from and adding it to accounts. As a lot of mistakes have been heard about tonight and that was not one of them. Mr. McIlroy disagreed and said he would speak to Councilperson James after the meeting.

Becca Harber: expressed her appreciation to all the Board members, for all the work they do for the Town.

Bob Mente: expressed to the Board that there were a lot of things mentioned at Board Meetings along with miscommunication, negativity, and some positive notes. He said that if the Board had any questions or concerns to please call him directly and ask their concerns.

Jeff Golden: remarked that one of the reasons the Citizens to Protect Newfield group comes to Board meetings is to assure that it isn't a single voice with a single answer that is specific to one's personal success. All they wanted the Board to do is to assure that if a transfer station is going to go in on Bishop Rd, it is done by the book, and the answers received may be self-fulfilling prophecy not answers. He asked all be questioned.

Supervisor Driscoll then announced there would be a work session on February 28, 2013 at 6:00 p.m. and the special meeting February 20, 2013 at 5:30 p.m. at Town Hall. The Board would be recess at 8:15 p.m. for five minutes before going into an executive session to discuss health insurance topics, and the bargaining unit.

At 8:40 p.m. the Board meeting was called back to order, and immediately a motion was made to adjourn the meeting. Notes were taken by Linda Smith, Deputy Town Clerk, and executed by Karen Miller Kenerson, Town Clerk.

Respectfully Submitted,

February 22, 2013

Karen Miller Kenerson
Newfield Town Clerk

