

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room March 14, 2013 at 7:00 p.m. The meeting was called to order by Supervisor Richard Driscoll and opened with the Pledge of Allegiance to the flag.

Present were: Supervisor Richard Driscoll, Councilperson Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers, and Councilperson Roy Trask. Also present were: Kevin Berggren: Highway Superintendent, David McKenna: Tompkins County Representative, Ed Hooks: Town Attorney, and 30 residents.

Opening Privilege of the Floor

Diana Bryant: asked the Board for a resolution to request the State to repeal the Safe Act of New York.

Rick Bryant: voiced concerns of the Town Supervisor's personal use of the Town credit card. He asked if it were to happen a third time that the Town Board press charges and ask for his resignation.

Brenda Lapp: asked the Town Board to enact a permanent ban against new construction of waste transfer stations, material recovery facilities, landfills and facilities of similar functions, facilities that accept municipal solid waste, construction and demolition debris, commercial wastes, household wastes, industrial, medical, hazardous wastes, soluble, asbestos, liquid or septage, with in the Town of Newfield. She also showed photo documents of overflowing garbage dumpsters. The photos showed that there were recyclable materials on top.

John Fry: is concerned of the Fracking moratorium that will expire in four month. He is in favor of a ban. He told the Board he is a Gulf War Veteran and has seen the cost for energy. He feels the Board has an enormous power to pass a ban on Fracking. He would like the Planning Board or a subcommittee to look into possibilities of renewable energies. He apologized to Councilperson Laughlin for the concerns she had for the roads in July 2012.

Irina Peress: asked the Board to ban Fracking in Newfield. She is concerned about the water, air pollution, rising crime rate, and decrease in property values and the disrepair of the roads. She loves Newfield and thinks it would be a shame to see it industrialized.

Hadas Ritz: also asked the Board to enact a complete ban on Fracking for similar reasons that are listed above.

April Peress: asked the Board to consider a ban on Hydro-Fracking for all the reasons that were stated above. She has become more aware of the air problems involved with Hydro-Fracking.

Eleanor Perry: spoke of an article in the Ithaca Journal that stated the City of Ithaca is moving to a four day trash pick-up. It was stated it was not economically feasible as the trucks were going to the transfer station half full. She wondered since there was not enough garbage to fill the trucks going to the current transfer station, why is there a need for another one.

Linda Callahan: she thought that a number of the decisions that Board makes are based on cost benefits and analysis. She has not heard of any benefits the proposed AWS transfer station would have for the town, except for his offer to pick up the Town's trash for free. She would like to see some evidence of financial or any kind of benefit that would accrue. She also spoke of the road conditions currently and that the roads were not built with the subsurface needed that anticipated heavy truck traffic. She felt the cost to the Town would be substantially higher if the transfer station were to go through. She would like to hear beneficial facts for the proposed transfer station, other than Mr. Mente have lived here a long time and has a Newfield business.

John O'Rourke: gave information to the Board concerning the Safe Act. He asked the Board to review the information he gave to them before coming to a decision.

Bob Mente: came with the intention to speak about a plan this evening but he decided to hold off. He then responded to accusations offered earlier in the evening, concerning overflowing dumpsters. He offered that there were many benefits to Newfield, one being customer savings. Since he has been back in business for 2 years, the other garbage hauler has had to lower their rates and provide better service. He asked the Board not to pass the transfer station moratorium, as he has invested a lot of time and money into the situation.

Brian McIlroy: asked if the Board has had any meeting concerning the gas fracking moratorium. He asked that Board keep everyone posted to when those meeting would be. He also commented on AWS garbage pickup service, and is very satisfied with the cost and customer service.

Amy Heffron: commented on the issues concerning Mr. Mente's AWS proposed expansion, she felt that whatever was decided upon for him would need to apply to the neighbors as well. She also responded to an earlier remark about Mr. Mente's offer to pick up town trash for free: he picked up garbage in trash cans that he had placed across the town for free. She also complimented AWS on being fair priced, timely pick up and keeping the bin area clean. She felt it was a personal issue not a business issue. She also had addressed concerns to the Board directed to the Supervisor. She felt tax dollars were being wasted.

Gary Allen: also commented on the misuse of the Town credit card by the Supervisor. He asked that the Board turn the matter over to the New York State Attorney General's Office for a complete investigation.

Gene VanZile: thanked the Board for the draft on the moratorium. He noted that Mr. Mente and Ensol noted that there would be limited noise. He asked about truck traffic and gave the following facts: there are 14 houses on Bishop and Fishkill Roads that are within 50 feet of the road, 7 houses that are within 100-150 feet from the road. He asked if one would want to sit on their porch or lawn and let their children play there, or leave the windows open day or night in the summer with 30 garbage trucks coming to the proposed transfer station daily. He asked what was happening with the road preservation, and why is the Town waiting on it. He is having an engineer come to give an estimate to fix the roads after heavy truck use. He also added that

many of the families in the Bishop and Fishkill Road community have gardens and orchards, and that diesel fuel fumes are one of the biggest killers of honey bees. He questioned if there are no bees, how will the gardens and orchards get pollinated?

Sandra VanZile: reminded everyone in the room that they were not against AWS garbage, but are against the waste transfer station.

Becca Haber: she agreed that the AWS transfer station is a separate issue from the business that exists now. The effects of the transfer station are way beyond what exists now. She would support asking the Board to take a stand in addressing the State. She also brought up a movement that is happening in Pennsylvania towns that are passing their own law stating the rights of their own community and rights of nature to supersede those of corporations. Even though the law that different towns have already passed is actually going against certain federal and state laws. She also has concerns about drones to become commercially available in the United States by private parties and for law enforcement. The drones could be used for surveillance, be weaponized and she feels it would be a whole new level of technology in our states that the residents would have nothing to say about. She would like Newfield to take a stand that it would like to be drone free.

Bob Seely: pointed out that Enfield just passed a ban on oil and gas drilling operations and storage in salt mines ban last evening.

Jeff Golden: has been asking for almost a year for clarification, oversight, assistance and general support. He thanked the Board for understanding the need in working to create a moratorium to ensure that all impacts are fairly, honestly, and completely reviewed associated with the proposed transfer station. Sometimes he thinks the Board may feel as if it were under attack and that is not their intention. They are trying to speak as honestly and openly as possible voicing their concerns, objections and fears as they see the continued development of the property. He then invited the Town Board members too individually or as a group to come to his home to view the adjacent property first hand. He would like the Board to see what he sees, see what is proposed and where it would be, see how it would affect his home and the homes of others. He feels if the Town was to allow Mr. Mente and AWS to submit proposals with a single person oversight for the work being proposed, then the Board should see the area in detail that would have a proposed 30+ trucks in and out of the facility pass his property daily. He would like the Board to see the roads or the lack of. Imagine the congestion and danger. See the mess now and envision the mess later. He asked that the Board consider his offer for a viewing since the Town has already reviewed the situation from the AWS side. Having heard proposals, claims, revelations, threats, denials, and conspiracy theories, and the Board having seen the property first hand, he would like the other side to give a tour. Mr. Golden thanked the Board again for their attention. He also stated again, that it has never been personal although there have been personal attacks. It is simply about a transfer station.

Eva Marques: stated her concerns about Connecticut Hill Road being in poor condition being slippery and muddy. She feels it is very dangerous. She respectfully requested a few loads of gravel. She also asked if the Board was familiar with Sublette County Wyoming who has had drilling for more than 10 years. She presented the Board with scatter charts of EMS calls showing how safe the area was in the beginning stages and the numbers drastically rose over time. She encouraged the Board to pass a ban on gas drilling.

Agenda Changes:

Councilperson Trask asked to add an agenda item under new business concerning the Town credit card use.

Adoption of the Previous Meeting Minutes:

Motion was made by Councilperson Powers to accept the minutes of the February 14, 2013 Town Board Meeting. Councilperson Laughlin seconded the motion.

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

Correspondence: None

Reports:

Highway: Kevin Berggren Highway Superintendent responded to the request for gravel to be brought up to Connecticut Hill Road. He stated that the area in question is one of the highest points in Tompkins County and with the freeze/thaw this winter it has been crazy on all the roads. He stated that the stone and oiled roads had chunks breaking up as well. Superintendent Berggren said that one or two loads of gravel would not help the road in question. A 20 ton load of gravel may go five feet when you are going 30/40 ft. wide. He said it would take \$300,000.00 to \$400,000.00 to go around the hill and his annual budget for road repair is \$300,000.00. He said the problem is the base underneath. He told the resident that the best section of the road is by the pond area as it is flat and receives sunlight. Once it dries up, the Highway Department will grade the roads, which is a practice that has taken place long before he began working there. All the Town can do is regrade what it has. There is not enough money, unless people would like to make donations for loads of gravel to go on the dirt roads. He said the Town needed to concentrate on the main roads that are traveled by more people than around the hill. He feels that he is spending the money the best way he can on the roads. He then reported he felt that the Highway department had been keeping up with the roads with the snow. February was a heavy month; they used sand and B stone as there are no more cinders so the dirt road would be a little slipperier. They use more stone as the sand is not very

gritty. Councilperson Trask asked Superintendent Berggren to explain to the audience what would happen to the dirt roads if calcium or salt were put on the dirt roads. He explained how the salt works down into the road and then the frost then pushes it out. In some other towns where mix salt and sand, they have to close the road in the spring because you cannot drive on it because the vehicles sink. The towns then go in and put #3 stone on the road to make the road strong enough to be able to put regular gravel on top of it.

Recreation: absent due to Recreation Director James attending a Recreation basketball pizza party.

Water/Sewer: Water/Sewer Supervisor Brewer is out with an injury. Highway Supervisor Berggren said that it had been calm with no problems.

Code Enforcement: Absent

Tompkins County Legislature Representative: David McKenna announced that the State Broadband Grant was awarded for about 2.25 million dollars to several towns in Tompkins and Cayuga Counties. Two communities not covered in the grant were Caroline and Enfield. The State has given authorization to begin the project. He has a resolution in Legislature on the agenda Tuesday evening asking to repeal the New York Safe Act.

Supervisor: Supervisor Driscoll spoke of the successful award of the grant to municipalities in Tompkins and Cayuga Counties to bring "Last Mile Broadband" to those who do not have service. Newfield has participated in some form for the last five years. Supervisor Driscoll commended Mr. McKenna on his co-chairmanship. The Town will contribute financially for the placement of the poles on top of which to radio mechanisms will be put.

Supervisor Driscoll announced that the Town's annual audit will begin April 8, 2013 with the report being delivered to the Town week of July 15, 2013.

Last week the Town Board and the Supervisor received from the Office of the State Comptroller DRAFT report on their audit. He stated that each page of the report cites that it is as a DRAFT the Office of the State Comptroller holds the report as a confidential document. The Board and the Supervisor met with the examiners to review and discuss the report. Now the Board and Supervisor must respond to the DRAFT by April 5, 2013. Once the Board responds to the confidential DRAFT the Office of the State Comptroller will follow with a release to the public, which will include the Supervisor and the member's response.

Supervisor Driscoll then read a prepared statement concerning the of credit card use:

"As has been recently reported in the Newfield News and The Ithaca Times as a special item, I used the Town credit card in error while very sick with a fever from severe bronchitis and a budding case of pneumonia. I was in line at the Doctor's pay window. I mistook the Town's card for my own health savings account card – which had ample funds - to pay for my health care. Regrettably, this was the second occurrence, 2 years apart under the same circumstances at the same Doctor's Office in 2011 and

each time when the Clerk later asked me about the bill, I recognized my error and with each time I reimbursed the Town for my mistake.

I don't quarrel with Board Member Christine Laughlin that during the Regular February Town Board Meeting she pointed out that I made the mistake again to which I immediately agreed. Indeed, the credit card voucher payment she approved noted my reimbursement.

I object, however, that my Republican colleagues turned this second event into a Spanish Inquisition with over-the-top shock and awe, much shaming and a not so subtle attempted inference that I was using Town funds for my own benefit which I know full well is illegal. I'd be pretty stupid to openly use a Town credit card for my health care and hope that the Clerk and the Town Board, in their review of monthly bills, wouldn't catch it. I think clear thinking people would agree that a clever embezzler I'm not but a guy who can make a mistake and admit to it I am.

Moreover, I object to the manner in which my colleague's in the minority presented this item to me during the Board Meeting with a veiled inference of intentional improper use of Town funds since while Roy and Christine were reviewing and auditing the monthly expenses in the Board Room, I was in my Office with an open door allowing a question to be asked within my ear shot -which is the usual practice. Questions regularly arise about expenses during the monthly Town Member audit and Members know I am available to answer them. Not on this occasion. They didn't use that opportunity to clarify this item but rather kept it aside and used it in what was pretty much a bullying session during the Regular February Board Meeting.

And so the minority Member's approach, I believe, flies in the face of the Town Board Member Rules of Conduct adopted unanimously in January 2012 which state in part: 1. Courtesy by and between Members is required at all times. 2. Discussion of other Members' motives is never allowed.

I'd like to report that I'm cancelling my Town Credit Card. Moreover, the Town will be adopting a Credit Card use policy which, until now, has never before been in place. I hope it reduces some of my exposure to the shaming attacks of the Republican Members have practiced against me beginning in January 2011 which, by coincidence, was a Town Board campaign election year and continuing through to the February Meeting 2013 which is also the beginning of a campaign year for Town Board seats.

The Board has a full agenda this year – adoption of a Comprehensive Plan and a Road Preservation Law, of Critical Environmental Areas, of an Industrial Noise Law, a Moratorium on Waste Transfer Stations, adoption of a bond and a plan to replace all of the water meters in Water District 1, adoption of a Water Tower replacement plan, the adoption of the Town's first Personnel Policy and Manual since its incorporation and a response to the Office of the State Comptroller Examiner's Audit Report which was distributed last week the Town Board. We have a lot of the people's work to do.

I will call out any Member who comes close to the duck test and strays into what appears to be a campaigning opportunity, posture or attitude during a Regular Board Meeting or Work Session. I think the Member will know what pounding at and overworking a point sounds like and quickly pass his or her own duck test - and stop before I have to call it so. Thank you."

New Business:

Nancy Dolge: Planning Board Chair gave a brief overview of the Planning Board since its inception in March of 2007. She noted that Newfield is the only town in Tompkins County without a Comprehensive Plan. That holds the town at a disadvantage when applying for grants and monies that would be helpful to our town. Documents are based on a 2010 community survey, three 2011 public input sessions, online written comments that people were able to submit, and meetings with both business and agricultural focus groups. The Planning Board has a Cornell student, now graduate from the Cornell University with his Masters in Planning, advising and helping them. She has put together a calendar of events and tasks that she hopes will take the Planning Board to the adoption of the Comprehensive Plan, and then the Town Board. The Planning Board has been giving the Town Board the opportunity to informally review the documents before the draft is put out for public review and comment. The first section was given to the Town Board in October for review concerning Resources. On March 27th the Planning Board will be giving the Town Board the next draft chapter of the Comprehensive Plan concerning Services. The Town Board will receive the final section on April 11th. She is hoping in the next month the Board will be able to look the documents over and offer comments. The Planning Board would like to adopt the draft plan then put it out to the public May 8th at the Newfield Public Library, Newfield Town Hall, online, and flash drives could be purchased at the clerk's office. The Planning Board is planning on presenting the Comprehensive Plan July 11, 2013, then to the Town Board. The Town then has 90 days to adopt the Comprehensive Plan as a Town Guiding Policy.

Supervisor Driscoll then read a proposed **RESOLUTION 10- 2013 To Set Public Hearing for Water Meter Bond**. During discussion Supervisor Driscoll asked to increase additional funds of \$5,000.00 in order to cover possible other and contingent costs associated with the project, for a maximum of \$155,000.00 for the project. Councilperson James asked if anyone had inquired as to any increases. Supervisor Driscoll said they had not. Councilperson James stated the Board knew they were going to go ahead with the project and it would be awkward to short them in the resolution. She asked if Supervisor Driscoll was asking that the Board place an additional \$5,000.00 in contingency not to be used unless necessary. Supervisor Driscoll responded that the bond would be for the cost. Councilperson Trask stated that it would be with the understanding that it would be paid back with whatever was not used. Attorney Hooks asked if the engineers estimate included soft costs. Supervisor Driscoll said no it was for the equipment, the items that are needed read the meters and a separate contract for the installation of the meters. Councilperson Laughlin asked if the cost of the installation was included in the resolution amount, Supervisor Driscoll responded yes. She wanted to be sure what the cost would be. Councilperson Trask added there was a bid and unless something had changed with the

bid, or it had expired, the price would still be good and accurate and assume that there would be enough for attorney fees. He suggested a phone call to the meter company to check and make sure the figures were accurate. Supervisor Driscoll stated that by doing so, the resolution would be voted on in April and then the Public Hearing in May. Attorney Hooks suggested the proper wording to include the sentiment offered by the Board Members. Attorney Hooks also asked if the engineers estimate report include Water Districts 1 and 2. Supervisor Driscoll said yes, that there were two different types of work that will be done and specifically how the costs are to be allocated. Supervisor Driscoll said it was important not to use the term engineer, as the Town is not talking about a Capital Improvement which would require engineering.

The following resolution was offered by Councilperson James, who moved its adoption, seconded by Councilperson Trask:

RESOLUTION 10 -2013

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE "TOWN") AUTHORIZING A PUBLIC HEARING UNDER TOWN LAW SECTION 202-B TO FINANCE THE COST OF IMPROVEMENTS TO THE TOWN OF NEWFIELD WATER DISTRICTS NO. 1 AND NO. 2, CONSISTING OF THE INSTALLMENT OF REPLACEMENT WATER METERS IN CERTAIN RESIDENTIAL AND COMMERCIAL BUILDINGS LOCATED WITHIN SAID WATER DISTRICT, AT A MAXIMUM ESTIMATED COST OF \$155,000

WHEREAS, the Town Board (the "Town Board") of the Town of Newfield (the "Town") is considering authorizing certain improvements to the Town of Newfield Water Districts No. 1 and No. 2 (collectively, the "District") consisting of the replacement of approximately 400 water meters in residential and commercial buildings located within said District, including all incidental and appurtenant improvements and expenses (the "Project"); and

WHEREAS, it is estimated that the maximum cost of undertaking the Project is principal amount \$155,000; and

WHEREAS the Board has determined that an additional \$5,000 be included as part of the estimate in order to cover possible other and contingent costs associated with the Project with the express understanding that such \$5,000 is to be considered contingent only and used simply if the estimated \$155,000 is insufficient to cover such costs.

WHEREAS, the Town Board now intends to conduct a public hearing in accordance with Section 202-b of the Town Law with respect to undertaking the Project at such estimated maximum cost.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town hereby calls for a public hearing to be held at the public meeting of the Town Board to be held on April 11, 2013 at 6:30 p.m. at the Town of Newfield Town Hall, 166 Main Street, Newfield, New York 14687, to consider if it is in the public interest to undertake the Project at a maximum cost of \$155,000 and to hear all persons interested in the subject thereof; and it is

FURTHER RESOLVED, that the Town Clerk is hereby directed to cause notice of such public hearing in the form attached hereto to be published and posted in the manner prescribed by law.

This resolution shall take effect immediately.

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

Supervisor Driscoll then read proposed **Resolution 11 -2013** as follows:

RESOLUTION NUMBER 11 -2013
2012 ADJUSTING BUDGET JOURNAL ENTRIES

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

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

Town Board Cont	A1010.4	\$ 86.64	Tax Collector - Cont	A1990.4		
CDR's/Clerks	A1110.113	\$ 294.60	Tax Collector - Cont	A1990.4		
Rugs	A1620.412	\$ 1,356.39	Contingency	A1990.4	A8020.4	A5182.4
				686.74	493.66	175.89
Safety Insp.	A3620.4	\$ 289.99	Justices - Cont	A5182.4		
HgWy Super	A5010.4	\$ 44.28	Justices - Cont	A5182.4		

Health Insurance	A9060.8	\$ 10,963.76		A9040.8	A1910.4	A1990.4	A3310.1
				1849.64	1817.68	338.31	99.83
			on page 2	A3620.11	A9055.8	A3620.11	A1990.4
				167.23	116.41	750	750
				A1110.48	A1330.4	A1410.11	A1410.2
				501.5	733.46	1694.96	195.75
				A1450.4	A1610.414	A1620.415	A1930.4
				997.88	875	60	16.11
Installment Bond	A9720.7	\$ 840.00	Tax Collector/equip/copier	A1450.4	A3620.11	A1610.413	A8020.4
				352.22	195.75	202.89	89.14

Councilperson James offered a motion to adopt proposed RESOLUTION -2013, and seconded by Councilperson Powers.

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

Supervisor Driscoll moved on to adopt a 2013 Budget Modification. He explained that this modification has to do an increase in an estimate dealing with insurance costs for 2013. There had not been a definitive estimate for all insurances. The liability insurance has been increased \$1562.00. He then read proposed RESOLUSTION -2013 as follows:

RESOLUTION 12 - 2013

TO MODIFY 2013 BUDGET

RESOLVED that \$1,562 be moved from 1990.4 Contingent Account to A1910.4 Unallocated Insurance to cover unanticipated increase in Liability Insurance Premium.

Supervisor Driscoll stated that the liability premiums had to do with the notice of suits that were brought against the town. Councilperson Trask offered a motion to adopt RESOLUITON - 2013 and Councilperson Powers seconded the motion.

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

Supervisor Driscoll read proposed **RESOLUTION 13 -2013** as follows:

RESOLUTION 13 - 2013

IN WHICH THE TOWN AGREES TO THE PLACEMENT OF A COMMEMORATIVE
PLAQUE AT THE ESTABROOK CEMETERY

WHEREAS the Supervisor has met with representatives of the Estabrook Family many of whose relations are buried at the so-called Estabrook Cemetery located at NY Route 13 and Bull Hill Road, and

WHEREAS the Family has asked the Town for permission to place a commemorative plaque – in the form and style of the traditional NYS Highway Historical Markers - honoring the Estabrook ancestors settling in the Town of Newfield, and

WHEREAS this undertaking shall not cause the Town of Newfield to bear any expense for the purchase of the plaque, its placement and its upkeep all of which shall be the responsibility of the Estabrook Family, and

WHEREAS the Estabrook Family agrees to present a copy of the narrative to be placed on the plaque to the Town for its approval,

NOW THEREFORE BE IT RESOLVED that the Town of Newfield hereby agrees to the placement by the Estabrook Family of a commemorative plaque honoring the history and ancestry of the Estabrook Family in the Town of Newfield.

Councilperson James offered a motion to adopt proposed RESOLUTION -2013 and Councilperson Powers seconded the motion.

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

Supervisor Driscoll then asked for approval a land lease for Thor Oeschner. Supervisor Driscoll had a copy of a similar lease that had been used with Mr. Oeschner. Mr. Oeschner proposed a lease period of April 15 – December 15, 2013 at \$30.00/ acre. Supervisor Driscoll asked Councilperson Trask if that would be a reasonable rate for the following year. Councilperson Trask said it was at the moment, as he had seen rates from 0 to \$30.00. Councilperson Trask asked if the lease was for only 2013. Supervisor Driscoll explained that because of harvesting the crop. They came to the agreement to then have the lease start again on the calendar year. Councilperson Trask felt that was reasonable, adding that if it were decided to do work on the water district it will need to be looked at to decide if the parcel will be leased out again. Attorney Hooks asked if this would be subject to permissive referendum. Supervisor Driscoll responded that yes there would be public notice published, and Mr. Oeschner would bear the cost. Councilperson Trask asked offered a motion to accept the lease agreement with Mr. Oeschner, and Councilperson Laughlin seconded the motion.

RESOLUTION 14 -2013

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

WHEREAS, the Town Supervisor desires to lease certain vacant property it owns on Van Kirk Road (“Former Van Kirk Property”), and

WHEREAS, a Newfield resident, Thor Oeschner, it is hereby resolved as follows:

1. The Board approves a written lease to Mr. Oeschner in the form annexed hereto, at a rate of \$30.00 per acre per year which rate the Board finds is reasonable.
2. The lease term shall be April 15, 2013 to December 15, 2013 with a total lease payment of \$220.
3. The Board hereby agrees to lease the property, subject to a permissive referendum pursuant to Section 90 of the Town Law.

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

Councilperson Trask offered a motion that the credit card in the Supervisor's possession should be move to the vault until such time that it is canceled. If it were needed to be used, the credit card be logged in and out with the Town Clerk documenting its use. Supervisor Driscoll said that it had been discussed in terms of a potential policy that all credit cards should be kept in the vault in the Clerk's Office, signed out by the individual using it, and then returned to the Town Clerk. He also noted that future credit cards would have the Town of Newfield listed on to it, not an individual's name.

Supervisor Driscoll suggested that **RESOLUTION 15 -2013** read as follows;

All credit cards used for the Town of Newfield be kept in the vault in the Town Clerks Office, signed out by the individual using it and then returned to the Town Clerk.

Councilperson James seconded the motion.

Councilperson Trask made the following statement: He was taken aback by Supervisor Driscoll's statement regarding the credit card and what was said in the February Town Meeting. He feels the record clearly states that the Supervisor's integrity or motives for using the credit card were not questioned. It was simply stated that the use was inappropriate. Councilperson Trask did not believe there was any character assignation or any assault on the Supervisor's integrity. Councilperson Trask was disappointed that the Supervisor chose to use the reference Republican

counterparts in the manner he did and cite that it was used as a political gain in reference to the upcoming elections. Councilperson Trask stated he had no interest in assassinating the Supervisor's character or questioning his motives. All he is here for is to make sure that things are done properly. If Supervisor Driscoll took it in a different manner Councilperson Trask apologies for that. But it is clearly and only about doing things right. Supervisor Driscoll responded to Councilperson Trask that the world looked differently on the receiving end. Vote: Councilperson Trask: AYE, Councilperson James, Councilperson Laughlin, AYE, Councilperson Powers: AYE, Supervisor Driscoll: AYE. Motion carried.

OLD BUSINESS:

Supervisor Driscoll then wanted to have an agreement to set an ACTION SCHEDULE for 2013. The items listed were: Comprehensive Plan, AWS Moratorium, Noise Law, CEA, Water Tower Plan, Personnel Policy, 2014 Budget Cycle, Road Preservation, OSC Audit Response, Last mile Broadband Grant.

The Supervisor also announced that the next work sessions will be March 19 and March 28, 2013 at 6:00p.m.

Councilperson Powers offered proposed **RESOLUTION 16 -2013**

All Town of Newfield Work Sessions shall begin at 6:00 p.m.

Councilperson Laughlin seconded the motion.

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

Councilperson Laughlin asked if the 2012 AUD was completed. Supervisor Driscoll stated that he would be filing for an extension.

FEBRUARY EXPENSES:

Councilperson offered a motion to adopt the audited February 2013 expenses, and Councilperson Powers seconded the motion.

General Fund vouchers	\$11,574.54
Recreation Fund vouchers	\$962.92
Highway Fund vouchers	\$59,125.24
Fire District Fund voucher	\$175,856.00
Street Light Fund vouchers	\$1,252.77
Sewer Fund	\$106.41
Water District 1 Fund	\$2,058.32
Water District 2 Fund	\$110,000.00
Trust and Agency	\$19.14

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

CLOSING PRIVILEGE OF THE FLOOR:

Eva Marques: questioned the number of water meters to be purchased for Water Districts 1 and 2. Supervisor Driscoll stated that was the number of meters to be purchased. She had concerns of the cost per meter being expensive and were there alternatives. She also said she had gotten quotes for gravel for \$75.00 a truckload. Supervisor Driscoll reminded her she was bringing up a point that had already been discussed.

Diana Bryant: she appreciated that Supervisor Driscoll came to the meeting this evening and making the statement he made and also that it was brought up to put the Town credit cards in the vault. But she was very disappointed and saddened that she sat at a Town Board Meeting and listened to what she is hearing nationally. That in his statement he brought up that there were fellow Board members who were in the minority and they needed to know their place, and that they are republicans and these were voting years he was concerned with. She referred that he made the mistake twice, admitted to it. She asked him to let it go. She felt he was pointing the Board members out and bullying. She felt he just did to them, what he did not like, being on the other end. She felt she was hearing the same thing from the Supervisor as she hears from the President every day, splitting the republicans and democrats. She reminded them they are on a Board and to work together.

Brian McIlroy: asked about the 2012 Accrual for the \$1,500.00 for the ski bus. He hoped that Councilperson James would speak to someone at the school to get the bill out. He also urged the Board to urge Supervisor Driscoll send a note to the OSC for an extension.

Gary Allen: he felt it was more important than ever after listening to Supervisor Driscoll's statement concerning the misuse of the Town's credit card that the matter should be turned over to the Attorney General's Office. Instead of being contrite Mr. Allen felt Supervisor Driscoll felt he was attacked by his republican colleagues. The only attacking Mr. Allen heard was Supervisor Driscoll statement. Mr. Allen felt that the only way to remove politics from this matter, is that it be addressed by the proper authority regardless if the money was paid back or not. As a taxpayer, he could make the complaint himself. He asked the Board to do the right thing as it was still an ethics violation and it needed to be addressed.

Robert Seely: hoped that in future meetings people would be a little more civil during privilege of the floor.

Marie Terlizzi: wanted to provide some perspective to the credit card issue. She and her husband both have corporate and personal credit cards. While she has never made the error her husband

has. She thinks these things can happen and to use terms like embezzlement is a serious charge. Ms. Terlizzi thinks people should be more careful before using that accusation.

Bob Mente: addressed concerns that were brought up earlier about diesel fumes. He referenced Mr. VanZile's incredible garden. He told the Board that AWS had purchased 2 new trucks that are the most environmentally friendly on the market. He said he could have purchased cheaper older trucks that leaked oil and poured toxic fumes into the environment. But they chose not to do that and he wanted the Board to know that. He also strongly supported the Board to visit the Golden's residence and look at the view that has been masked partially by a berm and trees that he built at no cost to the Golden's. He also urged the Board to look at aerial photographs of that property that Code Enforcement Officer Harry Wright has of the view along with the Golden's. Supervisor Driscoll then asked for a motion to adjourn the March 14, 2013 Town Board Meeting.

Councilperson Powers made the motion to adjourn the meeting, Councilperson James seconded the motion. All were in favor, motion passed.

Respectfully Submitted,

March 22, 2013

Karen Miller Kenerson
Town Clerk