

Present were: Supervisor Driscoll, Councilperson Trask, Councilperson Laughlin, and Councilperson Powers. Councilperson James was absent.

Also present were: Code Enforcement Office Butch Wright, County Representative: Dave McKenna, and Town Attorney Ed Hooks, and 30 residents in the audience.

The meeting was called to order at 7:27 p.m. by Supervisor Driscoll, who then opened with the Pledge of Allegiance.

Opening Privilege of the Floor:

Cindy Anderson: presented to the Board her request to make and hang a commemorative plaque honoring Justices Howard Allen, Gary Allen and their wives/court clerks Bea and Elizabeth Allen for their 37 years of service to the Town of Newfield. The Board will let her know of their decision.

John Fry: had concerns of the New York Safe Act legislation. He noted there may be some good aspects of it, but shared concerns of how it was pushed through as many had commented last month. He felt a statement should be made that the way the legislation was pushed through was not ok with the people of Newfield.

Christine Ranney: spoke of her concerns about hydro-fracking and the effect it may have on a wider span. Her key points were: 1) there are no studies that exist that show that fracking does not affect the water and its quality. There are a thousand plus studies that show proven water supply contamination where there has been gas drilling. 2) Tompkins County is expecting 2,600 to 4,000 well operations. If 1% had a waste contamination issue, that would be 26-40 sites. But for Newfield all it would take is one to contaminate our aquifer. She would like the Board to think of just one accident.

Becca Harber: shared about listening to dairy farmers in Pennsylvania talk about their experiences with leasing their property for hydro-fracking. Her main point was once your land has been leased, the property owner loses all controls concerning their land.

Robert Mente: spoke to the Board how his proposed facility working hours would be 8:00 a.m. to 4:30 p.m. He also spoke of road damage concerns and sited that it was unforeseen and unfactual at this time. He said the proposed Road Preservation Law would protect unforeseen damages that may occur. He also commented about the number of registered voters in Newfield, the majority of which elected the Board members, versus the same 8 people who come to the Board meetings presenting accusations and unfounded facts. He asked the Board how this proposed facility is going to drastically change the life styles of the 3024 registered voters; it would inconvenience a handful of people.

Yolanda from West Danby: asked the Board to ban hydro-fracking in the Town of Newfield.

Bob Seeley: commented about conversation during the public hearing, pointed out how important water is to the Town.

Brian McIlroy: thanked the Board members for all that they do. He also thanked Councilperson Trask for his comments made during the public hearing.

Gene VanZile: felt that Newfield and his neighborhood were built with pride and principle and fairness for all the people. He asked where the fairness was to the people in his neighborhood if a transfer station was allowed where a lot of the residents have lived all of their lives. He has concerns about truck noise and other detrimental issues. He asked the Board if there was a good reason to allow a transfer station in the neighborhood where he lives when there were already 2 established within 7 miles.

Jeff Golden: supported the Board with their continued work creating a moratorium against the proposed transfer station. He mentioned there was a community to the south of Newfield that now realizes there things that have been allowed to take place in the past few years are now reasons for them to into zoning. He knows that there are a lot of people in Newfield who would be against zoning. He asked what would happen if development is not controlled in their community? There are a lot of issues in the other town because the Board did not do their due diligence. Mr. Golden also clarified that he has never said anything to the Town Board that was not based upon information that he received from AWS. He referred to a presentation by AWS last spring and the documentation presented as to where he has gotten the facts ie: truck traffic and what could be expected in his neighborhood.

Brenda Lapp: is having trouble finding the benefit for Newfield having an additional transfer station in the area. She has researched revenue streams for the Town and she feels the bulk comes from real property taxes. She suspects that homes near the area would experience a decline in property value if the permit were issued for the transfer station. She cited studies from Israel and Colorado. She also mentioned that town of Enfield would be impacted as well as it is only 1.5 miles from the town boundary.

Cindy Anderson: commented about loud noises from the trucks downshifting on Rte. 13.

Amy Heffron: commented about a local farmer fertilizing his fields, forcing her to close up here home because of the dust created. She asked the Board to pass a moratorium against farming. She feels that there are similar ridiculous moratorium requests being made. She feels these request are implementing zoning. She feels that being a taxpaying resident she should be able to do what she wants on her property, whether it be to allow fracking, drones, or farming.

Mark Sidle: from the Highway Department Local 855, addressed the Board concerning an insurance concern. He asked the Board to support the Highway workers and families by frontloading the HSA cards for families who have expensive monthly prescriptions.

Sandy VanZile: said there were many reasons why a waste transfer station should not be allowed in the Bishop/Fishkill Rd. area: safety, environmental, cost to the Town for fixing the roads,

devaluation, and possible future law suits. She does not feel most people realize all what a waste transfer station is: it is a place where garbage is taken, dumped on the floor, sorted, and then placed in tractor trailer, then hauled away. She feels there would be no way to get away from the smell of garbage, pests, and possibly bears. She asks what kind of neighborhood they would have with a waste transfer station there. She feels it is everyone right in the room to have clean air and clean water.

Agenda Changes: none

Adoption of the March 14, 2013 Minutes: Motion was made by Councilperson Laughlin to approve the March 14, 2013 regular Board Meeting Minutes. Councilperson Powers seconded the motion.

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

Reports:

Highway: Superintendent Berggren was absent.

Water Sewer: Supervisor Brewer is out on medical leave

Recreation: Supervisor Driscoll announced that Dustin James had resigned in order to pursue his education. He noted that there will be an appointment of a Recreation Director later in the meeting.

Environmental and Building Code Enforcement: absent for report

Tompkins County Legislature Representative: David McKenna reported that the budget process would begin on the 30th. He thanked all who participated with the Gun Bill. He asked people that who were interested in the Broad Band Grant to contact Chuck Bartash at Clarity Connect. He also cleared up concerned about the STAR program; people who receive STAR enhanced do not reapply. Residents received a letter second from Assessment if there needed to be a reapplication.

Supervisor's Report: the independent 2012 audit was underway with Ciaschi Deiters Hagin and Little. The draft audit report should be made available for the Board the first week of July. The numbers would be available for the budget process beginning in August and then for the October budget deliberations.

New Business:

Councilperson Trask read proposed RESOLUTION 15-2013 as follows:

**RESOLUTION 15- 2013
TO UPDATE RULES OF PRIVILEGE OF THE FLOOR**

WHEREAS the Town of Newfield wishes to update Rules for Privilege of the Floor,
RESOLVED that no person may engage in disruptive behavior, conversation or public commenting on and or interruption of other persons speaking or of the Members of the Board at any time during the course of the Regular Monthly Meeting, and

BE IT FURTHER RESOLVED THAT there shall no longer be a Closing Privilege of the Floor.

Motion was made by Councilperson Powers to adopt proposed RESOLUTION 15-2013.

Councilperson Laughlin seconded the motion.

Discussion: Councilperson Trask explained why he felt the update was needed while he feels it is very important to hear what the residents have concerns about, there is a lot of time being spent at the beginning of each listening to the public. He feels that closing privilege of the floor does not suit any purpose. It gives the public an opportunity to speak about a topic discussed earlier in the in the Board Meeting, but really does not have a purpose. The resident could come and speak about it at the next Board Meeting. He also noted that disruptive behavior serves no purpose to anyone in the room or the Board. He remarked that the Board will be closely monitoring to enforce the Privilege of the Floor Rules.

Supervisor Driscoll also explained that it is not a requirement in State Law to have Privilege of the Floor portion of a legislative meeting. He feels that it confuses the issue for some members of the public. The meetings held are not meeting of the Board and the public. It is a meeting of the Town Board and the public is in attendance. The Town Board may elect to invite comment from the public, but the invitation indicates that it is a privilege. The Board is giving the public opportunity to speak with them but at the same time the Board can eliminate it. They do not want to do that as it provides for open and fair government. If it Privilege of the Floor becomes unwieldy or more about Privilege of the Floor rather than the business of the Town then it would need to be re-examined.

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

Supervisor Driscoll then read proposed RESOLUTION ---2013 as follows:

RESOLUTION _____ - 2013

**DIRECT THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH NEWFIELD
CENTRAL SCHOOL DISTRICT**

WHEREAS, the Town of Newfield has agreed to assist the Newfield Central School District (the School) in the receipt and processing of payments of school taxes due to the School, and

WHEREAS, the parties wish to adopt an agreement citing the terms and conditions upon which the Town shall assist the School in the collection and processing of Tax payments,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby directs the Supervisor to enter into an agreement with the School to affect such an undertaking.

Discussion ensued concerning the contract between the School and the Town. Atty. Hooks suggested that language to include in the resolution that

Atty. Hooks also suggested that there be other changes are made to the contract with the school. Councilperson Trask wanted assurance that any changes made in the contract would need to come back to the Newfield Town Board for approval. It was agreed that Supervisor Driscoll could enter into negotiations with the School District.

Atty. Hooks also suggested breaking the agreed upon fee being broken up into two payments. Supervisor Driscoll then read an amended **RESOLUTION 16-2013** as follows;

**DIRECT THE SUPERVISOR TO ENTER INTO A NEGOTIATION FOR AN
AGREEMENT WITH THE NEWFIELD CENTRAL SCHOOL DISTRICT**

WHEREAS, the Town of Newfield has agreed to assist the Newfield Central School District(the School) in the receipt and processing of payments of school taxes due to the school, and

WHEREAS, the parties wish to adopt an agreement citing the terms and conditions upon which the Town shall assist the School in the collection and processing of Tax payments,

NOW THEREFOR BE IT RESOLVED that the Town Board hereby directs the Supervisor in form and substance with such changes that has been discussed at its meeting of April 11, 2013.

Changes being made are: removal of indemnification, payment and termination schedule.

Councilperson Laughlin made the motion to accept proposed RESOLUTION 16-2013.

Councilperson Powers seconded the motion.

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

Supervisor Driscoll said he would report back to the Board at the work session April 25, 2013.

Supervisor Driscoll then read proposed RESOLUTION ---2013 as follows:

RESOLUTION _____ - 2013

TO APPOINT A DIRECTOR OF RECREATION

WHEREAS Dustin James has resigned his position as Director of Recreation to pursue Graduate Studies, and

WHEREAS the Town has conducted a search and review of eligible candidates,

NOW THEREFORE BE IT RESOLVED that upon the recommendation of the Supervisor the Town does hereby appoint Reid Hoskins to the position of Director of Recreation.

Motion was made by Councilperson Powers to accept the proposed RESOLUTION, was seconded by Councilperson Laughlin.

Atty. Hooks suggested that the salary being paid should be included in the resolution, Councilperson Trask agreed. Supervisor Driscoll replied that \$11.50 to \$14.00/hour was the pay range for 15 hours/week. Councilperson Laughlin asked how the hours were to be clocked. Supervisor Driscoll said there had not been a negotiation of rate of pay yet, but rather a range. Because the Recreation Department was moving back to a coordinator of activities and a director of recreation, the first order to hire a Recreation Director. Councilperson Trask felt that temporarily the Recreation Director could do both jobs until the coordinator could be hired. Councilperson Trask understands the immediacy of filling the position. But feels a person cannot just be hired; there needs to be background checks and a known salary to be offered. He felt a resolution could not be brought to the floor that does not have the accurate information included. He also does not feel you cannot approve or appoint someone to that type of position without a background check and you cannot appoint or hire someone without a known salary. He felt that information needed to be known before there is an approval. Councilperson Trask noted that he had not seen the applicants resume and did not feel he could vote on this resolution.

Councilperson Powers asked how the Board could move along on this subject so that the Recreation Department could move forward. Councilperson Laughlin suggested there be a special meeting to discuss the matter. She would like to see figures for rate of pay and hours worked as part of the decision process. Supervisor Driscoll stated that it was proposed that 15 hours/week to be worked for the Director, and 20 hours a week for the Coordinator.

Councilperson Trask asked that that be included in the resolution. Supervisor Driscoll agreed. Councilperson Powers felt that the resolution should include the need for extra hours until the Recreation Coordinator is hired. The hours may vary as the Director may be doing both jobs. Councilperson Trask asked who would be over seeing the Summer Camp; he was responded that the Recreation Director oversees the Summer Camp Director, and that added to the sense of urgency to the need to hire a Recreation Director soon. Councilperson Trask recalled that the Board had agreed to splitting the Director and Supervisor/Coordinator position, but now felt adding a Camp Director was not needed when you had the Supervisor/Coordinator. Supervisor Driscoll explained that the Director of the Camp is at the Camp every day; the Supervisor/Coordinator schedules all of the activities at the school, works with the parents and collects the money. The Supervisor/Coordinator is who does the evening work, and the Director of Recreation stays largely in the Town Hall and is executive in its leadership. Councilperson Powers reminded the Board this was Dustin's suggestion.

It was agreed that there would be a Special Meeting held on April 18, 2013 at 6:00 p.m. at the Town Hall. A public notice will be placed in the Ithaca Journal on Monday April 15, 2013. Amy Heffron gave a review of what had happened prior to Dustin being the Director. Motion to table this matter until the Special Meeting on April 18, 2013 was offered by Councilperson Powers and seconded by Councilperson Laughlin. All were in favor.

Supervisor Driscoll read proposed **RESOLUTION 17-2013** as follows:

Budget Line Transfer \$2,000.00 from DA5130.463-Repairs to DA5130.2-Equipment towards purchase of a new back-hoe.

Councilperson Trask explained that this was toward the purchase of a new back-hoe. The Town participates in a plan with the option to upgrade each year for a fee of the amount of hours used through Milton Cat. This reduces on repairs and maintenance. The Town has the same type of program set up with the loader.

Motion was made by Councilperson Trask to transfer the funds mention in the proposed RESOLUTION, and was seconded by Councilperson Powers.

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

Old Business:

Councilperson Trask asked the status of the AUD Report. Supervisor Driscoll said that it had been extended and that the Book keeper had the registration numbers, and once she had March together she will start with the AUD, it is due May 1, 20213.

February Expenses:

Motion was made by Councilperson Laughlin to approve the February vouchers that were audited for payment. Councilperson Powers seconded the motion.

General Vouchers totaling	\$32,588.01
Recreation Fund Vouchers totaling	\$1,867.87
Highway Fund Vouchers totaling	\$60,855.85
Sewer Fund Vouchers totaling	\$573.15
Water District 1 Vouchers totaling	\$3,921.65
Water District 2 Vouchers totaling	\$1,009.25
Trust & Agency Vouchers totaling	\$3,010.60

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

Closing Privilege of the Floor:

Amy Heffron: felt there was a breakdown of communication between the Board and the Community. She has emailed the Board on topics and has never had a response. She asked if the public cannot come to a Board Meeting and speak about concerns, how one could communicate to the Board. She also had concerns about the contract with the School and the Board. She does not feel comfortable with Councilperson James positions at the school and the Town Board. She felt there was a conflict of interest. She also mentioned that as a past member of the Recreation Advisory Board, the Town was behind the 8 ball concerning camp. Negotiations for the use of the school should have taken place by now, and camp counselors should have been hired by now as well to name a few.

Becca Harber: encouraged the Board to take the information offered when looking into hiring the Recreation positions.

Jeff Golden: encouraged the Board to work on good solid job descriptions for positions within the Town.

Brenda Lapp: added that in the Ithaca Times this week summer camps were published.

David McKenna: suggested that getting other people together from previous board and possibly Dustin to put a time line in place to have information for future years. Supervisor Driscoll said that Dustin had left a transition plan.

At 9:05 p.m. Supervisor Driscoll asked for an intermission, and then to resume the meeting in an Executive Session to update the Board on a CSEA Bargaining Unit issue.

At 9:30 p.m. the Newfield Town Board reopened the meeting to the Public. Motion was made by Councilperson Trask to adjourn the meeting, and Councilperson Powers seconded the motion. All were in favor. Motion passed.

Respectfully Submitted

April 24, 2013

Karen Miller Kenerson
Newfield Town Clerk

DRAFT