

A regular meeting of the Town Board of the Town of Newfield was held at the Town Hall, 166 Main Street, Newfield NY on June 13, 2013.

Present were: Richard Driscoll: Supervisor
Roy Trask: Councilperson
Joanne James: Councilperson
Christine Laughlin: Councilperson
Casey Powers: Councilperson

Others Present: Russ Mains: Town Attorney, County Representative David McKenna and 30 residents.

Supervisor Driscoll called the meeting to order at 7:00 p.m. with the Pledge to the Flag.

Opening Privilege of the Floor:

Bob Mente: owner of AWS asked the Board Members why, after they have been invited on several occasions to visit the location, they have not tried to contact him or visit the facility. But certain members of the Board have met with the residents opposing the expansion of the company and continue to work with them to stop the project. He asked how the elected officials could be neutral on the situation when both sides will not be entertained.

He asked what would happen when the Board called for a public meeting to vote on the moratorium. He has studied the petition; some of signers are not in the voting district or the county. He also asked what would happen if 50 people come to show their opposition and 200 come to show support. He believes the Board will vote to pass a moratorium. He feels this shows favoritism to the 5 people who come to the meetings monthly, bringing nonfactual information that does not pertain to the specific expansion. The group brings generalized information that is taken out of context and exaggerated to persuade the Board to see things their way. The group opposed to the expansion has complained about the added truck traffic to the roads. He stated with or without the transfer station his business will still continue to grow. This would include more trucks and more employee traffic on a daily basis. He asked the Board: there will be added traffic no matter what. Would the Town want to see the added traffic for 5 years or 10-15 years. With the new facility, his business plan is to be able to move completely out of the neighborhood in 5-6 years. Without the facility the business is easily looking at 15 years before the revenue is generated that is needed to fully relocate. He also asked the Board if they were going to try to force him off his property because a few people will be inconvenienced by more traffic. He

asked if the Board had spoken to the Weaver's or Brenno's. Their homes are directly affected everyday by the traffic on all sides of the business. He offered the Board their telephone numbers so they could be contacted.

Nancy Dolge: Planning Board Chair updated the Town Board on the Comprehensive Plan schedule. May 2013 the plan was put out for public review in various places. The Planning Board received many positive comments. There was a public discussion on May 21 with about 42 people in attendance. The Planning Board revised the Draft Plan based on the public comment.

The Planning Board voted on June 5 to put the final draft back out for public review, a public hearing will be July 2nd. at the Newfield Fire Hall at 7:00 p.m. after the hearing there will be Planning Board meeting with a vote on a resolution to recommend the final draft of the Comprehensive Plan to the Town Board for adoption.

Jeff Golden: thanked the Town Board for the opportunity to speak at the meeting. He urged the Board to continue the process to completion and signature of a transfer station moratorium. He feels it insures the community of any development of this type should require a detailed fact based review of all aspects of the project. He also stated it was not an anti-business document, for it insures a safe sustainable business plan that is in place to protect all parties. The property owners cannot walk away from their properties or business's. He acknowledged the traffic concerns, but felt the Board understood there were more concerns than that single topic. He also urged the Board to approve the Comprehensive Plan. He has read the draft document, attended the meeting and is impressed. He said it contains sorely lacking checks and balances that are needed for development in our community. He also feels it is far from anti-business. It uses a controlled and intelligent approach to ensure the Town of Newfield in its entirety is properly developed to logical planning, ensuring the right thing in the right place. He has experienced what happens when it is a different type of environment and when planning and modification, construction takes place without a full review.

Gene VanZile: thanked the Town Board and Planning Board for all the work they do. He commended the Planning Board for their concern and the well-being of our town. He feels that another transfer station is not needed when there 2 nearby. He commented on a conversation he had had with a former AWS employee.

Brenda Lapp: asked the Board to have the recorded meeting minutes digitized and put on the Town website for the people who cannot attend the meetings. She felt that way residents could listen to statements from the group opposing the transfer station and Mr. Mente. She would like to see a proposal to start digitizing the minutes of the Town Board meetings and putting them on the Town website.

Sandy VanZile: commented that she and others have been coming to Town Board meetings for over a year with concerns of the proposed transfer station. She referred to comments made that the group is biased against the proposed transfer station. Mrs. VanZile feels there are more issues than just traffic; pollution and water are concerns as well. She wondered if it was time for the Town of Newfield to adopt a zoning law.

Marie Terlizzi: offered a thought that it was her understanding that all states, including New York are running out of space for landfills. It seemed to her the trash business is a dead end business. In 15-16 years we should not be generating the present volume of trash. The goal for Tompkins County is to drastically reduce the amount of trash generated. She wanted to remind people that the long term goal is to reduce the volume of trash created.

Agenda Review:

Supervisor Driscoll asked to add a Presentation by the Newfield Public Library at the beginning of New Business. Change Old Business's Report from the Town Planning Board as it was reported by Nancy Dolge during Privilege of the Floor.

Councilperson Laughlin asked to add an Executive Session after the regular monthly Board Meeting.

Adoption of the May 9, 2013 Meeting.

Motion to adopt the May 9 2013 Regular Meeting Minutes was offered by Councilperson Laughlin and seconded by Councilperson Powers.

ADOPTED: AYES 5 Driscoll, Trask, James, Laughlin, Power
NAYS 0

Correspondence:

Supervisor Driscoll reported he would address the response from the IRS during his Supervisor's report.

Reports:

Highway: Absent

Water/Sewer: Absent

Environmental/Building Code Enforcement: Absent

County Legislature Representative/David McKenna: reported that the TC3 budget public hearing would be July 2nd at 5:30. Councilperson James asked if he would elaborate on Living Wage proposal that was being entertained. He could not at this time.

Supervisor Report: Supervisor Driscoll reported the Bond Documents would be signed next week for the replacement of the water meters in District 1. He said that within the next few

weeks Water District 1 users would be receiving a call from the installer to make appointments to replace the meters.

He also reported that he had received a reply from the division of the IRS that deals with fines and penalties. The IRS denied the appeal. The next step is to file an appeal on this first decision. He would like to bring this to the Board for discussion at the June 27th work session.

New Business:

Tina Winstead from the Newfield Public Library gave the Town Board the annual report. She reported that over 18,000 people visited the library last year; circulation is rising especially with digitals. She reviewed the programs that are grant funded and various upcoming programs. Supervisor Driscoll asked about the growth of the digital budget. She responded that the Library is not looking at a growing budget. The school ballot passed but that would only make their budget not be a deficit budget. She said she saves on her book budget and when she can get ahead of the demands she will purchase e books or audio books. She does not have a strategy, the library just needs money. Supervisor Driscoll asked if the Finger Lakes Library System could be utilized, she said all the towns share its use. She reported the Library had just received a special Legislative Grant of \$10,000.00 giving thanks to Barbara Lifton.

Supervisor Driscoll announced there were 4 Resolutions being presented this evening. The first being to approve signing a contract for consultation with Attorney Guy Krogh concerning advisement on the High Volume Hydraulic Hydrofracking and Gas Drilling Moratorium Extension. Supervisor Driscoll read proposed Resolution 24-2013.

A motion was offered by Councilperson James to accept, Councilperson Powers seconded. Discussion: Councilperson Laughlin asked what budget line the \$500.00 would be coming from. Supervisor Driscoll stated that the \$500.00 was being donated and it would be put into the Attorney Line. Councilperson Trask asked who the donation was coming from, and was it in hand now. Supervisor Driscoll said he did not know, and the funds had not been received as of yet. Councilperson Trask asked to know who the donation was from as it is public information. Councilperson also added that he would like amend to the Resolution the amount paid not to exceed \$500.00 unless approved by the Board. Supervisor Driscoll agreed.

RESOLUTION 24 -2013

Whereas the Newfield Town Board adopted Local Law # 1- 2012, a Moratorium Law on High Volume Hydraulic Hydrofracking and Gas Drilling, and

Whereas the Town engaged the services of Guy Krogh as Special Counsel to advise the Town on the Law, and

Whereas Edward Hooks of the firm Harris Beach is on retainer to the Town serving as the Town Attorney, and

Whereas Mr. Hooks has advised the Supervisor that the firm of Harris Beach provides representation to companies engaged in Mineral Extraction in New York State, Tompkins County and the Town of Newfield, and

Whereas such representation by his firm may place Mr. Hooks in conflict with his duties representing the Town of Newfield, and

Whereas the Town now wishes to adopt a Law extending a Moratorium on High Volume Hydraulic Hydrofracking and Gas Drilling, and

Whereas Guy Krogh is available to serve as Special Counsel for this purpose,

Now Therefore Be it Resolved that the Supervisor is directed to enter in to an agreement and engage Guy Krogh as Special Counsel to advise the Town Board on the exploration and adoption of an Extension Moratorium Law on High Volume Hydraulic Hydrofracking and Gas Drilling, and Be It Further Resolved that the Town shall appropriate of \$500, and not to exceed such amount unless approved by the Board for such services.

ADOPTED: AYE: 3 Driscoll, James and Powers
 NAY: 2 Trask and Laughlin

Supervisor Driscoll brought forward proposed Resolution 25-2013. He asked for the expiration date to be corrected. And it read as follows:

RESOLUTION 25-2013

Whereas the Planning Board of the Town of Newfield was established by Local Law No. 1-2007, and

Whereas the Planning Board is comprised of five members currently serving staggered terms of five years or less, and

Whereas the term of Planning Board Member Gary Goff has expired, and

Whereas Mr. Goff has communicated his desire to stand for re-appointment,

Now, therefore be it resolved that the Newfield Town Board hereby appoints Gary Goff to the Planning Board of the Town of Newfield for a five year term ending May 08, 2018.

Motion was made by Councilperson Trask to accept the proposed resolution, Councilperson Powers seconded.

ADOPTED: AYE 5 Driscoll, Trask, James, Laughlin, and Powers
NAY 0

Supervisor Driscoll read the following proposed Resolution:

Supervisor Driscoll said he had reserved the Newfield Fire Hall for that evening in consideration of the public attendance for 2 public hearings. It was agreed that was for best.

Councilperson Powers offered a motion to accept the proposed Resolution, seconded by Councilperson James.

Discussion: Councilperson Laughlin asked that it be considered to begin the Public Hearings earlier than 7:00 p.m., Councilpersons Trask and Powers also agreed.

Resolution 26-2013

Set Public Hearing for Solid Waste Transfer Station Moratorium Law

Whereas the Newfield Town Board has undertaken the consideration of a One-Year Moratorium Law on the Construction and Operation of Commercial Solid Waste Management Facilities in the Town, and

Whereas the Town Board has been meeting since January 2013 to discuss, review and debate a specimen law, and

Whereas the Town Board is presenting a Final Draft of a Moratorium Law on Solid Waste Management Facility on July 1, 2013

Now Therefore Be It Resolved that the Town Board shall convene a Public Hearing on July 11, 2013 at 6:00 pm at the Newfield Fire Hall for public comment on a **“A Local Law Providing for a Moratorium on the Construction and Operation of Commercial Solid Waste Management Facilities”**.

Be it further resolved: the Regular Newfield Town Board Meeting shall occur following.

ADOPTED: AYES 5 Driscoll, Trask, James, Laughlin and Powers
NAYS 0

Supervisor Driscoll presented the next Resolution concerning setting a public hearing date for public comment on “Law to Extend the Moratorium Effected by Local Law Number 1 of 2012 for an Additional One Year”.

Motion to accept the proposed Resolution was offered by Councilperson Powers, seconded by Councilperson James.

Discussion: Councilpersons Laughlin and Trask felt that this public hearing should begin at 6:30 p.m.

RESOLUTION 27- 2013

“Law to Extend the Moratorium Affected by Local Law Number 1 of 2012 for an Additional One-Year Period”

Whereas the Newfield Town Board adopted Local Law 1-2012 in July 2012 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 work on these laws and resolutions has been proceeding but requires more time for their presentation and adoption by the Town, and

Whereas the Town Board is presenting a Final Draft of a Moratorium Law Extension for public review on July 1, 2013,

Now Therefore Be It resolved that the Town Board shall convene a Public Hearing on July 11, 2013 at 7:00 pm at the Newfield Fire Hall for public comment on a **“Law to Extend the Moratorium Effected by Local Law Number 1 of 2012 for an Additional One-Year Period”**

ADOPTED AYES 3 Driscoll, James and Powers
NAY 2 Trask and Laughlin

Councilperson Trask asked about the FOIL request. Supervisor Driscoll stated that it was due by June 30, 2013. He asked that all Board Members go through their Town email and personal email concerning the FOIL request.

Audit of Claims

Motion was made by Councilperson Laughlin and seconded by Councilperson Powers to approve the May Expenses

ADOPTED: AYES 5 Driscoll, Trask, James, Laughlin, and Powers
NAYS 0

Vouchers were reviewed by Councilperson Laughlin and Councilperson Powers, the Board authorized to the payments of the following amounts:

General Fund	\$53,425.62
Street Light Fund	\$1,117.10
Highway Fund	\$81,129.25
Recreation Fund	\$3,980.31
Water District 1	\$2,358.11
Water District 2	\$2,607.92
Sewer Fund	\$381.93
Trust & Agency	\$2,566.82

Adopted AYES 5 Driscoll, Trask, James, Laughlin and Powers
NAY 0

Work Session: June 27, 2013 at 6:00 p.m. also Monday June 17, 2013 at 6:00 p.m. to complete the Town's statement to the DEC.

Motion was made to recess at 7:55 p.m. then resume into an Executive Session at 8:15 p.m. for discussion concerning a collective bargaining issue.

At 8:30 p.m. the meeting was called back into order with a motion by Councilperson Laughlin, seconded by Councilperson Powers. Councilperson Laughlin offered a motion to adjourn the regular Meeting of the Newfield Town Board at 8:40 p.m. Councilperson Powers seconded.

Respectfully Submitted
Karen Miller Kenerson
Town Clerk

June 21, 2013

DRAFT