

A regular meeting of the Town Board of the Town of Newfield was held at the Town Hall, 166 Main Street, Newfield NY on July 11, 2013.

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

Others Present: Kevin Berggren: Highway Superintendent, Rob Brewer: Water Sewer Manager, Harry Wright: Code Enforcement Officer, Ed Hooks: Town Attorney, County Representative David McKenna and 100 residents.

Supervisor Driscoll called the meeting to order at 8:22 p.m.

Opening Privilege of the Floor

Susan Crowell: asked if the Board would entertain forming subcommittees to help with the work load.

Brenda Lapp: asked for the Board to approve to have the Town Board Meetings digitally and video recorded and uploaded to the Town Website for people who cannot attend the meetings to watch.

Brian McIlroy: commented on the Town helping with the School Tax Collection. He asked if the Town Personnel Policy was complete. He then thanked the Board for of their hard work.

Barbara Tefft: also thanked the Board for all of their hard work concerning inherited issues.

Agenda Review:

Supervisor Driscoll asked to move up the two Moratorium Resolutions followed by an Executive Session concerning a Collective Bargaining Unit issue, then to proceed with reports, then the remainder of the agenda to follow.

Adoption of the Previous Meeting Minutes:

Motion was made by Councilperson James to accept the June 13, 2013 regular Board Meeting minutes. Councilperson Trask seconded the motion.

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

Correspondence

Supervisor Driscoll stated that there had been several this month: receipt of the Action Plan from the OSC, response from the Collective Bargaining Unit, Delta Engineering, receipt of the donation of funds to be applied to the costs of the attorney fees incurred concerning the extension of the gas moratorium. Councilperson Laughlin referred to a letter from Dr. Thomas which the Board received last month concerning the pool. The school will not financially support the pool after

this year. Supervisor Driscoll brought up to the Board for a work session topic that there is a leak in the pool.

New Business:

Presentation of the Adopted Final Draft of the Newfield Comprehensive Plan as recommended by the Newfield Planning Board- by Nancy Dolge, Chairperson:

Mrs. Dolge stated that at the July 2, 2013 Planning Board Meeting, the Board unanimously approved the resolution to recommend - 2013 Draft Comprehensive Plan to the Newfield Town Board for adoption. She then presented draft copies to the Board Members who had not received copies. Supervisor Driscoll earnestly thanked the Planning Board for all their hard work preparing the document. He explained that the Board now will be conducting a long form environmental assessment in conjunction with the Comprehensive Plan. When the Town Board moves to adopt the Comprehensive Plan, the Long Form Environmental Plan will be part of that as well. The Town has 90 days to adopt the Comprehensive Plan.

Councilperson Trask made the motion to convene a Public Hearing on the Final Draft of the Town of Newfield Comprehensive Plan. Councilperson Laughlin seconded. Councilperson Powers read proposed Resolution No. 28-2013 as follows:

To Convene a Public Hearing on the Final draft of the Town of Newfield Comprehensive Plan –

Resolution No. 28-2013

Whereas at its Regular Meeting of July 11, 2013 the Town Board has formally received from the Chair of the Newfield Planning Board the adopted Final Draft of the Town of Newfield Comprehensive Plan, and

Whereas the Planning Board has extended a courtesy to the Members of the Town Board by making available for their review a preliminary draft of the Comprehensive Plan, and

Whereas the Town Board will begin its official review of the Final Draft beginning at the Board's Work Session on July 25, 2013, and

Whereas the Board feels it is important to hear take public comment from Newfield residents as part of this review,

Now Therefore Be It Resolved that the Town Board shall convene a Public Hearing on the Final Draft of the Town of Newfield Comprehensive Plan on Thursday August 8, 2013 at 6:00 p.m.

Adopted AYE 5 Driscoll, Trask, James, Laughlin, Powers
 NAY 0

Councilperson James read proposed Resolution to Adopt a Local Law Providing for a Moratorium on the Construction and Operation of Commercial Solid Waste Management Facilities as follows:

RESOLUTION # 29 - 2013

**RESOLUTION TO ADOPT
LOCAL LAW PROVIDING FOR MORATORIUM ON THE CONSTRUCTION AND
OPERATION OF COMMERCIAL SOLID WASTE MANAGEMENT FACILITIES**

WHEREAS concerns have been expressed about the impact of a waste transfer station upon the health, safety and well-being of Town inhabitants; and,

WHEREAS the Town Board is authorized pursuant to New York Environmental Conservation Law Section 27-0711 and Town Law §130.6 to consider enacting a local law to prohibit and/or regulate the use of any land within the Town for use as a ground for dumping (including waste held for transfer); and,

WHEREAS in accordance with these provisions, the Town Board determined that regulation and/or prohibition of waste transfer stations might enhance and protect the health, safety and general welfare of its residents and, accordingly, has determined further that it might be advisable to study further the effects of constructing waste transfer stations within the Town; and,

WHEREAS the Town Board then took under consideration a moratorium designed to prohibit construction of waste transfer stations within the Town for a period of time reasonably needed to conduct the study and analysis necessary to decide whether to have and/or regulate (and, if so, how) construction of a waste transfer stations within the Town; and,

WHEREAS the Town Board at its regular meeting on June 13, 2013 considered a proposed moratorium so as to allow this study and analysis and, to this end, duly advertised a

public hearing to be held this evening (July 11, 2013) for the purpose of hearing and considering public comment with respect to the proposed moratorium; and,

WHEREAS such public hearing has been held and comments for and against the proposed moratorium carefully heard considered; and,

WHEREAS in accordance with N.Y. Environmental Conservation Law §617.5(3) no environmental assessment is required as a pre-condition to enacting the subject moratorium;

NOW, THEREFORE, upon motion of Councilperson Powers, seconded by Councilperson James it is

RESOLVED that the Town hereby adopts as Local Law #1 for 2013 (“Moratorium on the Construction and Operation of Commercial Solid Waste Management Facilities”); and it us further,

RESOLVED that the Town Clerk take all such action as required to effect such law.

Discussion: Councilperson Laughlin commented that this has been a very emotional issue. She understands the concerns of the neighbors, thanking them for all the work that they presented. The Board responded to the DEC negative declaration with their concerns. She hopes they proceed with the investigation.

Councilperson Trask agreed that he also agonized over this issue. He understands the opportunity Mr. Mente is trying to create for himself. He commented on the first presentation Mr. Mente held at the Fire Hall. He was disappointed in how the crowd acted toward the information being brought to them. He feels the Board has entertained all the people’s thoughts that came with information. He had personally met with some of the neighbors at their homes and the proposed facility site. He surveyed the culvert pipes with the Highway Superintendent, and other investigation on his own. He also understands the concerns of the neighbors. He commented about letter sent to the DEC with listed concerns. He stated he was not a big fan of a moratorium fan, or of land use restriction. He would like people to have the right to do with what they would like with their land. He feels if the Board had done its work the last year as it should have, this moratorium would not be being discussed or it if it were, it would be for different reasons. He stated this moratorium has the same information in it as the gas moratorium with a few

exceptions. If the work had been done prior to now, the moratorium would not need to be enacted as all the things would be in place. The moratorium is purely addressing the findings that are listed in it. He feels the findings could have been addressed. He feels the Board has looked at it from every perspective. He thanked Ms. Lapp and Mr. Golden for the good information concerning their concerns.

Councilperson James commented about Mr. Mente being a very hard worker and her respect for that. She said she had driven through the neighborhood many times and has not stopped at the proposed sight, she has looked at the plans. She responded to comments of how there is not Zoning in Newfield, she believes the Board does have recourse. She also believes the Board should look at it a little longer. She also responded to comments of how if the Board had done their work. Councilperson James stated that things came up that interfered with this issue. But she does not feel the Board shirked their duties. She feels the whole situation needs to be looked at as well as the greater impact on the whole community.

Councilperson Powers also commented that she had not been to the proposed transfer site, but had driven by several times. She feels that a residential area is not where the proposed transfer station should be. If allowed, as you cannot change things back. She feels Newfield is a gem and not many places get to stay like Newfield for as long as they have.

Supervisor Driscoll concurred with the difficulty of the decision. He stated he did not like the topic at all when it was first presented. He wanted to keep on task concerning the work in respect to the gas drilling moratorium. Because this topic continually presented itself, he became resentful. He asked Mr. Hooks to help the Board figure out how to proceed. One of the options he suggested was a moratorium. He also drove around the neighborhood to look at area. What he didn't do was go to the facility or to people's homes. He did not need that type of closeness to it. He wanted to be able look at what he saw and what he was able to ascertain from information and not to have any type of influence one way or the other. When he read the negative declaration from the DEC, he became alarmed. After reading the negative declaration, he didn't think the DEC had been there after the negative declaration had been made. At that point it became easier for him to take it up. The Board's response to the negative declaration was not that the Town did not want to have the transfer station in the neighborhood, but rather the DEC to do a State Environmental Quality Act Review. With respect that the Board Members are not experts, he agreed and that is why the SEQURA is being requested to be done by the DEC. He feels because of possible impacts, the Board owes it to give it a good consideration before the go ahead is given.

Attorney Hooks felt it was important to clarify what this moratorium is not. He stated it not designed to be anything that regulates one particular waste transfer station; it is designed to say, for at least a period of one year, there will be no waste transfer stations permitted while the Town Board reviews and studies the analysis as to whether or not it should be done. He added it was

important for this Board to understand that. If in moving forward and the moratorium is passed, it relates to anyone who may seek to have a waste transfer station within the Town. The Board is doing this not in connection with any zoning power or comprehensive land use plan (that is not yet in effect). What the Board is doing is in accordance with Town Law §130.6 which allow the Town of regulate or prohibit dumping grounds with the town. The Environmental Conservation Law permits this so long as that law is not less restrictive than what New York State has. He feels it is important for the Board to understand the foundation of the law being considered.

ADOPTED YEAS: 3 Driscoll, James, Powers
NAYS: 2 Trask and Laughlin

Councilperson Trask read proposed **Resolution 30-13** as follows:

RESOLUTION No. 30-2013

To adopt a Local Law to Extend the Moratorium Effected by Local Law Number 1 of 2012

Whereas the Town Board adopted Local Law No. 1-2012, A Moratorium and Prohibition Within The Town of Natural Gas And Petroleum Exploration And Extraction Activities et al, and

Whereas the Town Board adopted the law to undertake and adopt a number of measures in preparation for the potential arrival of High Volume Hydro-Fracking within the Town of Newfield, and

Whereas the Town Board has made considerable progress on the development of a majority of these measures but has found that the expiration of Local Law No. 1-2012 would arrive before the final work was completed prior to the adoption of the greater number of these measures, and

Whereas the Town Board needs additional to time research and address legislation concerning Noise, and

Whereas the Town has spent a number of meetings reviewing and writing a proposed extension to the law cited above, and

Whereas the Town Board has completed its review and research on a Moratorium Extension Law with the adoption of a Resolution on June 13, 2013 to convene a Public Hearing and presented its draft Law on July 1, 2013, and

Whereas the Town Board held a Public Hearing on the adoption of such a Law on July 11, 2013 at 7:20 p.m. at the Newfield Fire Hall,

Whereas, given the moratorium applies to land development and construction activities, it is a Type II Action per ECL Article 8 and the implementing regulations of SEQRA at said 17 NYCRR Part 617, § 617.5(30),

Now Therefore Be It Resolved that the Newfield Town Board hereby adopts Local Law No. 2 of the year 2013, a local law to Extend the Moratorium Effected by Local Law Number 1 of 2012 (Entitled “Moratorium on and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes) for an Additional One-Year Period.

Motion was by Councilperson Powers to adopt the proposed resolution, Councilperson James seconded the motion.

Discussion: Councilperson James commented that this was also a difficult decision; she has a lot of concerns with the safety of fracking. She does not have a good feeling of the industry to frack and keep the water safe. She is also worried about the other environmental impacts. She does not want to be rushed.

Councilperson Powers commented that she feels Newfield is a very special place to live. Many people move to Newfield, as well as many have been born raised and have chosen to stay here. She feels that the Town of Newfield will be forever changed with no turning back if fracking were to occur.

Councilperson Trask commented that he too loves Newfield. His family has been here over one hundred years and he has a lot invested here; his land, farm and home. He feels this resolution is one part of what the Board has to do and accomplish. He stated that the Board had been working on several other big issues this past year to try and resolve, most of it being financial. He also stated if the Board could have gotten get things done that were listed findings of the 2012 moratorium, the moratorium extension would not be needed. He appreciated the involvement of the residents who brought their interest to the Board.

Councilperson Laughlin also appreciated the concern of the residents who came to the meetings or who had spoken to her concerning this topic.

Supervisor Driscoll responded to comments made earlier concerning the lack of reports made concerning the gas drilling moratorium. It was not that the Town Board did not do the work concerning the items and finding of the Moratorium passed in July 2012. One of the largest reasons for him to adopt the moratorium was to be able to adopt the Comprehensive Plan.

Supervisor Driscoll wanted the Planning Board to have a neutral basis to be able to plan, write and present the Comprehensive Plan. He felt the extension was needed to be pursued in order for the Planning Board to be able to present what he feels is a robust document. Supervisor Driscoll added that the Road Preservation Law is done and will be ready to be considered in September. He added that the work had been done, but rather the Board had not been able to act upon it. He added that Road Perseveration Laws are not easy, and are new territory for the other municipalities in the County. Supervisor Driscoll stated that the Critical Environment Areas are ready to be adopted; it was a question of when in the schedule to be able to do that.

ADOPTED YEAS: 3 Driscoll, James, Powers
 NAYS: 2 Trask and Laughlin

REPORTS

Highway: Highway Superintendent Berggren reported that the work on Barnes Hill Rd. was just about complete.

Water Sewer Department: Water Sewer Manager Rob Brewer reported there had been updates done for the sewer district, annual septic tanks were pumped, and fire hydrants flushed. Mr. Brewer also reported the new water meters have been received by the Town..

Environmental/Building Code Enforcement: Code Officer Harry Wright reported that of the environmental cases he has reported on previously most have been cooperative. He reported so far this year 49 building permits have been issued.

Tompkins County Legislature Representative: David McKenna Newfield/Enfield Representative reported that the 2014 TC3 budget had been passed; the County Clerk Office had received an award for digitalizing their historical records and files. He responded to a question Councilperson James asked about prior concerning the living wage: the Living Wage Committee will be meeting at the end of the month and a decision will be made in that time frame. He reported that the County had for some time maintained a 10% fund balance; it also received a AA bond rating. He also reported that the new legislature chambers will be ready for the August 6th meeting.

Supervisor Report: Supervisor Driscoll reported he would not have a supervisors report in order that the Board could move to Executive Session to discuss a Collective Bargaining Unit issue.

Councilperson Trask made the motion to move to Executive Session, seconded by Councilperson Laughlin. At 9:50 p.m. Councilperson Powers made a motion to exit Executive Session and reconvene to the Regular Board Meeting, seconded by Councilperson Laughlin.

A motion was made by Councilperson James to adopt proposed Resolution NO. 31-2013, Councilperson Powers seconded.

RESOLUTION No. 31-2013

To Appoint Barry Strosnider of Newfield, NY as Acting Newfield Town Justice through to December 31, 2013

Whereas the Town of Newfield recently experienced the untimely passing of Justice Gary Dresser, and

Whereas the Supervisor has been working cooperatively with the NYS Office of Court Administration to fill this vacancy on the Court, and

Whereas Mr. Barry Strosnider, a practicing attorney and a resident of the Town of Newfield has presented himself to the Town offering his services as Acting Town Justice, and

Whereas the Town Board has interviewed Mr. Strosnider, finds that his credentials meet the requirements for a temporary appointment to the Town Court Bench, and has come to consensus for his appointment,

Now Therefore Be It Resolved that the Board hereby appoints R. Barry Strosnider Justice of the Newfield Town Court to fill a vacancy trough to December 31, 2013, and

Be It Further Resolved that the Town shall provide a monthly remuneration of \$833 to commence in the month during which Mr. Strosnider assumes the responsibilities of the position through December 31, 2013.

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

Councilperson Trask made a motion to adopt the resolution allowing the Supervisor to enter into an agreement to install the water meters, seconded by Councilperson Laughlin.

Supervisor Driscoll read proposed Resolution NO. 32-2013 as follows:

RESOLUTION No. 32-2013

Resolution to Direct the Supervisor to engage in a contract with Keystone Utility Systems

Whereas the Town of Newfield has embarked on a major project for the replacement and installation of Water Meters in Water District 1, and

Whereas the Town has identified Keystone Utility Systems which has submitted a proposal to serve as the installer throughout the District,

Now Therefore Be It Resolved that the Town Board hereby directs the Supervisor to enter into an agreement for the installation of water meters for a fee not to exceed \$28,000.

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

Supervisor Driscoll read proposed Resolution No. 333-2013 as follows:

RESOLUTION No. 33-2013

To enter into an Agreement with Newfield Central School District to provide Tax Collection Services

Whereas the Newfield Central School District has approached the Town of Newfield to consider providing tax collection services, and

Whereas the Town has agreed that such services shall be provided by the Clerk's Office for a fee of \$4,500, and

Whereas the remaining terms have been agreed to by the Town and the School District,

Now Therefore Be It Resolved that the Town Board hereby directs the Supervisor to enter in to an agreement with the School District to provide Tax Collection Services for a period of one year beginning June 7, 2013.

Motion was made by Councilperson Powers to adopt the proposed Resolution, seconded by Councilperson Laughlin.

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

Supervisor Driscoll read proposed Resolution NO. 34-2013 as follows:

RESOLUTION No. 34-2013

To accept a gift of stained glass commemorating the late Howard Allen and Mr. Gary Allen

Whereas Newfield resident Cindy Anderson has approached the Town Board to propose a gift of stained glass commemorating the late Howard Allen and Mr. Gary Allen and their wives for their honorable dedicated service to the Town as long serving Justices of the Newfield Town Court, and

Whereas Ms. Anderson, a stained glass artist, has provided a visual schematic of the work she will create and of the accompanying commemorative plaques, and

Whereas the Town agrees with Ms. Anderson sentiment to recognize the services the Misters Allen have provided the Town,

Now Therefore Be It Resolved that the Town Board gratefully accepts this gift for exhibit in Town Hall.

Motion to adopt the proposed Resolution was offered by Councilperson Trask, seconded by Councilperson James.

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

Supervisor Driscoll read proposed Resolution No. 35-2013 as follows:

Resolution No. 35-2013

To Recognize and Codify Procedural Changes in NYS General Municipal Law with Respect to Acceptance of Notice of Claims

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent of service of a notice of claim; and

WHEREAS, General Municipal Law, § 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notice of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, § 53-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate:
Now Therefore Be It

RESOLVED, that the Town Board of the Town of Newfield, County of Tompkins designates Karen Miller Kenerson in her capacity as Town Clerk, to receive claims served up on the

Secretary of State by mail at 166 Main Street, Newfield New York 14867 and email at townclerk@newfieldny.org.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Motion was made by Councilperson James to adopt the proposed Resolution, seconded by Councilperson Powers.

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

OLD BUSINESS

Councilperson Trask asked about the progress of the Broadband Plan, and the commitment of funds for the poles from the Town. Supervisor Driscoll responded that the Town is still involved and that he had had conversations with Mr. Bartosh concerning that. Supervisor Driscoll spoke of an effort underway of neighboring towns to try helping support the Town of Caroline in providing a portion of funds needing to buy their poles. This will be discussed further at the work session.

AUDIT OF CLAIMS

Motion was made by Councilperson Trask and seconded by Councilperson Laughlin to approve the June Expenses

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

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

General Fund	\$24,917.29
Recreation Fund	\$4,005.82
Highway Fund	\$51,167.26
Fire District Fund	\$87,928.00

Street Light Fund	\$1,096.35
Sewer Fund	\$19,741.71
Water District 1	\$3,353.40
Water District 2	\$908.63
Trust & Agency	\$1,942.27

Work Session

July Work Session is scheduled July 25, 2013 at 6:00 p.m.

Motion to adjourn was made by Councilperson Powers at 10:00 pm.

Respectfully Submitted

July 24, 2013

Karen Miller Kenerson
Town Clerk