

February 11, 2016

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room February 11, 2016 at 7:00 p.m. The meeting was called to order by Supervisor Jeffrey Hart and opened with the Pledge of Allegiance to the flag.

*Present were:* Supervisor Jeffrey Hart, Councilperson Christine Laughlin, Councilperson Joanne James, Councilperson Casey Powers and Councilperson Mike Allinger. Also present: Highway Superintendent Kevin Berggren, Atty. Smith, and 17 attendees.

**Privilege of the Floor**

*Rudy Schwoeble;* voiced his concerns over a recent farm sale and the prospect of the spreading of liquid manure and the possible effect of the local water table and decline of business at the Bed and Breakfast he and his wife own.

*Marcus Gingrich:* questioned on the adequacy of the Town of Newfield Wind Farm Law. He encouraged the Board to review its current law and to update the setback and noise levels to the international levels.

*Brenda Lapp:* voiced her concern regarding commercial farming in Newfield. Ms. Lapp suggested the Town contact New York Rural Water Association for water map services and suggested base line water testing in the area of concern. Ms. Lapp referenced Environmental Justice to protect the drinking water.

*Corey Cahill:* commented on his concerns in the Shelter Valley creek area. He has been in contact with a Congressman, Assemblywomen Lifton and the US Fish & Wildlife. He asked the Town to put together a document of the damage expenses from the flooding in June of 2015.

**Approval of January 14<sup>th</sup>. Business Meeting, January 19<sup>th</sup> Public Hearing and Board Meeting Minutes**

Motion was made by Councilperson Laughlin to approve the January 14, 2016 Business Meeting Minutes, seconded by Councilperson James.

Vote	AYES	4	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

Motion was made by Councilperson Laughlin to approve the January 19, 2016 Public Hearing and Board Meeting Minutes, seconded by Councilperson Powers.

Vote	AYES	4	Hart, Laughlin, Powers and Allinger
	NAY	0	
	ABSTAIN	1	James

Carried

**Correspondence:**

Supervisor Hart read correspondence from Shaun Brown inquiring procedures, policies and actions the Town Board would impose or enact to assure Local Law No. 1 for the year 2015: Solid Waste Management Facilities

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Law is enforced. Mr. Brown also asked that the Town Board utilize Local Law No. 1 for the year 2014: Road Use and Preservation.

Supervisor Hart also read a letter from Matt Schwoeble regarding the recent purchase of farm land near his home and the prospect of manure slurry being used on the land and contaminating the wells in the area. Mr. Schwoeble raised the question of banning the use of manure mixture.

### **Reports:**

*Highway:* Highway Superintendent Kevin Berggren reported the new 10 wheel truck has been delivered and is being tested before being put into service. Superintendent Berggren reported crusher run was being brought in for future road projects as well as salt and sand for current use.

*Code Enforcement:* Code Enforcement Officer Bill Baker was absent. Superintendent Hart stated CEO Baker had been dealing with a deteriorating barn situation on Adams Road.

*Water Sewer:* Highway Superintendent Berggren reported trees had been removed by the Trumbull Corner Road water tank and the Pine Circle pump house. Supervisor Hart commented on the Shelter Valley pump house roof problem. It is felt that covering the pump house with a tuss metal or shingle roof would help prolong the life of the building. Highway Superintendent also commented he had attended meetings with Tompkins County regarding the Main Street Bridge.

*Recreation:* Recreation Director Reid Hoskins was absent; Supervisor Hart read Director Hoskins report.

*Planning Board:* Planning Board member Diana Bryant reported, the Planning Board along with George Frantz will meet with the Town Board Thursday, February 25. After that meeting there will be two public forums, one in March with information regarding Site Plan Review, Subdivisions and Zoning and the second in April discussing the Pros and Cons of Land Use Regulations.

*Tompkins County Legislature Report:* Newfield Representative David McKenna reported a 5 year contract had been ratified with the Tompkins County Sheriff Department. Representative McKenna also noted the Tompkins County Legislature had voted in support of the Enfield Wind Farm.

*Supervisor:* Supervisor Hart asked for Motion from the Board to sign the agreement with INSERO & Co formally Ciaschi, Dietershagin, Little & Mickelson to perform the annual audit of the Town Account Records. Motion was made by Councilperson James to approve Supervisor Hart to sign the audit agreement, seconded by Councilperson Powers.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

Supervisor Hart reported that Tompkins County would be the lead agency for the Shelter Valley area creek cleanup and that the Town would provide manpower. Supervisor Hart also gave an update on the Black Oak Wind farm in Enfield. There may be a possible issue regarding legal representation. In the past an attorney from Harris Beach in Rochester has handled corporate work for the Town of Enfield while Attorney Tom Smith from the Ithaca office of Harris Beach represents the Town of Newfield. Supervisor Hart felt the town may need to

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have additional council from another firm if there were a problem in the future. Dan Walker is also the Planning Board Chair in the Town of Enfield reviewed what had transpired. Mr. Walker did not feel there was a conflict of interest with Corporate Harris Beach representing the Town of Newfield, and local Harris Beach representing the Town of Newfield.

Supervisor Hart also reported he has spoken to Tompkins County Soil & Water, USGS, NYS DEC and Cornell University regarding the rights of manure slurry spreading. It has been learned that if the property is an Agriculture District there are Right to Farm issues and the NY DEC issues the permits. The Pony Hollow aquifer is a unique unconfined aquifer and the water table comes up to the center of the creek. The wells in the area are shallow wells. Supervisor Hart stated there were funds available for base line water tests for the wells in the area.

### **New Business**

*Water Tower Update- Dan Walker (LaBella Engineers)*

Mr. Walker stated the construction documents will be presented to the Town Board members at the February 25 meeting. The project will then go out for bid in March 2016. Mr. Walker also stated it had been decided to use 10 inch PVC pipe for replacement from the Van Kirk Road tank down to Main Street.

### **Old Business**

*Discussion and approval for the Town Supervisor to sign the Agreement between Tompkins County Soil and Water Conservation District and the Town of Newfield*

Motion was made by Councilperson Laughlin to approve the Town Supervisor to sign the Agreement between the Tompkins County Soil and Water District, seconded by Councilperson Powers.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

*Update on the Sewer Rates*

Supervisor Hart reviewed the process of thought behind the proposed sewer rate he is suggesting. The proposed rate increase would be 56.00/quarter for residential and 64.96/ quarter for the school. The Town Clerk/Water Sewer Billing Clerk asked for clarification regarding how multifamily homes would be billed. This will be discussed more in depth at the February 25, 2016. Supervisor Hart and Dan Walker explained why use of a flat rate charge for the sewer usage opposed to charge based on water consumption.

Discussion and approval of the Year End Budget Modifications

Resolution No. 7- 2016  
2016 Year End Budget Modifications

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Supervisor Hart reviewed the request of the Town Bookkeeper to approve three encumbrances from 2015 to 2016. The bookkeeper also requested an approval of a reduction of \$1800.00 in Water District 2 for a bond interest payment the approval of 2015 year end journal entries/budget modifications.

Motion was made by Councilperson Powers to approve Resolution No. 7- 2016, seconded by Councilperson Allinger.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	

Carried

*Discussion and elimination of the second justice position*

Attorney Smith stated the Town has the option to leave the current position vacant until the next election, and that the Town could reduce the number of town justices to one, subject to permissive referendum.

**RESOLUTION #8-2016**

**RESOLUTION REGARDING POSITION OF TOWN JUSTICE**

WHEREAS, the Town of Newfield received the resignation of Town Justice Becker on December 1, 2015, effective December 31, 2015 creating a vacancy in that office; and,

WHEREAS, Town Law § 60-a(2) permits a town board to reduce the number of town justices by resolution subject to a permissive referendum;

WHEREAS the Town Board, after deliberation, has determined that reducing the number of town justices from two justices to one justice is in the fiscal interest of the Town of Newfield,

NOW, THEREFORE, upon motion duly made by Councilperson Laughlin and seconded by Councilperson Allinger it is

BE IT RESOLVED, as follows:

1. The Town hereby resolves to reduce the number of town justices from two to one and hereby resolves to abolish the office of town justice now vacant and formerly held by Town Justice Becker;
2. This resolution is subject to a permissive referendum; and,
3. The Town Clerk is authorized and directed to post and publish a notice of this resolution in accordance with the requirements of Town Law §90 within ten days. Such notice shall set forth

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the date of the adoption of this resolution, contain an abstract of this resolution concisely stating the purpose and effect thereof and specify that such resolution is adopted subject to a permissive referendum; and

4. This resolution shall not take effect until 30 days from this date or, if a petition protesting against this resolution is filed within 30 days in accordance with the requirements of Town Law § 91, until approved at an election in accordance with the requirements of Town Law § 91.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	
Carried			

**Approval of the Payment of the February 2016 Bills**

Motion was made by Councilperson Powers to approve the payments, seconded by Councilperson Allinger. The Board authorized the payments of the following amounts:

General Fund	\$55,947.53
Recreation Fund	\$126.56
Highway Fund	\$188,123.36
Street light Fund	\$1,393.20
Sewer Fund	\$564.75
Water District 1 Fund	\$14,196.18
Water District 2 Fund	\$115,253.76
Trust and Agency	\$2,586.00

Vouchers were audited by Councilpersons James and Powers.

Vote	AYES	5	Hart, James, Laughlin, Powers and Allinger
	NAY	0	
Carried			

At 8:19 p.m., a motion was made to move into an Executive Session to discuss pending litigation

At 8:52, the Meeting was called back to the Regular Meeting of the Newfield Town Board, moving to adjournment at 8:53 p.m.

Respectfully Submitted,

February 19, 2016

Karen Miller Kenerson  
Newfield Town Clerk