

April 14, 2016

The regular Business Meeting of the Newfield Town Board was held at the Town Hall Board Room April 14, 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 Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers and Councilperson Mike Allinger. Also present: Attorney Tom Smith, and 22 attendees.

### **Privilege of the Floor**

*Paul Simonet:* representing Park Outdoor Advertising spoke to the Board regarding an aging billboard sign on Rte. 13 that Park Outdoor owns on property that is presently for sale. Park Outdoor would like to take down the aging sign and erect a new sign on a proposed new property location on Rte. 13. Supervisor Hart asked to have this topic discussed during Supervisors Report.

*Jude Lemke:* an Enfield resident shared copies her submission SEQR comments submitted to the Town of Enfield Town Board for the Newfield Town Board to review regarding the draft SEIS document submitted by Black Oak Wind Farm (BOWF). Ms. Lemke feels that if Newfield were to amend the proposed moratorium, as requested by BOWF, to exclude the access road to a proposed substation building in the moratorium that this could perhaps give BOWF vested rights, possibly making the proposed moratorium would not be sufficient to allow Newfield to amend the law in a way that could be retroactive concerning BOWF.

*Robert Tesori:* an Enfield resident does not feel the 90 day moratorium is significant as proposed.

*Kristin Wells:* a Newfield resident supports the moratorium as originally proposed.

*Peter Bardaglio:* President of the Board of BOWF stated BOWF only wanted to build an access road at this point in order to reach the proposed substation and stated the property owners were eager for the road improvement and the substation. BOWF would like the substation location at that particular site because the original site property owner has decided they did not want the substation there.

*Marcus Gingerich:* an Enfield resident stated he felt there were serious issues with how BOWF has handled things in Enfield. Mr. Gingerich agreed with Ms. Lemke that by letting BOWF have any “toe hold” in Newfield could be dangerous for Newfield. Mr. Gingerich asked the Board to thoroughly consider the information and statements presented by BOWF.

*Peter Bardaglio:* asked to clarify statements given by Mr. Gingerich.

*Marie Terlizzy:* a Newfield resident advised the Board to consider what is being presented by both Enfield residents and BOWF.

*Kim Wojanik:* a Newfield resident stated she was the closest neighbor to the proposed access road/substation property. She asked the Board to consider the proposed original moratorium law.

*Michelle Henry:* a Newfield resident thanked the Board for inviting Stephen Penningroth from the Community Science Institute to make a presentation regarding knowledge on the watershed.

**Approval of March 10, 2016 Business Meeting Minutes, March 24, 2016 Public Hearing, Meeting Minutes and the April 5, 2015 Meeting Minutes.**

April 14, 2016

Motion was made by Councilperson Laughlin to approve the March 10, 2016 Board Meeting Minutes, seconded by Councilperson James.

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

Motion was made by Councilperson Laughlin to approve the March 24, 2016 Public Hearing and Board Meeting Minutes, seconded by Councilperson Allinger.

Carried	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ASTAIN	1	Powers

Motion was made by Councilperson James to approve the April 5, 2016 Public Hearing and Board Meeting Minutes, seconded by Councilperson Powers.

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

### **Correspondence:**

Supervisor Hart stated he and the Board Members had received pro and con information regarding windmills.

### **Reports:**

*Highway:* Highway Superintendent Kevin Berggren was absent. Supervisor Hart reported the Highway Department had been cleaning ditches, trimming roadsides and preparing roads for repairs/improvements.

*Code Enforcement:* Code Enforcement Officer Bill Baker was absent. Supervisor Hart reported with the better weather permits are increasing

*Water Sewer:* Highway Superintendent Berggren was absent. Supervisor Hart reported the Highway Department had been repairing the Shelter Valley Pump House roof, rather than hiring a contractor, saving the Town money by doing so.

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

*Tompkins County Legislature Report:* Newfield Representative David McKenna reported the Community Celebration and Tourism Grants had been passed as well as serial bonds to cover infrastructure construction costs.

*Planning Board:* Chairperson Karen Trask reported that the first Community Forum was held 3/26 was well attended and that the second will be held 4/23 at the Fire Hall. The topics to be covered on the 23<sup>rd</sup>. will include: site plan review, sub-division and zoning and the pros and cons of those for Newfield.

*Supervisor:* Supervisor Hart reported that Christina Wright the Town Hall cleaner would be stepping down. Supervisor Hart reported that the Town had met with Representatives from Senator O'Mara, Congressman Reed's offices, the Army Corp of Engineers, NYDOT and Tompkins County Soil and Water regarding the June

April 14, 2016

flooding and storm water management. Councilperson James asked if there had been any response of application concerning the advisory committee formations. Councilperson James also asked for a report from the Code Enforcement Officer of the types of permits that come in could be given periodically. Supervisor Hart asked Mr. Simonet from Park Outdoor Advertising if the proposed sign was replacement and not two signs. Mr. Simonet stated the property owner had spoken to neighbors who did not object, and that the proposed sign would be of a lower profile. Attorney Smith stated that the 1989 local law would forbid any new erection of bill boards. Atty. Smith stated the Town Board could be petitioned to erect a new bill board, and the local law amended for that site only. Councilperson James asked if the Town would receive a revenue benefit from a bill board sign.

### **Old Business**

#### *Dan Walker-Update on Water Tanks*

Mr. Walker presented the Town Board Members with recent water tank plans for Van Kirk Road and Trumbulls Corner Road Tanks. Bid packets will be available Monday April 18, 2016.

#### *Discussion and action on "Local Law No. 3 for the year 2016 Moratorium on the Permitting Construction and Operation of Wind Energy Facilities."*

Attorney Smith presented two draft laws for consideration. Draft No. 1 would be a Moratorium on any permitted construction regarding a Wind Energy Facility as defined in Local Law No.1 of 2009. Draft No. 2 included an amended request by BOWF for the moratorium to exclude the construction of an access road. Motion was made by Councilperson Laughlin to adopt Local Law No. 3 of the Year 2016 as originally presented, seconded by Councilperson Powers.

### **Local Law No. 3 of the Year 2016**

#### **A LOCAL LAW PROVIDING FOR A MORATORIUM ON THE PERMITTING CONSTRUCTION AND OPERATION OF WIND ENERGY FACILITIES FOR A PERIOD OF NINETY (90) DAYS**

Be it enacted by the Town Board of the Town of Newfield as follows:

Section 1.     Findings and Purpose. The Town Board of the Town of Newfield has received comment from residents concerned about the adequacy of the set-back and noise requirements contained in Local Law Number 2 of 2009 -The Wind Energy Facilities Law. The Town Board finds that this moratorium is necessary to preserve and protect the health, safety and welfare of the residents of the Town of Newfield, and to enable the Town Board to adequately and comprehensively address the issues concerning appropriate setback and noise regulation of Wind Energy Facilities (as defined in Local Law Number 2 of 2009).

April 14, 2016

Section 2. Moratorium. For a period of ninety (90) days from the date of enactment of this local law, no Wind Energy Facility shall be constructed, placed erected, established, enlarged or permitted in the Town of Newfield.

Section 3. Implementation. For a period of ninety (90) days from the enactment of this local law:

- (a) No Town Official shall accept for filing any applications for the construction, placement, erection, enlargement, establishment or installation of any Wind Energy Facility;
- (b) The Code Enforcement Officer shall not issue any building or other permit for any construction that is related to, or would result in the construction, placement, enlargement, establishment or installation of any Wind Energy Facility.

Section 4. Effective Date & Term. This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law. This Local Law shall be in effect for a period of ninety (90) days from its effective date.

Dated: April 14, 2016

Carried	AYES	3	Hart, Laughlin and Powers
	NAY	2	James and Allinger

Next Moratorium work session meeting will be April 19, 2016.

**New Business**

*Discussion and approval of the Agreement of Expenditure of Highway Monies.*

Motion was made by Councilperson James to approve the proposed Highway expenditures, seconded by Councilperson Laughlin.

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

**Approval of the Payment of the April 2016 Bills**

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

General Fund	Vouchers 79 through 11	\$27,434.45
Recreation Fund	Vouchers 6 through 11	\$3,570.28
Highway Fund	Vouchers 88 through 110	\$52,123.30

April 14, 2016

Street light Fund	Vouchers 115 through 116	\$1,193.26
Sewer Fund	Vouchers 14 through 19	\$582.24
Water District 1 Fund	Vouchers 30 through 41	\$2,050.25
Water District 2 Fund	Vouchers 17 through 21	\$906.86
Trust and Agency	Vouchers 11 through 14	\$4,220.45

Vouchers were audited by Councilpersons Laughlin and Allinger.

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

                  NAY     0

Carried

At 8:39 p.m., a motion was made to move to adjourn the meeting.

Respectfully Submitted,

May 3, 2016

Karen Miller Kenerson, RMC  
Newfield Town Clerk