

December 10, 2015

The regular business Meeting of the Newfield Town Board was held at the Town Hall Board Room December 10, 2015 at 6:30 p.m. Motion was made by Councilperson Trask to move to an Executive Session in order to discuss pending litigation, seconded by Councilperson Laughlin. At 7:05 p.m. meeting reconvened and 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 Roy Trask, Councilperson Joanne James, Councilperson Christine Laughlin and Councilperson Casey Powers. Also present: Code Enforcement Officer: Bill Baker, Attorneys Hooks and Smith, and 14 attendees.

### **Privilege of the Floor**

*Glen Caslick:* addressed the Board requesting lowering the speed limit on Millard Hill Road from Route 13 to Douglas Road and the process to do so. He presented to the Board a petition with signatures and traffic studies. Mr. Caslick also spoke to the Board regarding the WW1 and WW2 Memorial. Mr. Caslick stated he has received a quote for an engraved monument; unfortunately the quote is for much more than has been donated. Mr. Caslick has a revised plan and is seeking another quote.

*Michael Allinger:* requested approval of funds from the Board to attend a 'Newly Elected Officials School' in Rochester in January.

Brenda Lapp: asked the Board several questions regarding AWS that were responded to in the course of the meeting.

### **Approval of November 12, 2015 Board Minutes**

Motion was made by Councilperson Laughlin to approve the November 12, 2015 Board Meeting Minutes, seconded by Councilperson James.

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

Carried

### **Correspondence:**

None

### **Reports:**

*Highway:* Highway Superintendent Kevin Berggren was absent. Councilperson Trask reported the Highway Department had been working on ditches, repairs and preparing for winter. Supervisor Hart reported that the Main Street culvert pipe will need be replaced in 2016. Supervisor Hart stated the project is estimated to be upwards of \$1,000,000 and will need to be bonded to fund the project. Supervisor Hart also commented the possibility of a bridge as a replacement, then after the construction, turning the bridge over to Tompkins County.

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*Water Sewer:* Supervisor Hart reported the concrete roof on the Shelter Valley pump house will need to be replaced.

*Code Enforcement:* Code Enforcement Officer Bill Baker reported he is getting a good handle on the current permits and there were four open complaints he is working on.

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

*Tompkins County Legislature Report:* Newfield Representative David McKenna reported the County Legislature had passed the County Budget with a 1% levy increase. Representative McKenna also stated the County was entertaining drone legislation and that the County would be combining leadership of the Public and Mental Health departments.

*Cemetery Committee:* Absent

*Planning Board:* Planning Board Chair Karen Trask: reported the Planning Board had signed a contract with Franz Consulting to help with the public outreach and education of land use strategies of the Comprehensive Plan. Mrs. Trask also presented the Town Board with the Planning Boards recommendation regarding a Noise Ordinance for the Town of Newfield. The Planning Board recommends that a noise ordinance would not be in the best interest for the town. Mrs. Trask reviewed New York State penal code law disturbing the peace. Mrs. Trask also reported on the number and type of noise complaints that were reported during the last year in the Town of Newfield.

*Supervisor:* Supervisor Hart reported that AWS had withdrawn the waste transfer station permit with the NY DEC and that it would not be moving forward the appeal regarding the suit involving the waste transfer station. Supervisor Hart thanked Councilperson/Deputy Supervisor Roy Trask for his years of service to the Town of Newfield. Councilpersons James, Laughlin and Powers also thanked Councilperson Trask for his honesty. Councilperson Trask commented how the Town Board meetings had changed during his tenure and that he had enjoyed and appreciated his time on the Town Board.

## **New Business**

### *Discussion and approval of the resignation of Linda Becker as Town Justice*

Supervisor Hart read the letter of resignation of Justice Linda Becker. Motion was made by Councilperson Trask to accept the resignation from Justice Linda Becker, seconded by Councilperson Laughlin.

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

Carried

### *Justice Chernish- regarding grant issues*

Justice Chernish reported to the Board he had received verbal notification of the award of \$27,000.00 grant he had applied for. He stated the funds would be used for a new court bench, security cameras, paperless system and cosmetic changes.

Supervisor Hart asked Justice Chernish if the Newfield Court could be handled with one justice. Justice Chernish felt it could possibly be advantageous to have single justice handle the Newfield Court and that he was

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comfortable with the case load. Justice Chernish also commented in the future it may be a good idea to remain a single justice court, and that it has worked in the Town of Enfield Court. The Enfield Court handles a similar court load. He added that if the Town Board would like to continue as a single judge court, unless the populous petitioned for a second, it would then be put on the November ballot. Supervisor Hart asked if there would be a net reduction of court clerks along with the justice reduction. Justice Chernish felt the clerical level would remain the same, but it would be efficiently advantageous to have one clerk handling the case paperwork and be familiar with all the cases, he felt it would also be advantageous a second clerk available during court in order to collect traffic fines. Supervisor Hart stated this topic would be discussed again in January 2016.

*Discussion and appointment of Planning Board Member*

Supervisor Hart stated the Board had interviewed three candidates. Motion was made by Councilperson Trask to appoint Diana Bryant to the Newfield Planning Board for a term ending May 8, 2020, seconded by Councilperson Laughlin.

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

Carried

Supervisor Hart also reported he had sent an email to a Planning Board member requesting a letter of resignation due to lack of attendance. Once the resignation is received another Planning Board member will be appointed.

***Resolution No. 23-2015 Approval of Budget Modifications***

Councilperson Trask read Resolution No. 23-2015 as follows:

**WHEREAS** at the request of the Town Bookkeeper the following budget modifications are requested to be made.

**THEREFORE BE IT RESOLVED** upon agreement by the Town Supervisor and Town Board the following 2015 December budget modifications are approved to be made.

**RECREATION**

- Transfer \$651.86 from CR7320.1 Personal Services to CR7020.4 Contractual
- Transfer \$84.00 from CR7320.1 Personal Services to CR7310.42 Rec. Partnership
- Transfer \$848.16 from CR7320.1 Personal Services to CR7310.13 Summer Camp Personal Services
- Transfer \$76.48 from CR7320.1 Personal Services to CR7310.11 Summer Camp Director
- Transfer \$364.00 from CR7320.1 Personal Services to CR7310.12 Ass't Camp Director
- Total amount transferred from CR7320.1 \$2024.50

**WATER 2**

- Transfer \$1,800.00 from SW2-8310.1 Personal Services to SW2-9710.61 Meter Bond
- Transfer \$55.71 from SW2-8310.1 Personal Services to SW2-8310.4 contractual
- Transfer \$307.80 from SW2-8310.1 Personal Services to SW2-8340.4 Transmission Contractual
- Total amount transferred from SW2-8310.1 is \$2,163.51

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**HIGHWAY**

Transfer \$1570.74 from DA5120.4 Bridge Contractual to DA5112.4 Permanent Improvements

Transfer \$6197.18 from DA9060.8 Health Ins to DA9040.8 Workman’s Comp

Motion was made by Councilperson Powers to approve the Budget Modifications, seconded by Councilperson Trask.

Vote: Ayes 5 Hart, Trask, James, Laughlin and Powers

Nay 0

Carried

*Resolution No. 24-2015*

**RESOLUTION TO PURSUE REDUCITON IN SPEED  
LIMIT ON PORTION OF MILLARD HILL ROAD**

WHEREAS, the Town of Newfield has received a petition from a number of individuals who live along or drive upon that portion of Millard Hill Road in the Town of Newfield from Route 13 to its intersection with Douglas Road requesting that a speed limit of 45 miles per hour be established; and,

WHEREAS the Town Board, after deliberation, has agreed that adoption of a reduced Speed limit would be in the public interest for the benefit and safety of those who live along or drive upon that road;,

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

BE IT RESOLVED, as follows:

1. The Town will cooperated with the Tompkins County Superintendent of Highways to request the Department of Transportation pursuant to Vehicle and Traffic Law ss 1622 to establish a maximum speed limit of forty-five (45) miles per hour on that portion of Millard Hill Road and Route 13 to the intersection of Millard Hill Road and Douglas Road;
2. The Town Highway Superintendent, upon notice that the regulation herin requested Has been established, shall in conjunction with the Tompkins County Superintendent of Highways, take steps to install required signs in accordance with the “Vehicle and Traffic law and the regulations of the Department of Transportation; and,
3. The Town Supervisor is authorized and directed to sign any and all documents necessary to complete such request.

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Vote:	AYES	5	Hart, Trask, James, Laughlin and Powers
	NAYS	0	

Carried

*Approval of Michael Allinger to attend the “Newly Elected Government School” in Rochester New York January 6<sup>th</sup> through January 8, 2016.*

Motion was made by Councilperson Trask to approve the funding for Michael Allinger to attend Newly Elected Government School in Rochester NY, seconded by Councilperson Laughlin.

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

Carried

Approval was granted to encumber \$4,500.00 for consultant study fees from the 2015 budget for the 2016 payment for the Planning Board Consultant.

**Old Business**

*Discussion of the Recommendation of the Planning Board Regarding the Noise Ordinance*

Supervisor Hart read the following statement of recommendation of a Noise Ordinance for the town of Newfield:

“We as a Planning Board have reviewed the above information and are recommending that a noise ordinance would not be beneficial to the Town since there is already a NYS law that covers the information in the proposed noise ordinance and the number of incidents is minimal for the time frame and population of the town. The Planning Board presented the following information gathered to support its recommendation.

**Disturbing the peace:** Disturbing the peace, also known as breach of the peace, is a criminal offense that occurs when a person engages in some form of disorderly conduct, such as fighting or threatening to fight in public, causing excessively loud noise, by shouting, playing loud music, or even allowing a dog to bark for prolonged periods of time. When a person's words or conduct jeopardizes others right to peace and tranquility, he or she may be charged with disturbing the peace.

This falls under the “catch-all” of disorderly conduct:

**N.Y. PEN. LAW § 240.20 : NY Code - Section 240.20: Disorderly conduct**

A person is guilty of disorderly conduct when, **with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk** thereof: 1. He engages in fighting or in violent, tumultuous or threatening behavior;

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or 2. **He makes unreasonable noise**; or 3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or 4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or 5. He obstructs vehicular or pedestrian traffic; or 6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or 7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. Disorderly conduct is a violation

The noise ordinance directly quotes the NYS Penal Law mentioned above.

Town Noise complaints: information retrieved from the TCSD and NYSP

TCSD- 4 complaints from January 2015-October 2015

1 shots being fired and 3 domestic violence cases (TCSD puts these under a noise complaint)

NYSP

January 2014-December 2014: Total of 11: 2 Fireworks, 3 Shots being fired and 6 ATV

January 2015-October 2015: Total of 6: 2 fireworks, 2 shots being fired, 1 ATV and 1 loud music

Grand total from January 2014-October 2015: 21

Councilperson Trask moved that the resolution regarding the Noise Ordinance that has been tabled be withdrawn in its entirety and request that Law Enforcement enforce the Disorderly Conduct portion New York State Penal Law with the understanding “Disturbing the Peace” will cover for a noise ordinance, seconded by Councilperson Powers.

Discussion: Councilperson Powers asked what law enforcement agency would be called for enforcement. The recommendation by the Planning Board concerning the Noise Ordinance will be added to the Web site.

Vote: AYES 4 Hart, Trask, Laughlin and Powers  
 NAY 1 James

Carried

**Approval of the Payment of the November 2015 Bills**

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

General Fund	\$24,274.16
Recreation Fund	\$6,023.22
Highway Fund	\$28,165.49
Street light Fund	\$1,275.00
Sewer Fund	\$227.12
Water District 1Fund	\$7,144.39

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Water District 2 Fund	\$4,995.18
Trust and Agency	\$1,298.14

Vouchers were audited by Councilpersons James and Laughlin.

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

**Resolution No. 25-2015**

**A Resolution in Recognition of Ed Hooks**

WHEREAS, Ed Hooks has been an esteemed attorney in the Tompkins County area for more than 25 years, and

WHEREAS, Mr. Hooks has faithfully served as Newfield’s town attorney for 22 years, and

WHEREAS, he has seen us through the many trials and tribulations of running a small town, and

WHEREAS, he has been a staple at meetings for longer than most of this Board has been in office and his presence will be dearly missed as he as announced his decision to retire and step down has town attorney, and Now therefore be it

RESOLVED, that the Newfield Town Board along with the Residents for the Town of Newfield recognizes and thanks Mr. Hooks for his many years of dedicated service, and

BE IT FURTHER RESOLVED that the Town Board hopes Mr. Hooks finds something more fun to do on Thursday nights and wishes him the very best of luck and a happy retirement.

Mr. Hooks was presented with a framed limited addition picture of the Newfield Covered Bridge for his many years of service from the Town of Newfield and audience members, many of which who were past Town Officials extended their best wished for his retirement.

At 8:16 p.m., a motion was made to adjourn by Councilperson Trask, seconded by Councilperson Laughlin.

Respectfully Submitted,

December 30, 2015

Karen Miller Kenerson  
Newfield Town Clerk