

October 9, 2014

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room October 9, 2014 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 Roy Trask, Councilperson Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers was absent. Also present: Highway Superintendent Kevin Berggren, Code Enforcement Officer Butch Wright, Atty. Hooks, and 15 attendees.

Privilege of the Floor

Jeff Golden: stated he was commenting as a resident. Mr. Golden read a correspondence he had with a local real estate agent concerning the proposed waste transfer station.

Gene VanZile: commented he had spoken to an attorney and was instructed to give his notes presented to the Town Government to the Town clerk to be put with a file with the minutes of the meeting to be used for future reference if necessary. Mr. VanZile commented that he felt the Town Government had not met its obligation concerning the protection of the Fishkill area from a transfer station. He stated that the town had posted Blakeslee Hill, Test, VanOstrand, Sebring and Connecticut Hill Roads but not Bishop or Fishkill Roads. Mr. VanZile stated that many loads of fill have been transported to the proposed AWS waste transfer station, that the town government was aware of but had not taken action.

Brenda Lapp: stated she would be submitting 2 FOIL requests that evening. Ms. Lapp also commented on problems concerning the Town Web site, and that there was an error in the approved July minutes. Ms. Lapp also commented her concerns regarding the NYS Retirement comments that were made at the September Board Meeting. She suggested that Nadine Bennett, the Town Bookkeeper do an internal audit to confirm those who should be in the retirement system are part of the retirement system.

Amy Heffron: commented that she felt the Planning Board is becoming a Zoning Board and she did not want to have her tax dollars funding a zoning board. Mrs. Heffron also commented on an experience she had had while shopping concerning her support of the proposed waste transfer station. Mrs. Heffron also stated she felt that the proposed waste transfer station was personally targeted as when Mr. Driscoll was Supervisor he referred to it the AWS Moratorium and stated she had a photo of it.

Eleanor Perry: asked if the Town was still going to do more well drilling and would there still be baseline water well testing. Ms. Perry also asked the status of Clarity Connect/Broadband. Councilperson Trask responded that the Warris/Jackson Hollow Road tower was up and running. County Representative McKenna gave an update as well, suggesting contacting Clarity Connect for the status.

Approval of September 11, 2014 Board Minutes

Motion was made by Councilperson James to approve the September 11, 2014 Board Meeting Minutes, and the September 16, 25 and 30 Work Session Minutes, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, Trask, James, Laughlin and
	NAY	0	
	ABSENT	1	Powers

Carried

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Correspondence:

None

Reports:

Cemetery Committee: No report

Planning Board: Jeff Golden; reported that he felt the Community Service Group event that was held October 7th was a successful and well attended.

Highway: Highway Superintendent Kevin Berggren; reported the one way section of Newfield Depot Road was repaved with the help of Lansing and Ithaca. Sand is being brought in for the winter. Superintendent Berggren also reported the Highway Building had been inspected and repairs done to be compliant.

Code Enforcement: Code Enforcement Officer Harry Wright; reported on environmental issues that he has been working on.

Water Sewer: Water Sewer Manager Robb Brewer was absent

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

Tompkins County Legislature Report: Newfield Representative David McKenna; reported that the County Budget presentations had been made to the Legislature and that voting would begin soon. Representative McKenna felt the budget would come in under the tax cap.

Supervisor: Supervisor Hart reported that the Town Board has been working very hard to keep the Town budget within the tax cap. He stated he had met with the USGS concerning the well drilling for the aquifer study. The sites for the proposed wells are Millard Hill Road (near Protts Hill Road area), Trumbulls Corners Road (near Blovsky Hill Road) and if there are remaining funds, Test Road. Drilling should begin the first week of November. Supervisor Hart added if residents were interested in base line well water testing to give him their names and he would pass the information to Bill Koppell.

Councilperson Trask commented on the budget process and the difficulty to stay within the tax cap.

Councilperson Trask felt the end result each year was the gap was widening with the amount needing to be raised by taxes. The amount to be raised this year is twelve thousand dollars less than last year. He feels that the tax cap is not sustainable over time and at some point there will have to be a large increase in taxes in order to provide the services the town needs.

New Business Discussion and approval of Resolution No. 23-2014 to make budget modifications

Supervisor Hard read proposed **Resolution No. 23-2014** 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 2014 September budget modifications are approved to be made.

HIGHWAY

Transfer \$8,000.00 from DA5130.2 Machinery, to DA5130.46 Parts

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RECREATION

Transfer \$103.58 from CR7320.4, Rec. Dir. Contractual, to CR7020.4, Recreation Admin, Contractual

Transfer \$1,068.50 from CR7320.4 Rec. Dir. Contractual, to CR7310.4, Youth Program Contractual

Transfer \$402.05 from CR7320.1, P.S. Youth Services to CR7310.11 Summer Camp Director

Transfer \$238.40 from CR7320.1, P.S. Youth Services to CR7310.13 Camp Counselors

GENERAL (KB)

Transfer \$342.48 from A3310.4, Signage to A5132.499 Garage Misc.

Transfer \$115.19 from A3310.4, Signage to A5132.42 Garage Supplies

WATER 1

Transfer \$668.01 from SW1-8330.4, Purification to SW1-8310.4 Water Admin Contractual

WATER 11

Transfer \$747.83 from SW2-8330.4, Purification to SW2-8310.4 Water Admin Contractual

Transfer \$432.51 from SW2-8330.4, Purification to SW2-8340.4, Transmission Contractual

Motion was made by Councilperson James to approve the budget modifications, seconded by Councilperson Trask.

Vote	AYES	4	Hart, Trask, James, Laughlin
	NAY	0	
	ABSENT	1	Powers

Carried

Discussion and approval of Resolution No. 24-2014 to levy past due water/sewer bills to the Town and County Taxes

Supervisor Hart read proposed Resolution No. 24-2014

Discussion: Councilperson James asked if the Town could be assured that the 10% fee to levy the past due water/sewer bills would not affect the tax cap. The Town Clerk stated the State Comptroller’s Office had not responded yet to a call made. Clerk Miller Kenerson suggested that that portion of the proposed resolution be removed and added at the November 13th meeting if need be.

Motion was made by Councilperson Laughlin to approve removing the 10% fee to levy past due water/sewer to the 2014 Town and County Tax Bills, seconded by Councilperson Trask.

Vote	AYES	4	Hart, Trask, James, Laughlin
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson James to approve Resolution No. 24-2014 as follows, seconded by Councilperson Trask.

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Resolution 24- 2014 Water and Sewer charges on the 2015 Town and County Tax Bills

WHEREAS, the Town of Newfield Water and Sewer accounts states on the October bills that any unpaid balance after Nov. 11, 2014 will be levied on the 2015 Town and County tax bills, and

THEREFORE BE IT RESOLVED that the tax collector will levy the unpaid Water and Sewer Account charges over 30 days past due on the 2015 Town and County tax bills.

Vote	AYES	4	Hart, Trask, James, Laughlin
	NAY	0	
	ABSENT	1	Powers

*Discussion and approval of the Amendment to change/modify Local Law No 1-1980
Defense of Town Officers and Employees to include the Planning Board.*

Supervisor Hart read the proposed amendment to Local Law No. 1 of 1980 as follows:

LOCAL LAW NO. 2 FOR THE YEAR 2014

A local law amending Local Law #1 for the year 1980 which provides for the defense of town officers and employees.

Be it enacted by the town board of the Town of Newfield, New York, as follows:

Section 1. Purpose and Findings, Local Law #1 for 1980 does not include planning board members within the definitions of employees to be defended and indemnified. The purpose of this Amendment is to add duly appointed planning board members as “employees” subject to being defended and indemnified under the law.

Section 2. Amended Definition of Employees, Section 1 of Local Law #1 of 1980 shall now reads as follows:

Section 1. As used in this local law, unless the context otherwise requires:

- (a) The term “employee” shall mean any person holding a position by election, Appointment or employment in the service of the town, but shall not include a volunteer, any person not compensated for his or her service or an independent contractor; provided, however, that a duly appointed member of the planning board shall be included as an “employee” regardless of whether he or she is compensated. The term “employee” shall include a former employee, his or her estate or judicially appointed personal representative; (b) the term “town” shall mean the town of Newfield, New York

Section 3. Except as above amended, all other provisions of Local Law #1 for the year 1980 shall remain in full force and effect.

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Section 4. This local law shall take effect immediately upon filing in the office of the Secretary of State.

Attorney Hooks explained the reasoning for the proposed amendment. Supervisor Hart read proposed Resolution 25-2014 as follows:

RESOLUTION 25-2014

RESOLUTION TO SCHEDULE A PUBLIC HEARING TO CONSIDER ADOPTION OF A LOCAL LAW TO AMEND LOCAL LAW #1 FOR THE YEAR 1980 WHICH PROVIDES FOR THE DEFENSE OF TOWN OFFICERS AND EMPLOYEES.

WHEREAS Local Law # 1 for 1980 does not include Planning Board Members within the definition of employees to be defended and indemnified,

WHEREAS the purpose of this Amendment is to add appointed Planning Board Members as “employees” subject to being defended and indemnified under the law,

WHEREAS the Amended Definition of Employee shall now read as follows:

Section 1. As used in this local law, unless the content otherwise requires: The term “employee” shall mean any person holding a position by election, appointment, or employment in service of the town, but shall not include volunteer, any person not compensated for his or her services or an independent contractor; provided, however, that a duly appointed member of the planning board shall be included as an “employee” regardless of whether he or she is compensated the term “employee” shall include a former employee, his or her estate or judicially appointed personal representative. (b) the term “town” shall mean the town of Newfield, New York.

RESOLVED that a public hearing will be scheduled for November 13, 2014 at 7:00 p.m. at the Newfield Town Hall, 166 Main Street, Newfield New York regarding amending Local Law #1 for 1980.

RESOLVED that the Town Clerk be and hereby is directed to cause notice of such public hearing to be duly posted and published in accordance with applicable law.

Motion was made by Councilperson Laughlin to convene a Public Hearing to amend Local Law No. 1 of 1980, seconded by Councilperson Trask.

Vote	AYES	4	Hart, Trask, James and Laughlin
	NAYS	0	
	ABSENT	1	Powers

Carried

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Discussion and Approval to have Frey Well Drilling complete USGS well drilling for 2 possibly 3 wells not to exceed \$14, 708.00.

Supervisor Hart explained that there were still remaining funds of \$14,708.00 available to be used to complete the well study. Supervisor Hart explained that Frey Well Drilling is being requested from USGS as a special drill bit to be used in order to collect the core samplings required.

Motion was made by Councilperson Laughlin to approve Frey Well Drilling to complete the drilling, seconded by Councilperson James.

Vote	AYES	4	Hart, Trask, James and Laughlin
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson Laughlin to Convene a Public Hearing November 13, 2014 to override the tax levy limit, seconded by Councilperson James.

Vote	AYES	4	Hart, Trask, James and Laughlin
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson Trask to convene a Public Hearing on the adoption of the Town of Newfield 2015 budget November 13, 2014, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, Trask, James and Laughlin
	NAY	0	
	ABSENT	1	Powers

Carried

Old Business

Approval of the Payment of the October 2014 Bills

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

General Fund	\$20,555.87
Recreation Fund	\$640.40
Highway Fund	\$5, 7611.92
Fire District	\$88, 807.00

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Street light Fund	\$1,086.08
Sewer Fund	\$643.25
Water District 1 Fund	\$1,895.91
Water District 2 Fund	\$512.71
Trust and Agency	\$2,479.79

Vouchers were audited by Councilpersons James or Laughlin.

Vote	AYES	4	Hart, Trask, James and Laughlin
	NAY	0	
	ABSENT	1	Powers

Carried

At 8:00 p.m., a motion was made to move into an Executive Session to discuss a personnel issue.

At 9:05, the Meeting was called back to the Regular Meeting of the Newfield Town Board, moving to adjournment at 9:06 p.m.

Respectfully Submitted,

October 22, 2014

Karen Miller Kenerson
Newfield Town Clerk