

December 11, 2014

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room December 11, 2014. The meeting was called to order at 7:00 p.m. 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: Water Sewer Supervisor Rob Brewer, Atty. Hooks, and 29 attendees.

### **Recognition of Rob Brewer's and Justice Payne's service to the Town of Newfield**

Supervisor Hart thanked Robb Brewer for his 24+ years of service to the Town and complimented him of his knowledge of the Newfield water system.

Supervisor Hart also recognized Justice Debbi Payne for her 8 years as Town Justice. Councilperson Trask complimented Justice Payne on her accomplishments during her tenure as Newfield Town Justice: as she managed Justice Allen's court after his resignation as well as her own case load, secured JCAP grants to improve the court room, at budget time brought up the Court Clerks salary, took on the task of simplifying court records, closing old cases and updating the retention of records. Justice Payne thanked her husband and court clerks for supporting her as Justice.

### **Privilege of the Floor**

*Bob Seely:* brought the New Market Project: a natural gas transport to the Boards attention. Mr. Seely stated that more gas possibly could be transported to the North East with increased pressures through the pipe lines that go through Newfield. Mr. Seely presented the Board with a document of the Notice of Intent to Prepare an Environmental Assessment for the Proposed New Market Project from the Federal Energy Regulatory Commission

*Gene VanZile:* commented that Newfield was built on lasting foundations with a bright future.

*Brenda Lapp:* commented that not everyone was receiving the update notices to the town website. She felt that that a caveat should be added to the website that states the Town Board is aware of the intermittent problem and should check the website for updates. Ms. Lapp also commented on the bad weather and road conditions last week and the dangers that could happen if the proposed waste transfer station were to proceed.

*Jean Gerow:* spoke on behalf of the Newfield Food Hub. She spoke of a new project that will be beginning next year called: Plant a Row. The gardening public is being asked to plant an extra row in their garden to donate the harvest to the Newfield Food Pantry. More information will follow on the Town Website.

*Sue Golden:* wanted the taxpayers to be aware that there was a lawsuit pertaining to the Waste Transfer Station against the Town and the Code Enforcement Officer. Mrs. Golden commented that it was the taxpayers would be paying and to consider that if taxes increase.

*Bob Mente:* addressed the Town Board concerning a demolition that had taken place at 43 Fishkill Road on December 4, 2014 by MEM Excavating. Mr. Mente commented that the building contained asbestos and lead paint. Mr. Mente reported that he had spoken to CEO Wright who reported that asbestos was removed from the floor by the owner. Mr. Mente disagrees with that. Mr. Mente commented there were many things in the home

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that contained asbestos that should have been taken into consideration. Mr. Mente reminded the Board that when AWS was bringing in fill from Ithaca he had to have testing done as it was speculated lead paint was being brought into the property. Mr. Mente reported that the CEO allowed the property owner on Fishkill Road to bury the contaminated home in the stone foundation basement and the bank behind the home. Mr. Mente asked the Town Board what was going to happen if the aquifer wells test positive for contaminants or neighborhood wells are affected. Mr. Mente felt AWS would be blamed. Mr. Mente also stated that in Newfield and Tompkins County truss codes need to be visible on commercial buildings. He stated that no other commercial building in Newfield has the truss code information on its window which he was forced to do.

*Brian McIlroy*: asked how the progress was going with the Personnel Policy. He noted that the CEO had joined the NYS Retirement. He asked if the CEO was tracking his hours for the 3 month for the standard work day resolution. Mr. McIlroy also commented on the water rate study. Mr. McIlroy felt all water should be charged the same with no discount for higher usage. Mr. McIlroy also suggested that increases be made over time to bring the water rate up to the water rate study's suggestion.

### **Approval of November 13, 2014 Regular Board Meeting Minutes, November 25 and December 4, 2014 Works Session**

Motion was made by Councilperson Powers to approve the November 13 Board Meeting Minutes, seconded by Councilperson Laughlin.

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

Carried

Motion was made by Councilperson Trask to approve the November 25 Work Session Meeting Minutes, seconded by Councilperson Powers.

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

Carried

Motion was made by Councilperson Powers to approve the December 4, 2014 Work Session Meeting Minutes, seconded by Councilperson Laughlin.

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

Carried

### **Correspondence:**

Supervisor Hart received correspondence from the DEC concerning a scoping session for development of State land some of which is in the Town of Newfield. Councilperson Trask added that the property in question

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includes Arnot State Forest and Morrell Road; the State would like to open the road from Tompkins to Schuyler County and develop the wilderness area to include campsites.

### **Reports:**

*Cemetery Committee:* None

*Planning Board:* Planning Board Chair Nancy Dolge reported that the Planning Board was working on the Community Service Organization listings. It will be a spiral bound notebook that will be available to the public at the Newfield Public Library, Town Hall and updated on the Town Website. The Planning Board is continuing to work on Land Use Tools and have spoken to Supervisors and planners from surrounding municipalities about what has worked for those municipalities who do not have zoning. They will be looking into the Road Ordinance next.

*Highway:* Highway Superintendent Kevin Berggren was absent. Councilperson Trask reported the Highway Department had received 120 ton of free salt from Cargill.

*Code Enforcement:* Code Enforcement Officer Harry Wright was absent

*Water Sewer:* Water Sewer Manager Robb Brewer was present.

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

*Tompkins County Legislature Report:* Newfield Representative David McKenna was absent.

*Supervisor:* Supervisor Hart reported he is still waiting for the final well for the aquifer study to be drilled on Millard Hill Road. Supervisor Hart thanked everyone for their hard work and flexibility to attend meetings.

### **New Business**

*Discussion with Planning Board regarding the project plan for the Hamlet:*

Barbara Tefft and Randy Brown spoke on behalf of the Vitalization Hamlet Plan subcommittee. This is an independent subcommittee that reports to the Planning Board, then to the Town Board for approval. The project the committee would like to work with is the Cornell Design Connect program. Students are used from the Architectural and Planning Department at Cornell University that need real world projects to work on. The subcommittee would like to submit a proposal for a plan for the hamlet. A draft copy of the application was presented to the Board members to view. An approved application should be submitted by December 20, 2014 for the spring semester. The committee has secured independent funding for the application fee for this program. Ms. Tefft added that all the ideas outlined in the proposal were derived from the comprehensive plan, committee and resident meetings. If Newfield's application is chosen Cornell Design Connect will be asked to consider all the proposed ideas in addition their ideas to produce a drawing or 3 dimensional model of what the hamlet could be. Mr. Brown added that the proposal included little projects to larger projects.

*Discussion and approval of Resolution 36-2014 of the Veteran's War Memorial*

Supervisor Hart read the proposed as follows:

Resolution No. 36-2014

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Support of the WW1 and WW2 Veterans Memorial re-creation.

**WHEREAS** Mr. Glen Caslick has approached the Town Board requesting support and possible funds for the re-creation of the World War 1 and World War 2 Veterans Memorial. **AND**

**WHEREAS** Mr. Caslick would like Board permission to start the process of getting quotes for a stone memorial and to begin fund raising.

**THEREFORE BE IT RESOLVED** that the Town Board of the Town of Newfield supports Mr. Caslick’s project and gives him permission to begin this project and will also supply an area in the park behind the Town Hall and a concrete base to place the monument.

Councilperson Trask commented that the initial idea was presented by Mr. Caslick several months ago. The Board supports the War Memorial World War 1 and 2 stone and then to expand upon it to include veteran memorials. It was felt that a stone memorial would be the most fitting.

Motion was made by Councilperson Powers to approve supporting the WW1 and WW2 Veterans memorial recreation, seconded by Councilperson Trask.

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

Carried

*Discussion and approval of Resolution No.37-2014 accepting the draft Water Storage Tanks*

Attorney Hooks explained the process 1: short environmental assessment form for the Van Kirk Road aspect of the process, 2: consideration of the resolution; authorizing and approving the project. The Board then answered part 2 of the Impact Environmental Assessment Form. Supervisor Hart then signed the document.

Motion was made by Councilperson Trask to approve Resolution 37-2014, seconded by Councilperson Laughlin.

**RESOLUTION NO. 37-2014**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE “TOWN”) PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN’S WATER DISTRICTS NO. 1 AND NO. 2**

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**WHEREAS**, the Town Board of the Town of Newfield, Tompkins County, New York (the “Town”) is considering whether to authorize certain improvements to the Town’s Water Districts No. 1 and No. 2 including the construction of a new 150,000 gallon water tank on Van Kirk Road, the replacement of the 200,000 gallon on Trumbull Corners Road with a new 150,000 gallon water tank and all related appurtenances (collectively, the “Project”); and,

**WHEREAS**, the Town has caused a certain map, plan and report, for the proposed Project (the “Map, Plan and Report”), to be prepared by T. G. Miller, P.C. Engineers & Surveyors, a firm of engineers duly licensed in the State of New York (“T.G. Miller”); and

**WHEREAS**, the proposed Project, as more particularly described in the Map, Plan and Report, dated September 30, 2014 prepared by T. G. Miller, consists of the construction of a 150,000 gallon water tank, telemetry building, driveway, fencing, electric service, 10” PVC piping and hydrants on Van Kirk Road, the demolition of the existing 200,000 gallon Trumbull Corners Road tank, and a 150,000 gallon water tank, telemetry building, driveway, fencing, electric service, 10” PVC piping and hydrants on Trumbull Corners Road; and,

**WHEREAS**, the estimated maximum cost of the Project is \$1,271,980; and

**WHEREAS**, by resolution adopted on November 13, 2014, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject thereof concerning the same on December 11, 2014 at 7:00 p.m. at the Town Hall, 166 Main Street, Newfield, New York 14867; and

**WHEREAS**, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a duly certified copy thereof was published in the *Ithaca Journal*, the official newspaper of the Town, on November 28, 2014 and a copy of such notice was posted on November 28, 2014 on the signboard maintained by the Town Clerk, and on the Town’s website, pursuant to Town Law Section 30(6); and

**WHEREAS**, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and

**WHEREAS**, immediately prior to consideration of this resolution, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, “SEQRA”), that the improvements included in the Project constitute an “Unlisted Action” within the meaning of SEQRA and that such improvements would not have a significant detrimental effect upon the environment and issued a “negative declaration” (within the meaning of SEQRA) with respect to the Project.

**NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:**

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SECTION 1. Based upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the maximum cost of \$1,271,980. The Project is hereby approved.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Clerk of Tompkins County, New York, within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

The following vote was taken and recorded in public or open session

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

Carried

*Discussion and approval of Resolution 38-2014 increasing charges to Water District 1 & 2 for turning water service on or off*

Supervisor Hart read proposed Resolution 38-2014. Supervisor Hart stated this resolution was based on the recommendation from the water study report. Motion was offered to approve Resolution 38-2014 was offered by Councilperson James, seconded by Councilperson Trask.

Discussion: Attorney Hooks suggested a friendly amendment concerning reviewing the charges. Motion was offered by Councilperson James to accept Attorney Hooks suggestion, seconded by Councilperson Trask

**Resolution 38-2014  
Charges for services in Water Districts 1 & 2**

**WHEREAS** the Town of Newfield Town Board received the report for the Water Rate Study prepared by T.G. Miller, P.C. and

**WHEREAS** T.G. Miller, P.C. recommended changes in charges for turning water services on or off due to the current cost are not sufficient to recover the actual cost of providing the service.

**NOW THEREFORE BE IT RESOLVED** that the Town of Newfield will accept the following changes to the charges in turning water on or off:

Turn water service on or off:	During Working Hours -	\$25.00	After Working Hours -
\$125.00	On and Off same day during working hours -	\$40.00	Replace frost bottom on curb box -
\$80.00			

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**BE IT ALSO RESOLVED** at the recommendation of the Engineer's Report the Town of Newfield will review periodically to adjust rates as deemed necessary to keep up with inflation.

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

Carried

*Discussion and approval of increasing water rate charges in Water District 1 & 2*

Andy Sciarabba from TG Miller explained the water rate study and the findings, comparing the expenses and revenues for a three year period. It was found that the current expenses are not being met by the water revenues. To avoid a drastic raise in the water rates for the residents in one year a three year proposal was suggested as follows: 2015- 4.80/1000 gallon of water

2016- 5.25/1000 gallon of water

2017- 5.80/1000 gallon of water

These rates would cover the operations and maintenance and a reserve for repairs, rehabilitate and replace. The rate structure recommended was based on meter size rather than total water consumption. Councilperson Trask commented that the breakeven point is 4.60 rather than the 2.93 that is currently being charged, and there was not an accurate picture of the cost and usage. He added there is now a better understanding and can bill accordingly.

Residents asked what had covered the costs. It was explained in the past there had been a tax levy assessed to the Water 1 residents until the last three years. The reserves from the tax assessment had made up the difference. Another resident commented on the difference rate wise of similar communities, and that Newfield was at the low end of the comparison. Also commented upon was the 24% unaccounted water loss and if it could be remedied. It was also asked if expanding the water district could help with the water fund.

Councilperson Trask commented it would not be cost effective. It was also asked if aquifer well being drilled on Millard Hill Road could be used to supply other areas- no, as it is only a well drilled for aquifer identification not water production. Another question was which aquifer the water district wells were located: the wells are in the area being studied presently. It was commented that concerning the water rate increase, rather than stating it as an increase it should be noted that the discount was coming to an end!

Supervisor Hart commented that an earmarked account would be set up for the reserve funds.

It was also asked if there were any way to reduce production costs. Supervisor Hart explained that with the new proposal there would be a savings.

Councilperson Laughlin asked if the rates noted were for residential residents. Mr. Sciarabba stated the rate was for all accounts.

Supervisor Hart asked for a motion for a Resolution to raise the water rate.

**Resolution 40-2014**

**Water Rate Increase for Water District 1 & 2**

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Water Rates in the Town of Newfield for the year 2015 to increase to: 4.80/1000 gallons of water, 2016 tentative rate to be 5.25/1000 gallons of water and 2017 tentative rate to be 5.80/1000 gallons of water.

Councilperson James made a motion to raise the water rate to 2015 to 4.80/1000 gallons of water, 2016 tentative rate to be 5.25/1000 gallons of water and 2017 tentative rate to be 5.80/1000 gallons of water, seconded by Councilperson Powers

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

Carried

*Discussion and Approval of Resolution No. 40-2014 appointment of Kevin Berggren to Water Sewer Supervisor*

Supervisor Hart read proposed Resolution No. 40-2014 as follows:

**Resolution No. 39-2014 Water/Sewer Supervisor Appointment**

**WHEREAS** the Water/Sewer Supervisor will be retiring effective Dec. 31, 2014 and the Town Board wishes to fill this position immediately and

**WHEREAS** the Highway Superintendent has all the water licenses required for him to assume this position

**NOW THEREFORE BE IT RESOLVED** that the Town Board for the Town of Newfield appoints Kevin Berggren to the position of Water/Sewer Supervisor. This position will be in conjunction with the Highway Superintendent position.

Motion was made by Councilperson James to approve the appointment of Kevin Berggren as Water/Sewer Supervisor, seconded by Councilperson Trask.

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

Carried

Councilperson James stated there is a free tax service available to residents earning less than \$32,000.00 single and \$50,000.00 for a family annually. This program is offered through Alternatives Credit Union at the Newfield High School. Information will be available on the Town website.

**Old Business**

None

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**Approval of the Payment of the December Bills**

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

General Fund	\$24,908.33
Recreation Fund	\$6,128.43
Highway Fund	\$38,204.30
Street light Fund	\$1,289.88
Sewer Fund	\$440.42
Water District 1 Fund	\$3,206.60
Water District 2 Fund	\$1,028.04
Trust and Agency	\$2,916.79

Vouchers were audited by Councilpersons Laughlin and Powers.

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

Carried

At 9:07 p.m., a motion was made to move into an Executive Session to discuss the Collective Bargaining Unit Agreement and Pending Litigation.

At 10:07, the Meeting was called back to the Regular Meeting of the Newfield Town Board, moving to adjournment at 10:08 p.m.

Respectfully Submitted,

December 31, 2014

Karen Miller Kenerson  
Newfield Town Clerk