

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room April 10, 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 and Councilperson Casey Powers. Also present: Highway Superintendent: Kevin Berggren, Water Sewer Manager: Rob Brewer, Code Enforcement Officer: Harry Wright Tompkins, Newfield Representative of the Tompkins County Legislature: David McKenna, Arty. Hooks and 22 attendees.

Opening Privilege of the Floor;

Gundy Lee: asked what the format was for mail received from the public, which are chosen to be read, and how are they recorded for the record.

Brian McIlroy: commented that the IRS had changed the mileage reimbursement rate to .56/mile. He also expressed interest if TG Miller had begun the Water Rate Study.

Gene Van Zile: commented that the Board had received important facts the past year from USGS concerning the lasting damage the proposed garbage transfer station could do to the surrounding neighborhood community. He stated he now has an aerial photo showing that more than one acre of land had been disturbed and filled at the proposed garbage transfer station site. After investigation from his contacts, it is felt the fill has contaminates. He added that NYS standards for erosion and sediment control law, it is required to have two permits: sill fence and storm water. He stated that a storm water permit was required for less than under an acre if the area in question was near sensitive areas or near neighboring water. He stated that the information that has been collected is being sent to several State Agencies and Department Heads to let it be known of the negligence that has been allowed by the Newfield Town Government and its associates. He added that he felt if the current Town Board cared for its community and if they have a conscious, they would say no to the proposed transfer station. Supervisor Hart asked Mr. VanZile if he would leave copies of the information he had for the Board so it would not be construed as hearsay. Mr. VanZile said he would ask permission from his contacts before passing it on.

Robert Mente: stated that the Town Board has a map in its safe that shows documentation by a surveyor showing the DEC and Water and Soil regulations for his property on Bishop Road. The map shows the actual footage that has been filled and what fill is still allowed. Mr. Mente commented there was more than adequate space to bring in another 1000 loads of fill. Mr. Mente apologized for not attending past meetings. He expressed that he does care about the community and what happens within it. Mr. Mente voiced concerns about the condition of Bishop and Fishkill Roads. He commented since last year his business had almost doubled in size,

adding trucks and increasing employees. He stated that his business has six trucks that are going in and out of his facility on a daily basis. Mr. Mente asked if there would be a possibility of road repair with the increased traffic on the road.

Jeff Golden: urged the Board to say No to the proposed garbage transfer station on Bishop Road. Mr. Golden commented that Bishop and Fishkill Roads are being destroyed by the doubled truck traffic on the roads. He also urged the Board to extend the moratorium concerning the proposed garbage transfer station.

Brenda Lapp: commented on an article and map she had presented to the Board in 2013 concerning the impact of a garbage transfer station. Ms. Lapp will forward the article to Supervisor Hart. Ms. Lapp would like the March 2014 minutes amended to reflect her statement content concerning her comments made during privilege of the floor on March 19, 2014. Ms. Lapp - donated \$100.00 for the purchase of digital equipment for the purpose of recording the monthly Board Meetings to upload to the Town website. The Town Clerk commented to Ms. Lapp that she had spoken to the Webmaster about her request to upload an audio file to the Town Website and was advised there was not enough broadband to do that.

Approval of March 19, 2014 Board Meeting Minutes

Motion was made by Councilperson Trask to have the March 19, 2014 minutes amended to reflect Ms. Lapp's true thoughts, seconded by Councilperson Laughlin.

Councilperson James asked to table the approval of the March 19, 2014 until the May Board Meeting.

Brenda Lapp: commented that at the previous month's public Town Board Meeting, she asked Supervisor Hart to contact the USGS asking to obtain a one/two page report concerning the aquifer being unconfined where the proposed garbage transfer station is located. Supervisor Hart stated it had not been done. She asked to have included with the request a disc that contains: 3 photographs and 2 videos. The videos show an engine compartment of one of Mr. Mente's trucks open, being washed over the open ground. She felt there was a high probability of contamination of the water under the truck. The disc also contains a pdf file of a blog post where Mr. Mente states he washes his trucks weekly. Ms. Lapp also commented she had hoped Mr. Mente would be present at the Board Meeting as she now had a personal issue with him based on his actions on March 8, 2014. She commented that Mr. Mente drove a truck fast enough kicking up enough dust that she could not see a neighbor's house. She then commented to Councilperson Trask that the first time she spoke to him concerning the transfer station was in July 2012 after the moratorium on fracking. She stated it took Councilperson Trask until June of 2013 to tell her of he was a "shirt tail relative" to Mr. Mente. She added, in April of 2013, she brought a map to the Board along with an article about how waste transfer stations can lower the property value around them. After the meeting Ms. Lapp told Councilperson Trask where she put the picture on line so that she could replicate it and "not just trust her or take her word for it". On the same day, Ms. Lapp said Councilperson Trask told her that he was using Casella

Waste and had not switched over to AWS. She commented her surprised when she opened an email with a picture of Councilperson Trask's home with an AWS dumpster there. She feels that is a conflict of interest, and if Councilperson Trask is going to insist on voting for or against a ban or a moratorium she will contact the State Comptroller's Office, that deals with local government and local government accountability to get an opinion if Councilperson Trask should vote or not. Councilperson Trask responded for Ms. Lapp to contact the NYS Comptroller's Office and that he does not have service with AWS. There is a dumpster from AWS, but he states he has regular service with Casella.

Ms. Lapp then directed comments to Councilperson Laughlin. Ms. Lapp feels that Councilperson Laughlin should not participate in Executive Sessions as it was her understanding Councilperson Laughlin was dating a Highway Department employee. Ms. Lapp did not feel that Councilperson Laughlin should have any interest in the employee benefits, or if someone were to do something wrong, what the resolution is. She added she felt Councilperson Laughlin should not be involved in any kind of contract negotiations. Ms. Lapp then addressed Supervisor Hart concerning the Town Credit Card asking where the credit card was kept. He responded it was in the Town Clerk's Office. She asked where in the Town Clerk's Office and Supervisor Hart responded it was in the safe and he asks for it when he needs it. Ms. Lapp commented that she wanted to be assured that there was not one standard for a previous Supervisor and a different standard for him. Supervisor Hart stated the credit card had never been in his pocket. Ms. Lapp then stated she would FOIL the third use of the credit card as a Republican mailer stated Mr. Driscoll used the credit illegally. She stated at a March 14, 2013 public meeting it was discussed he used it the second time. Ms. Lapp stated the mailing that Chip Ray sent out was received by November 1. She felt the misuse had happened between March 14 and November 1, 2013. She stated she would send an email that night with her official FOIL request.

Correspondence

Supervisor Hart read a letter from the Newfield School District Board of Education thanking Highway Superintendent Berggren and the Highway Department for the Inter-Municipal Cooperation between the Town and the School. Supervisor Hart also read a letter from Sheen Housing for Home Repair Grants that are available for Tompkins County residents.

Reports

Highway: Highway Superintendent Berggren reported that he hoped the Highway Department was done with snow removal! The Department was now cleaning up plow damage and bringing in material for summer projects. He listed replacing the culvert on Douglas Road, repaving Smith Road, and replacing the Bow String Bridge decking. Supervisor Hart asked Superintendent Berggren how the hard winter affected the salt and sand supply for later this year. Mr. Berggren felt that the Town was in good shape.

Water/Sewer: Water/Sewer Manager Robb Brewer reported Tompkins County Health Department inspection that day.

Recreation: Recreation Director Reid Hoskins was absent; Supervisor Hart read a report submitted by Mr. Hoskins.

Code Enforcement: Code Enforcement Officer Harry Wright reported on building permits and environmental issues. Mr. Wright asked to have a discussion at a work session concerning trash dumping on Van Ostrand Road. Highway Superintendent Berggren commented that if a property owner were to bring the dumped trash up to the side of the road the Highway Department would pick it up

Tompkins County Legislature Representative: David McKenna reported that the County had bonded 1.3 million to add on to the Human Service Bid. He also reported that the County Jail would have additional beds added. There is citizen concern over this issue, but boarding the inmates to neighboring counties outweighs the concerned opposition. He reported the County spends over a million dollars boarding inmates to other counties when the Tompkins County Jail is filled to occupancy. Mr. McKenna also commented on the lost funds from TCAT.

Supervisor's Report: Supervisor Hart reported the Town had received a 30 day extension to complete the Annual Update Document. He felt it should be complete by April 22, 2014. Supervisor Hart commented that in past years the Town had been involved with the Community Science Institute(CSI) doing water testing. The budget line item of \$4,600.00 was inadvertently forgotten to be included in the 2014 budget. Supervisor Hart and the Board feel strongly about the water study, and that the accumulation of the data collection is very important. Supervisor Hart has spoken to Mr. Stephen Penningroth from CSI concerning the lack of funds to continue with the study in 2014. Mr. Penningroth agreed to keep the program going and asked the Board to return the budget item next year and anything that could be given to the CSI this year to help out would be appreciated.

USGS Well Bid Opening: Supervisor Hart reported that the bid opening for the next phase of the aquifer study had taken place. Two sealed bids were received. Since there was a considerable difference in the bid prices, Bill Koppell from the USGS met with Supervisor Hart, Water Sewer Manager Brewer and Highway Superintendent Berggren to review the bids. Mr. Koppell stated that he would be present during the drilling process to guarantee the filings get recorded accurately. The project should begin soon and be completed on or before June 30, 2014. Supervisor Hart also spoke to Mr. Koppell concerning the application for the proposed waste transfer station. Supervisor Hart commented that he has tried to contact David Bimber from the DEC several times without success. Mr. Koppell shared that Mr. Bimber's work load was extreme and to be patient that Mr. Bimber would respond.

Councilperson Trask commented on maintenance items that have been brought to the Boards attention: sidewalk repair in the front and back of the building. Highway Superintendent Berggren is willing to have the Highway Department take care of the concrete pads. Councilperson Trask has an estimate for protective covering that goes over the refrigeration lines for the air conditioning units that have been exposed to the weather. He also stated the gutters needed to be cleaned. Councilperson Laughlin added that treads need to be put on the stairs to avoid slipping when wet. Supervisor Hart reported that he had a new estimate for the Board Room windows from Schwoeble Construction.

New Business

Discussion of 2014 Insurance rate for Tompkins Insurance: Supervisor Hart reported that the question was raised last month why the budget line for the insurance was listed as \$36,000.00 but the actual insurance rate is \$39,322.00. Supervisor Hart spoke to Frank Smith from Tompkins Insurance learning that the crime bond portion was on the quote, but was left off when putting it into the budget. It was felt it was a clerical error.

Discussion and approval of Resolution No. 12-2014 for April Budget Modifications:

Supervisor Hart reviewed the proposed budget modifications:

RECREATION

Transfer \$6,700 from CR7020.1, Director of Recreation, to CR7320.1, Youth Director (S. Yaple).

Transfer \$.45 from CR9040.8, Workers Comp, to CR9010.8 State Retirement.

Transfer \$99.04 from CR9040.8, Workers Comp, to CR9055.8 Disability.

HIGHWAY

Transfer \$.31 from DA9040.8, Workers Comp, to DA9010.8, State Retirement

Transfer \$336.35 from DA9040.8, Workers Comp, to DA9055.8 Disability

SEWER

Transfer \$4.18 from SS1-9040.8, Workers Comp, to SS1-9055.8 Disability

WATER1

Transfer \$.32 from SW1-9040.8, Workers Comp, to SW1-9010.8 State Retirement

Transfer \$8.34 from SW1-9040.8 Workers Comp, to SW1-9055.8 Disability

WATER 11

Transfer \$.32 from SW2-9040.8, Workers Comp, to SW2-9010.8 State Retirement

Transfer \$8.34 from SW2-9040.8 Workers Comp to SW2-9055.8 Disability

GENERAL

Transfer from A1990.4 Contingent \$10,134.76 to:

A1910.4 Unallocated Insurance \$3,320.25

A1930.4 Judgments and Claims (Property Tax Pine Circle Newfield) \$43.57

A9010.8 State Retirement \$6770.94

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

Discussion: Councilperson James noted that the Contingency Line only had \$12,000.00

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

Carried

Planning Board Reappointment:

Supervisor Hart reported applications were available for the vacant seat available on the Planning Board. None have been turned it yet. Supervisor Hart asked to hold interviews closer to the May meeting and make appointments then. ***Court Audits:***

Supervisor Hart reported Nadine Bennett audited Justice Gary Dresser's 2012 Court Accounts. Motion to approve the 2012 Court Audit for Justice Dresser to send to the NYS Comptroller and Unified Court System was offered by Councilperson Trask, seconded by Councilperson Powers.

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

Carried

Discussion: Councilperson Trask asked if this would satisfy the obligation to close Justice Dresser's books. Supervisor Hart responded that it was part of the process.

Supervisor Hart also reported that Ms. Bennett also audited Justice Dresser's 2013 Court Accounts. Motion to approve the 2013 Court Audit of Justice Gary Dresser to send to the NYS Comptroller and Unified Court System was made by Councilperson James, seconded by Powers

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

Carried

Old Business

Update on Clarity Connect: Councilperson Trask reported that the he had spoken to Chuck Bartash of Clarity Connect; interest is beginning to be expressed. The main tower on Jackson Hollow Road is completed but not operational yet. There are hopes it should be up and running within the week. That tower could service 150 households if they desire. Councilperson Trask commented that during the grant process the Town obligated to support the project when it came to Newfield. At the time it was \$8,000.00 which would include the purchase of 8 poles for

remaining towers. Councilperson Trask stated that the Grant funds had not been released yet to Clarity Connect from the State.

Discussion of Advisory Board for Bank Street Cemetery: Supervisor Hart reported he had had discussions with the NYS Division of Cemeteries. Supervisor Hart stated the NYS Division of Cemeteries looks forward to Towns working with individuals working as Advisory Committees to help with the maintenance and preservation of cemeteries. Supervisor Harts asked Atty. Hooks how formal or informal an arrangement could be to form a Cemetery Advisory Committee. Atty. Hooks commented he was looking for advisement from the NYS Division of Cemeteries. Much discussion ensued concerning liability, in case a volunteer was injured if they would be covered under the Town's umbrella policy. Councilperson James advised the Board consult with Frank Smith of Tompkins Insurance concerning the liability concerns. Supervisor Hart suggested to Marie Terlizzy and Kay Marie Bowers that the Bank Street Cemetery Advisory Board be formed, naming the members to be recognized by the Town. Councilperson James asked to table this discussion for a work session.

Discussion of Road Preservation fee schedule: Supervisor Hart asked to table this discussion as he and Highway Superintendent Berggren will be attending a meeting on April 30th with TCCOG addressing; road use, haul directions and fee permits.

Update on GSGS Drilling Bids: Supervisor Hart explained that two bids were received for the USGS aquifer study wells: Frey Well Drilling, Inc. bid \$17,675.00 and Berry Well Drilling bid \$12,050.00. Motion to approve Berry Well Drilling proposal for \$ 12,050.00 was offered by Councilperson James, seconded by Councilperson Powers.

Discussion: Councilperson James asked for back ground information on Berry Well Drilling. Councilperson Trask asked if the USGS was satisfied with the work and technical skills of Berry Well Drilling.

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

Carried

Meeting date with Planning Board: A tentative meeting date has been set as April 30, 2014.

Approval of the Payment of the April 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	\$14,397.24
Recreation Fund	\$176.49
Highway Fund	\$47,248.45
Street light Fund	\$1,512.77
Sewer Fund	\$252.45
Water District 1 Fund	\$3,732.81
Water District 2 Fund	\$452.55
Trust and Agency	\$2,896.95

Vouchers were audited by Councilpersons Laughlin and James.

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

Carried

Next Work Session: April 24, 2014 at 7:00 p.m.

David McKenna announced that the Newfield Community Yard Sale would be Saturday August 23, 2014.

There being no further business to discuss, at 8:25 Councilperson Trask made a motion to adjourn the meeting, seconded by Councilperson James.

Respectfully Submitted,

April 21, 2014

Karen Miller Kenerson
Newfield Town Clerk