

Newfield Town Board Minutes

February 9, 2012

Present were CP Trask, CP James, CP Laughlin, CP Powers and Supervisor Driscoll. Also present were, Ed Hooks : Town Attorney, Kevin Berggren : Highway Superintendent, and Dustin James : Recreation Director.

Supervisor Driscoll called the meeting to order at 7:00PM and opened with the Pledge of Allegiance.

Privilege of the Floor:

Robert Mente Jr. of 71 Bishop Road, of Alternative Waste Service presented proposal to build a transfer station on the property located next to his home. Supervisor Driscoll asked what the town's official participation would be. Mr. Mente said that the DEC would be contacting the town. CP Trask commented that there would be an Environmental Impact Statement, Storm Water and Permits involving the Town.

Martha Brewster of 376 Shaffer Road asked the Board to consider keeping hydrocracking from coming to Newfield. And sited the environmental impact it would have on the water, the bees and the environment.

Bob Seeley from 85 Starks Road also spoke to the Board with horizontal hydrocracking concerns.

Brian McIlroy from Sebring Road spoke to the Board with concerns of the new Privilege of the Floor rules. He also asked about the Planning Boards action on hydrocracking.

Agenda Changes: None

Correspondence: Supervisor Driscoll reviewed a letter from Tom Gerow of Blakeslee Hill Road asked that there be a weight limit imposed on Blakeslee Hill Road. CP Trask, Highway Superintendent Berggren and Supervisor Driscoll will discuss and move forward with this. An eight ton limit was discussed except for local delivery.

Reports:

Highway: Superintendent Berggren stated the crew had been fixing wash outs and cut backs on Connecticut Hill Road. The highway crew is also bringing in materials for summer use. CP James asked out the fuel bills, Superintendent Berggren stated it was on State Bid and Griffith Fuel delivered to the town.

Water/Sewer: CP Trask read the report submitted from Water Sewer Supervisor Brewer. In January all the monthly water samples were completed and samples were sent to the TC Health Dept. Water Solutions cleaned, inspected and removed sediment from the three water tanks. He has also be doing maintenance work on the well houses. Supervisor Driscoll and CP Trask spoke about the process of

adding another water tank on the Van Kirk Road property. The Town has hired TG Miller to put a proposal together, and assistance in securing funding.

Recreation: Dustin James Recreation Director recapped his report that he would be presenting to the NRAC(Newfield Recreation Advisory Committee)

He is looking to purchase an Amish shed/building for storage. He asked permission to have it placed behind the Town Hall. Dustin, Supervisor Driscoll and Code Enforcement Officer Harry Wright will work together on this project.

Code Enforcement: Supervisor Driscoll reported that Tony Petito reported that his open cases are progressing, and Butch Wright reported it has been slow with building permits presently.

Tompkins County Legislature: absent

Supervisors Report: Supervisor Driscoll and Highway Superintendent Berggren attended a Tompkins County Council of Governments meeting to explore an interest of cooperation (economic and operating efficiencies)

Financial Report: At the January 30th Work session the Board reviewed the December 31, 2011 financial report. CP James is the Budget Committee Chair stated that the town will exit in a better position for 2011 than what was expected when the 2012 budget was set. Health insurance is an area we do not have a strong handle in. But she feels the town will still come in under the budget they anticipate.

New York State Department of Taxation has waived penalty for one of the late filings. Supervisor Driscoll has been on the phone with the IRS to discuss payment options/plans for the second and third quarter penalties. Supervisor Driscoll stated that there is a 3% penalty that compounds daily on all unpaid fines. CP James suggested to Supervisor Driscoll that the Town pay at least one of the penalties and then pay down our indebtedness, so that any interest we may be accruing would not be against the payment.

The reason he is proposing that type of approach is because the payment would be coming from our contingency fund and our contingency fund is at twenty eight thousand dollars. He has concerns of draining that fund so early in the year. The idea is to pay down one of the quarters and to then engage a conversation with the IRS about a installment payment plan, for the 3rd. and 4th quarters. The installment plan cannot exceed 24 months. The Town will be appealing all of the penalties. It has been suggested we appeal them all at once. And if there is an abatement or cancellation of penalties would be returned to the town.

The second quarter is the one that has accrued the greater penalties; Supervisor Driscoll proposed that we pay that \$6,244.99 from the contingency fund and negotiate an installment plan for the remainder, and then move onto the appeals process. CP James would like to see the first and second quarter tomorrow. CP Trask voiced his concerns of only paying one quarter we are still accruing interest, he suggested we pay both quarters, he recommended paying both quarters seeing that we have twenty eight thousand in the contingency fund, and we have about thirteen thousand dollars in penalties that need to be paid immediately. CP Laughlin, CP James and CP Powers also agreed. CP Laughlin asked what

we had remaining to pay to New York State in penalties. Supervisor Driscoll stated we had just received a second notice of penalty, of seventeen hundred dollars. She asked that be paid as soon as possible as well.

CP Trask made a motion to pay the 2nd, and 3rd. quarter penalties to the IRS and the seventeen hundred dollar penalty to the State immediately, from the Contingency fund. Supported by CP Laughlin, and was unanimously approved by the entire Board. Brian McIlroy stated would be in Town Hall on Saturday and that he and Nadine Bennett the bookkeeper would get the checks cut and processed.

Supervisor Driscoll will be bringing the 2011 encumbrances to the March board meeting. CP Trask added that if we did get the appeal granted and the funds returned, he wanted to see them returned to the Contingency fund.

New Business:

Motion to entertain the Resolution NO. 11-2012 to approve the Rules of Privilege of the Floor was made by CP James, and supported by CP Powers. CP Laughlin agreed with Mr. McIlroy 's comments that we do need to have some structure, and the 3 min. limit is reasonable, but having the request called in by 12 noon the day before is not reasonable , since we are trying to encourage people to come in to speak. She felt people should be able to just come and speak, and that one should be able to raise their hand to speak. She recommended to strike the portion that stated:" Repeated refusal to follow the Rules of Privilege of the Floor will result in a loss of the privilege for "a to-be-determined period of time" based on offenses. She did like the idea of closing Privilege of the Floor. CP Trask stated that Privilege of the Floor is a gift to the public. In many towns it is not allowed, and nowhere in State does law it states that Town Boards have to provide Privilege of the Floor. The Town Board of Newfield does it because it wants to hear the town residents input. As long as it is done responsibly and within the 3 minute limit reasonably, and don't use it for character assignation on attempts to disrupt the meeting. Atty. Ed Hooks suggested that based on the nature of the subject that the town reserves the right to request that the person wishing to speak sign in. The following amended Rules for Privilege of the Floor

Resolution NO. 11-2012

Rules for Privilege of the Floor Town of Newfield

A three minute time limit is set for Privilege of the Floor during the Regular Monthly Meeting of the Newfield Town Board. There are no provisions for any public comment at a Work Session meeting of the Newfield Town Board.

Persons may address the Board only during Privilege of the Floor and at no other time during a Regular Monthly Meeting.

Privilege of the Floor is not a time for debate. Character assassination of any individual will not be tolerated and will result in loss of Privilege at that meeting.

The Town reserves the right to supply a sign in sheet to be available prior to the meeting being called to order.

Opening Privilege

The individual addressing the Board will stand and speak in a clear and concise manner stating name, resident status and the topic. The individual may submit, in writing, additional statements and or questions to be considered at a later time by the Board either in person or in writing.

At the sole discretion of the whole Board an individual's statement may be postponed until a specific agenda item.

A person may sign up for and speak at Board Opening Privilege of the Floor once. No other comments may be made by the person or by anyone else during the rest of the Regular Town Board Meeting.

Any questions addressed to the Board during Privilege of the Floor may or may not be responded to, and **should** be directed to the Supervisor, who may either answer them or refer the questions to a Town Board Member.

The Board is not obligated to answer any questions asked at the meeting. No person has the right to demand an answer to a specific question from a member of the Board. P31-32 of the Town Law Manual

Closing Privilege

Individual will participate by a show of hands, and will wait to be called upon.

When called upon, the individual will stand to address the Board and follow the procedures as outlined above.

Topics will be limited to the Meeting's Agenda items only.

Vote

AYES

NAYES

CP Trask

CP Laughlin

CP James

CP Powers

Supervisor Driscoll

Motion passed.

OLD BUSINESS:

CP Trask asked if the \$10,000.00 from the Contingency Fund had been transferred to the Highway Fund yet. Supervisor Driscoll stated that it would part of the process of making the adjustments throughout the 2011 budget. That it will be reflected in that. CP Trask would like to see it done immediately.

January 2012 Expenses:

Motion by CP James to approve the payment of the January expenses, and supported by CP Trask

General Fund Totaling	\$ 28,427.64
Recreation Fund Totaling	\$ 1,392.93
Highway Fund Totaling	\$ 46,801.99
Street Light Totaling	\$ 1,350.54
Sewer Fund Totaling	\$ 2,407.31
Water Fund 1 Totaling	\$ 12,276.55
Water Fund 2 Totaling	\$ 7,136.06
Trust & Agency	\$ 29,517.90

Vote

AYES

NAYES

CP Trask

CP Laughlin

CP James

CP Powers

Supervisor Driscoll

Motion Carried

Being there no further business to discuss, Supervisor Driscoll adjourned the meeting at 8:05 PM.

Respectfully Submitted,

Karen Miller Kenerson
Town Clerk

February 23, 2012

Date



DRAFT

DRAFT

DRAFT

DRAFT

DRAFT

DRAFT