

The regular Newfield Town Board Meeting was called to order at December 10, 2014 at 7:00 by Supervisor Driscoll. Present were Council Person Trask, Council Person James. Council Person Laughlin and Councilperson Powers who attended via Skype from the Multnomah County Library, 4040 NE Tillamood Street, Portland Oregon. Also present were: Water Sewer Manager: Rob Brewer, Town Atty. Ed Hooks and 20 attendees.

Supervisor Driscoll called the meeting to order at 7:45 p.m.
Supervisor Driscoll opened the meeting with the Pledge of Allegiance.

Privilege of the Floor

Nancy Dolge: thanked Supervisor Driscoll for the support he had given her and the Planning Board.

Tom Gerow: thanked Supervisor Driscoll for his 4 years of service as Town Supervisor. He also thanked the Town Highway Department for fixing the guard rails up on Blakeslee Hill Road.

Becca Harber: thanked Supervisor Driscoll thanked Supervisor Driscoll for his service to the Town. She was sad to see him go.

Gundy Lee: thanked the Board and Supervisor Driscoll for the accomplishments of the last few years. . She thanked Supervisor Driscoll for his 4 years of leadership.

Ms. Lee also read a statement from Lynn Glase, thanking Supervisor Driscoll.

Gene VanZile: thanked Supervisor Driscoll for his dedication.

Jeff Golden: thanked Supervisor Driscoll for his service.

Brenda Lapp: thanked Supervisor Driscoll for his service. She also asked that the future meetings and work sessions recordings be put online along with an organizational chart. She would also like to see the personnel policy completed and include a social media component. Ms. Lapp would also like to see the Code of Ethics updated and corrected.

She also asked if there was anything in the Code of Ethic, Personnel Policy or CSEA contract concerning the use of Town equipment.

Sue Golden: thanked Supervisor Driscoll for his service.

Marie Terlizzy: thanked Supervisor Driscoll for his service to the Town.

John Fry: thanked Supervisor Driscoll, Town Board and the Planning Board for their service to the Town.

Agenda Review

Councilperson James stated she would like to add comments during Item 4 of New Business.

Correspondence

Supervisor Driscoll stated he had an item he would present during Supervisor's Report.

Adoption of the Previous Meeting Minutes

Motion was made by Councilperson Laughlin to accept the minutes from the November 14 meeting and the November 7 public hearing, Seconded by Councilperson Powers.

Vote: AYES 5 Driscoll, Trask, James, Laughlin and Powers

 NAY 0

Motion carried

Reports:

Highway: Absent

Water/Sewer: Rob Brewer Water/Sewer Manager stated they had just fixed a break on Shaffer Rd. and there was a new one on VanKirk Road. Councilperson Trask asked if there had been a issue with the sewer pump by the Post Office. Mr. Brewer stated there had been a break there as well. Councilperson Laughlin asked if all the water meter installations were complete. Mr. Brewer reported that only one meter was left to install.

Code Enforcement: Absent. Supervisor Driscoll reported of a stop work order given to a property on Townline Road. DEC and Tompkins County Soil and Water were able to do an analysis

County Legislature: Absent

Supervisor: Supervisor Driscoll stated he would be spending the remainder of his time organizing the Supervisor's Office. He reported he had received a letter from the IRS siting a refund \$6,017.00 in fines to the Town. He will be sending final correspondence of an appeal requesting the remaining amount to be returned to the Town.

Atty. Hooks reported that all 3 claims filed against the Town have been discontinued and fallen to the wayside. Councilperson Trask asked if there could be some form of written correspondence from the attorneys could be sent to the Town's insurance company for a possible reduction in its insurance. Atty. Hooks will contact Mr. Frank Smith from Tompkins Insurance concerning this matter.

New Business

**Adoption of the Local Road Use and Preservation Law
RESOLUTION 47-2013**

Mr. Hooks advised the Board that prior to and in connection with considering whether to enact the proposed Local Road Use and Preservation Law (“the Law”), the Board first must determine if the Law would have a significant adverse impact upon the environment. He presented the Board with a short form environmental assessment form (“EAF”). The Board with Mr. Hooks’ direction reviewed the form and questions on the EAF and concluded that adoption of this Law would not have a significant negative effect upon the environment and, actually, will benefit the environment upon being implemented.

Whereupon by motion by Councilperson James seconded by Councilperson Trask it was,

RESOLVED that the Law will not result in any significant adverse impact and the Supervisor be and hereby is authorized to execute the EAF accordingly.

Supervisor Driscoll asked that the document be entered into the record.

Discussion:

Councilperson James asked if this was the same form that was previously filled out for the Road Construction Law.

Vote: AYES	5	Driscoll, Trask, James, Laughlin, Powers
NAYE	0	

Motion Carried

Supervisor Driscoll signed the “Short Environmental Assessment” form and then presented it to the Town Clerk.

Resolution 48-2013 was presented by Supervisor Driscoll. Atty Hooks read the proposed Resolution as follows:

RESOLUTION 48- 2013

Whereas the Newfield Town Board has researched and considered the adoption of a local Law on Road Use and Preservation designed to protect the Town’s roads and attendant infrastructure from high impact activities that have the potential to adversely impact roads and public and nonpublic property; and,

Whereas the Town Board has reviewed and approved a draft of the Local Law intended to implement this purpose; and,

Whereas the Town Board has presented for public review and comment a final proposed draft of a Local Law on Road Use and Preservation; and,

Whereas a Public Hearing on such proposed local Law was convened on December 10, 2013 at 6:45 p.m. at Town Hall pursuant to public notice duly published and posted;

Now, therefore, be it RESOLVED that the Town Board does hereby adopt Local Law #4 of the year 2013 on Road Use and Preservation and the Town Clerk hereby is directed to take all action necessary to file and implement said Law.

Motion was made by Councilperson James and seconded by Councilperson Laughlin to adopt Local Law No 4 of 2013 on Road Use and Preservation.

Discussion:

Councilperson Laughlin asked if Supervisor Driscoll had spoken to Delta Engineering concerning being contracted as the Town Engineer. Supervisor Driscoll stated the Town did not need to have a contract and felt it was better to be left open. Atty. Hooks agreed.

Councilperson James asked if there needed to be an appointment of a Town Engineer in the Annual Authorizations. Atty. Hooks agreed, it could also be modified.

Councilperson Trask asked to entertain a motion to table this for a month to get clarification concerning the logging industry question, and also to set up a permitting fee schedule.

Councilperson Laughlin agreed with Councilperson Trask from comments made at the Public Hearing. Councilperson James asked if it were possible to accommodate Mr. Gerow's request after approving and moving forward. Atty. Hooks stated that this was beyond Mr. Gerow's request. Atty Hooks felt that there were restrictions imposed on those that were engaging in forestry. Councilperson James asked Atty. Hooks if the Town had the ability to pass the law this evening would it have the flexibility to modify it to accommodate the logging industry. Atty Hooks felt that if the law were to pass, it would be subject to clarification from the DEC. If the exemption exists, there would need to be an adjustment made into the law. It cannot go into effect for 45 days. Supervisor Driscoll asked Atty. Hooks about the subject of review from the DEC. It was explained that the Town would be enacting the law but the steps could not be taken to finalize it. The Town Clerk cannot file the law with the Secretary of State until a possible response from the DEC. Councilperson Trask felt that was not the correct approach. Supervisor Driscoll is in favor of its passage this evening. Councilperson Powers stated she felt it should be passed.

Supervisor Driscoll asked Atty. Hooks his opinion of the matter. Atty. Hooks felt that passing the law with the condition that it passes with the DEC, it ultimately may turn out to amend the law simultaneously at the end of the 45 days if the exemption exists, and it will need to be built back

into the law. Supervisor Driscoll stated this law was the first of its kind. The news of the Forestry Law was unknown to himself and the attorney who crafted this law until this evening. Supervisor Driscoll felt that there may be others that may come along like this. He felt that this law needed to be passed in order it to begin its work.

Atty. Hooks listed 4 options: 1: the Town passes the law with the presumption nothing changes, the exemption is built into the one section, 2: Condition subject to, 3: pass the law as is being prepared to amend it if it turns out in due course that products or logging in forestry is an exemption or in violation of this law or DEC says there are things that need to be done if the Town were to restrict logging, 4: would be to table it all together and wait. Atty. Hooks added from what he had read, the restrictions to forestry in regards in respect to Road Preservation Laws forestry cannot be singled out. Supervisor Driscoll added that the Town was not segregating or making distinctions in terms concerning forestry. The law was not impeding the activity, but the activity will take place under these conditions as long as certain thresholds are met.

Councilperson James stated she was uncomfortable and can understand what is being said, but would much rather pass the law and have it on the table rather than pick it up in a month. She would rather have the assurance that it is there to look at if necessary. She felt that there was a mechanism to pass the law though it may not be perfect.

Councilperson Powers agreed it should be passed. She felt Atty. Hooks provided the Town with options. Councilperson Trask asked Councilperson Powers what her preference was.

Councilperson Powers stated she would like to see it passed, getting it underway. If it needs to be amended, the Board would certainly work on it. Councilperson Trask added he would support the proposed Law only with the understanding that the Board will revisit the unanswered questions and that if an addendum needs to be added it be done as soon as possible. He would like to move forward immediately with a fee permit structure. Supervisor Driscoll felt the 45 day definition was helpful as well as Atty. Hooks speaking to Atty. Krogh, the author of the proposed Law and then wait for the DEC to respond was not a reason to wait enough to not vote on the proposed Law that evening. Councilperson Laughlin asked if there were neighboring towns that had a fee schedules in use that Newfield could look at. Supervisor Driscoll stated that the TCCOG had discussed the need to put together a work group to discuss fee schedules for permitting and administration work. He would discuss that with the group again at the next meeting.

Vote: AYES 5 Driscoll, Trask, James, Laughlin and Powers
 NAYE 0

Motion carried.

Supervisor Driscoll read proposed **Resolution 48-2013** as follows:

Whereas the Planning Board of the Town of Newfield was established by Local Law No. 1-2007, and

Whereas the Planning Board is comprised of five members serving staggered terms of five years or less, and

Whereas Planning Board Members Gary Goff , Randy Brown, and Gene Yaples have submitted their resignations to the Town, prior to expiration to their respected terms and

Whereas the Town Board has solicited applications for membership on the Town Planning Board from the greater community and has interviewed all interested applicants, and

Whereas the Town Board reviewed these applications and proposed appointments to fill these vacancies,

Now Pursuant to Local Law No.1 2007 §45

Therefore Be It Resolved that the Town Board hereby appoints

Tom Gerow to fill the unexpired term of Gary Goff through May 31, 2018 and to serve as the Agriculture appointment;

Jeffrey D. Golden to fill a vacancy of Randy Brown through May 31, 2017; and

Rene Borgella Jr. to fill a vacancy Gene Yaples through May 31, 2014.

Motion was made by Councilperson Powers to adopt the proposed Resolution, seconded by Councilperson Trask.

Discussion: Councilperson Trask felt all the candidates brought very interesting perspectives to the Board and talents that were well recognized. He felt the three that were decided upon will serve the Planning Board well, bringing a lot to the table and a good amount of knowledge that everyone can draw from. He felt they were good choices.

Councilperson James felt very fortunate there were five very good candidates to choose from. Supervisor Driscoll and Councilperson Powers agreed.

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

Motion carried.

Supervisor Driscoll proposed an adoption of Budget Modifications to the 2013 Budget.

Resolution No. 49-2013

Resolved that Budget Modification as specified in the document attached hereto shall be made to the 2013 Town of Newfield Budget.

November 2013 Statements		Budget Mods							
1	A1220.4	supervisor contr.	-101.99		10	DA5110.452	diesel fuel		-5874.15
		A1450.4	elections	101.99			Da5112.4	contr ex	5874.15
2	A1610.413	Office Supplies	-272.6		11	DA9040.8	Workman Comp		-4711.7
		A1610.2	software main	272.6			DA9010.8	Retirement	2294.77
							DA5130.463	Machine	2416.93
3	A1610.499	Misc. contr	-374.43						
		A1610.416	software main	374.43	12	SW1-8310.1	water PS		-1255.61
							SW1-8310.4	water con	1255.61
4	A1620.415	buildings	-32						
		A1620.45	buildings	-104.38	13	SW2-8340.1	Trans PS		-1253.41
							SW2-8340.4	trans cont	1253.41
		A1620.41	electricity	136.38					
5	A1770.41	postage machine	-1219.43		14	SS1-8110.1	PS		-313.87
		A1670.4	mailing	1219.43			SS1-8130.4	sewgae contr	313.87
6	A3620.4	Safety Insp	-77.79		15	CR7020.41	REC		-444.71
		A3310.4	traffic cont	77.79		CR7320.4	Rec Dir		-1648
						CR7320.402	Baseball		-1136.96
						CR7320.405	Cheerleading		-1843.88
7	A5132.415	garage	-110.96				CR7020.1	Dir. Of Rec	7490.48
		A5132.42	garage	-243.62					
		A5132.499	garage	-749.33					
		A5132.41	garage	1103.91					
8	A9060.8	Hos/Med Ins	-2809.5						
		A9010.8	Retirement	2809.5					
9	A1910.4	Unallocated ins.	-406.5						
		A9010.8	Retirement	406.5					

Motion was made by Councilperson Trask to adopt the modifications, seconded by Councilperson Laughlin.

Discussion:

Councilperson Laughlin noted there were several lines listed as Personal Services, she was curious as to what had happened or why. Supervisor Driscoll responded that that would be a question for Nadine and could be discussed at the Work Session.

It was decided to review items # 12, 13 and 14 with the December Financials.

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

Motion carried.

New Business

Councilperson James thanked Supervisor Driscoll. She stated that under his leadership the Board was able to implement progressive change for the Town. She stated that some of the items not mentioned were that Supervisor Driscoll helped to bring forth the Last Mile Board Band Grant, the financial internal controls that have been implemented over the last four years, a monthly audit committee and the personal policy which is almost 90% complete. She commented that despite the negative publicity that has been spoken about, nothing has gone missing. The Town is in a better financial position and the year ended on a positive note. She added there was no malfeasance and if people would like to check the 2012 audit and/or correspondence with the Tompkins County District Attorney. She hoped the Town would continue to move forward. She also mentioned goals that Supervisor Driscoll had mentioned; to form a public works committee and to look at the Town's infrastructure- sewer and water. She hoped that these could be looked into. She then thanked Supervisor Driscoll for 4 very hard but good years.

Old Business

None

Approval of November Expenses

Motion was made by Councilperson Laughlin and seconded by Councilperson James to approve the November Expenses.

ADOPTED AYES 3 Supervisor Driscoll, Councilperson Trask, Councilperson James,
NAYES 0

Vouchers were reviewed by Councilpersons Laughlin and James; the Board authorized the payments of the following amounts:

General Fund	\$34,149.84
Recreation Fund	\$876.47
Highway Fund	\$34,169.38
Street Light Fund	\$1,244.68
Sewer Fund	\$2,720.13
Water District 1 Fund	\$5,193.81
Water District 2 Fund	\$536.76
Trust and Agency	\$3,908.56

Councilperson Laughlin noted there was not documentation for mileage for the Code Enforcement Officer.

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

Motion Carried.

Work Session:

Supervisor Driscoll did not schedule as he was closing out the year. He will leave the review of the November statements to the new Board in January.

Closing Remarks from Supervisor Driscoll

Supervisor Driscoll thanked everyone for the kind remarks and encouragement he had received. He said it had been a good four years. He was very happy to have had the opportunity to have been Town Supervisor and learned a great deal in doing so. He also stated that one of his main objectives was to be sure the Comprehensive Plan was adopted. He recognized Rich Dolge adding as it would not have been possible unless Mr. Dolge had not stood up and said in order to have a Comprehensive Plan, the Town needed to have a Planning Board. He thanked Mr. Dolge for planting that seed.

At 9:05 Supervisor Driscoll adjourned the Regular Board meeting in order to move to an Executive Session to discuss a Collective Bargaining issue.

At 9:10 the Newfield Town Board moved into an Executive Session.

At 9:30 Supervisor Driscoll moved to resume to the Regular Monthly Meeting of the Newfield Town Board. Councilperson Trask then moved to adjourn.

Respectfully Submitted,

January 4, 2014

Karen Miller Kenerson
Town Clerk

