

February 9, 2017

The regular Business Meeting of the Newfield Town Board was held at the Town Hall Board Room February 9, 2017 at 7:03 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 Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers and Councilperson Mike Allinger. Also present: County Representative Dave McKenna, Atty. Smith, and 25 attendees.

Agenda Changes

Supervisor Hart asked to add an Executive Session to discuss pending litigation.

Privilege of the Floor

Gundy Lee: expressed concerns regarding the gas drilling ban petition that had been presented earlier to the Board. She asked that it not die a quiet death. Supervisor Hart responded that that topic was on the agenda on February 23.

Bob Seeley: concerned about the recent spreading of manure slurry and that it could be a developing problem.

Michelle Henry: noted there has been an increase of ecoli in the streams sampled in area where manure slurry has been spread.

Susan Crowell: questioned the gas drilling ban and if it would be a complete or partial ban and if a complete ban, would it cover everything.

Bob Babcock: commented about the manure slurry being spread in the Pony Hollow area. Mr. Babcock is concerned for the wells and smell in the area.

Michelle Henry: commented that if manure is spread within 100 feet of a well head, CSI can do water testing. A collection will need to be taken before manure is spread, and then another after manure has been spread. The sample testing would need to be at the property owner's expense.

Marie Terlizzi: commented she noticed manure had been spread on top of snow in the Pony Hollow area and felt that putting the slurry on top of the snow did not seem to be a good practice.

Lynn Watros: stated he supported the Music in Mill Park.

Superintendent Hart responded he had received several calls the past weekend regarding the manure slurry spreading. Supervisor Hart stated he had learned that every Concentrated Animal Feeding Operation (CAFO) has to have a management plan in place for their manure by a consultant or engineer and that the plan does not need to be on record with NYS DEC. The plan would include how much manure can be spread, where it can be spread and the slope of the land. Supervisor Hart also commented that there are federal controls coming: a moratorium that will address spreading manure on snow and frost covered land.

Approval of January 12, 2017 Business Meeting, January 26, 2017 Public Hearing and Board Meeting Minutes.

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Motion was made by Councilperson Laughlin to approve the January 12, 2017 Business Board Meeting Minutes, seconded by Councilperson James.

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

Carried

Motion was made by Councilperson Allinger to approve the January 26, 2017, Public Hearing and Meeting Minutes, seconded by Councilperson Powers.

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

Carried

Reports:

Highway: Highway Superintendent Kevin Berggren was absent; Councilperson Laughlin reported the 10 wheel plow truck that was allocated in the 2017 budget is ready for order with delivery in this fall. Councilperson Laughlin stated the truck would cost \$237,000.00: \$117,000.00 will be used as a deposit and \$42,000.00 would be paid annually for 3 years for the balance.

Code Enforcement: Code Enforcement Officer Alan Teeter reported on the building permits issued, that the WLB software had been updated and that he had been working on back files.

Water Sewer: Supervisor Hart stated he had spoken to Steve Maki regarding the ice and water flow/circulation in the new tank he reported everything was going well and that there had been 2 weeks without an issue.

Recreation: Recreation Director Reid Hoskins was absent.

Planning Board: Karen Trask; was not able to attend Councilperson Chris Laughlin reported the Planning Board has been working on Site Plan Review and is working with other towns on a Solar Law that would work for the Town of Newfield.

Ad Hock Park Committee: Norm Aidun reported he has been working with Senator O'Mara's office for state grants for community parks. Mr. Aidun asked for Board permission to apply for a \$50,000.00 reimbursable grant. Councilperson Laughlin voiced a concern regarding an additional grant the Town is applying for in the SAM grant program for the Main Street Bridge. Discussion ensued regarding using the donated park funds for the initial used money to be reimbursed by the grant funds. Attorney Smith will look into using contributed funds versus municipal funds for the initial outlays. This will be discussed further at the February 23, 2017 meeting.

County Legislature Representative David McKenna reported the Legislature had voted on supporting the affordable care act and maintaining what is existing until something else is put in place. Also, the Legislature voted to accept a \$36,000.00 Criminal Justice grant for police equipment. Representative McKenna also reported the approval of 5.4 million dollars for bonds for County revitalization projects.

Supervisor: Supervisor Hart reported the Board had been working on the solar concerns and that the Board was present at the IDA public hearing concerning a PILOT agreement. Supervisor Hart also commented there had been discussion with Delaware River Solar concerning site location concerns with neighboring home owners regarding one of the proposed sites. Supervisor Hart reported he had received several calls regarding the

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spreading of slurry manure in the Pony Hollow area. Supervisor Hart commented his concerns of the increased bacterial levels of the water samples taken twice after the reported spreading. Supervisor Hart referred to the aquifer study contracted with USGS and the stream water testing done by CSI that documents the Pony Hollow Aquifer and water table.

Supervisor Hart also reported of a resident who lives outside of the water district who is suffering water hardships and is seeking to get water service from the Newfield water district. Attorney Smith reviewed a recommended process of an agreement with the owner of the property who would bear the cost of connecting and maintenance of the connection to the system. Attorney Smith advised there should be a resolution entering into the agreement with written regulations with the contiguous property owner with approval by the Board. Attorney Smith also stated an approval would be required for other applicants outside of the water district requesting water service from the water district on a case by case basis. Supervisor Hart added he would like verbiage included that would state that by connecting to the water district did not guarantee being included in the existing sewer district. Attorney Smith will prepare a draft resolution for the March 9th meeting.

New Business

Michelle Menter- Music in Mill Street Park-

Ms. Menter represented a committee that is interested in bringing family friendly music and local vendors once a month to the Mill Street Park from 6 to 8:00 pm. Ms. Menter was looking for community and Board support regarding this. The Town Board supports the project.

Old Business

Discussion and action regarding Local Law No. 6 of 2017A Local Law Providing For A Moratorium On The Permitting of Solar Energy Facilities or Solar Farms For a Period of Six (6) Months

Attorney Smith suggested changes to the proposed as it is presently written. Local Law No. 2 of 2017 was amended as follows:

TOWN OF NEWFIELD Local Law No. 2 of the Year 2017

A LOCAL LAW PROVIDING FOR A MORATORIUM ON THE PERMITTING OF SOLAR ENERGY FACILITIES OR SOLAR FARMS FOR A PERIOD OF SIX (6) MONTHS

Section 1. LEGISLATIVE INTENT.

The Town of Newfield presently has no general zoning regulations or specific local laws that pertain to solar energy facilities or solar farms. The Town Board believes that the Town appears to be favorably situated for the establishment of solar farms within the boundaries of the Town.

The Town Board is concerned that present local laws may not be adequate to address any future applications for solar farms.

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The Town Board is of the opinion that, if solar farms are allowed to proceed under the current local law, the ability of the Town to plan for its orderly development and protect the public health, safety and general welfare of the Town's residents will be adversely affected. The Town Board also realizes that the Town is a rural and open community, and that solar farms are an appropriate alternate and renewable energy production source.

The Town Board finds that a moratorium should be enacted to enable the Town to investigate the appropriate regulation of solar farms.

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30) the adoption of a moratorium on land development or construction is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") which has been determined not to have a significant impact on the environment. Further, this moratorium is enacted by the Town Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

This proposed moratorium has been referred to the Tompkins County Planning Board pursuant to the New York General Municipal Law 239-m.

Section 2. MORATORIUM.

A) A moratorium on the application, including for building permits, site plan approval and/or any other permits or variances for the installation, construction, modification, alteration, approval or extension of solar farms is hereby imposed for a period of six (6) months from the effective date of this local law. During the period of such moratorium the Town, including but not limited to the building inspector or planning board shall accept no new applications for a solar farm, and shall issue no building permit or approval except on such previously filed applications described in section 2(C) below.

B) For the purposes of this Local Law, the term-solar farm is defined as follows:

SOLAR FARM – a collection of solar panels covering ¼ acre or more of land which are designated to capture sunlight and transform it into electricity. This shall include all freestanding and ground pole-mounted photovoltaic and parabolic solar installations.

C) Applications for building permits that have been submitted to the Town prior to February 9, 2017 shall be exempt from this moratorium. Any additional permits, approvals or variances required for the completion of those specific projects to which such previously

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filed building permit applications pertain shall also be exempt from this moratorium.

Section 3. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

If any owner of property within the Town of Newfield seeks relief from this moratorium to enable such owner to obtain a permit for activity otherwise prohibited under this moratorium, such owner shall make application to the Town Board. Such request shall be the subject of a public hearing before the Town Board in accordance with such procedures. It shall be within the discretion of the Town Board to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium. It shall be the burden of the applicant for such relief to demonstrate to the satisfaction of the Town Board upon competent evidence that an unjust result and extraordinary hardship will occur to the applicant, if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town.

Section 4. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 5. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law. This Local Law shall be in effect for a period of six (6) months from its effective date.

Dated: February 9, 2017

Motion was made by Councilperson Powers to adopt Local Law No. 2 of 2017, seconded by Councilperson Allinger.

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

Carried

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At 8:15 p.m., a motion was made to move into an Executive Session to discuss pending litigation.

At 8:37, the Meeting was called back to the Regular Meeting of the Newfield Town Board, moving to adjournment at 8:37 p.m.

Respectfully Submitted,

March 6, 2017

Karen Miller Kenerson
Newfield Town Clerk