

October 13, 2016

The regular Business Meeting of the Newfield Town Board was held at the Town Hall Board Room October 13, 2016 at 7:00 p.m. The meeting was called to order by Supervisor Jeffrey Hart

Present were: Supervisor Jeffrey Hart, Councilperson Joanne James, Councilperson Christine Laughlin and Councilperson Michael Allinger. Also present: Highway Superintendent Kevin Berggren, Atty. Smith, and 10 attendees.

Privilege of the Floor

Brenda Lapp: commented that she felt it should be discussed at a public hearing regarding the request to ban gas drilling in Newfield.

Marie Terlizzy: provided background information regarding the preemption statute in regards to gas drilling she felt would be helpful for the Board Members.

Approval of September 8, September 21, September 22, September 28 and October 5, 2016 Board Meeting Minutes

Motion was made by Councilperson James to approve the September 8, 2016 Board Meeting Minutes, seconded by Councilperson Allinger.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson Allinger to approve the September 21, 2016 Board Meeting Minutes, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson Laughlin to approve the September 22, 2016 Board Meeting Minutes, seconded by Councilperson Allinger.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson Allinger to approve the September 28, 2016 Board Meeting Minutes, seconded by Councilperson James.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

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Motion was made by Councilperson James to approve the October 5, 2016 Board Meeting Minutes, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Reports:

Highway: Highway Superintendent Kevin Berggren reported summer work had been completed and that he has begun working with Tompkins County Highway Department with the initial planning stages for the Main Street culvert replacement. Superintendent Berggren reported he had received interest from Tompkins County Solid Waste in coming to the Highway Barns to have a compostable food scrap pick up for the residents. Attorney Smith will look into this matter regarding this and the existing Local Law No. 1 of 2015.

Code Enforcement: Code Enforcement Officer Alan Teeter was absent. The Board reviewed his report.

Water Sewer: Highway Superintendent Berggren reported the new Van Kirk Road Water Tank had been filled and had passed its bacterial count testing and was now waiting for electrical service to be installed. There was discussion regarding properties that wished to hook on to the water district. It was decided if it was a new service; the land owner would be responsible for the cost of the installation to the main. Superintendent Berggren also commented he would like to begin bringing in stone for the proposed septic field expansion

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

Planning Board: Absent

Ad Hoc Park Committee: Norm Aidun reported that fund raising was continuing and that the committee has had the opportunity to look at a more acceptable parcel of property for the Future Park and athletic fields: a 9.8 acre parcel of the Emery Farm on Benjamin Hill Road that sits adjacent to the school property is available. Mr. Aidun stated he estimated it would take approximately between \$200,000 and \$250,000 to level the Van Kirk Road property for athletic fields and that the Benjamin Hill Road property is level. Mr. Aidun commented that a CAD program had produced a plan to include a football and baseball fields, 3 basketball courts and parking on the parcel. Mr. Aidun added that there were 2 covenants regarding the property purchase, a plaque honoring Ronald Emery and that there be no solar panels on the property. At this point a purchase offer had not been drafted or signed pending Board approval.

Motion was made by Councilperson James to approve the purchase of the Emery property of no more than \$3,000/acre, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Motion was made by Councilperson James to authorize Supervisor Hart to sign a purchase agreement for the

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Emery property, for no more than \$3,000/acre, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Councilperson Laughlin commented that the remaining VanKirk Road property could possibly be sold and the funds returned to the HUD account.

Tompkins County Legislature Report: Newfield Representative David McKenna was absent

Supervisor: Supervisor Hart thanked the Board Members for the many hours spent working on the 2017 Town Budget and staying within the tax cap. Supervisor Hart responded to comments made by Ms. Lapp and Terlizzy. Attorney Smith stated the Town could restrict what types of drilling can be regulated and also suggested the Town retain outside special council regarding this matter. Councilperson James requested again that the Town Board and Planning Board meet together. Supervisor Hart stated he had spoken to Planning Board Chair Karen Trask regarding forward movement on land use concerns and also wishing to see the report from consultant Franz Associates.

New Business

Haefle Cable

Supervisor Hart reported Jeff Golden from Haefle Cable had called him prior to the meeting. Mr. Golden stated that Haefle Cable has decided to wait to bring internet opportunities to Newfield. Presently there is a disagreement between the State and Federal grants availability and who is paying for what portion. Mr. Golden will keep the Town informed.

Discussion and action on Resolution No. 18-2016 to convene a Public Hearing on the adoption of the 2017 Town Budget.

RESOLUTION NO. 18-2016

To Convene a Public Hearing on the Adoption of the Town of Newfield 2017 Budget

WHEREAS the Newfield Town Board is currently in the process of creating a Town Budget for the year 2017 to be presented to the Town Residents for their consideration,

NOW THEREFORE BE IT RESOLVED that the Town Board does hereby call for a Public Hearing on Thursday November 10, 2016 at 6:45 p.m. on the proposed adoption of the Town of Newfield 2017 Budget, and

Resolved, further, that the Town Clerk is hereby authorized and directed to place proper notice of such public hearing in the official newspaper of the Town and to post the same in accordance with Law.

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Motion was made by Councilperson Laughlin to convene a Public Hearing for resident comment regarding the proposed 2017 Town of Newfield Budget, seconded by Councilperson Allinger.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Supervisor Hart reported that he Councilperson James and Jay Franklin met to discuss a PILOT (payment in lieu of taxes) agreement regarding the Delaware River Community Solar project. Attorney Smith will draft a PILOT agreement upon agreement of all the parties involved. Attorney Smith added he hoped to tie the SEQR in along with the PILOT

Discussion and action on Resolution No. 19-2016 for the Town Supervisor to sign a 5 year Inter-municipal Shared Services Agreement

**RESOLUTION NO. 19-2016
Inter-municipal Shared Services Agreement**

WHEREAS the Inter- municipal Shared Services Agreement expires on November 30, 2014 AND

WHEREAS the Highway Superintendent wishes to continue to participate with Tompkins County and other participating area municipalities in the 1. Renting, exchanging, borrowing, or lending of highway vehicles, machinery, tools and equipment with or without operators. 2. The maintenance of or repairs or improvements to Equipment; and 3. The provision of goods, inventory or materials and supplies.

THEREFORE BE IT RESOLVED – The Town Board approves the Town Supervisor signing the Inter-municipal Shared Services Agreement for an additional 5 years.

Motion was made by Councilperson James to approve Supervisor Hart to sign the 5 year Inter-municipal Shared Service Agreement, seconded by Councilperson Laughlin.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Discussion and action on Resolution No. 20-2016 Approval for JCAP application for the 2016-17 cycle for further improvements in the Town Courtroom

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RESOLUTION NO. 20-2016

Approval for JCAP application for the 2016-17 cycle for further improvements in the Town courtroom

WHEREAS, The Justice of the Newfield Town Court has identified the need for improved courtroom security, better record keeping through application of paperless technology, replacement of the old facilities and furnishings as well as other related improvements, and

WHEREAS, certain improvements have been made possible through a generous grant from the New York State Justice Court Assistance program, it is desired to complete planned and initiated improvements, and

WHEREAS, the further improvements have been identified by competitive estimates at a total cost of not to exceed thirty thousand dollars (\$30,000.) with no cost for this request being borne by the Town, and

WHEREAS, the Justice wishes to apply to the 2016-2017 New York State Justice Court Assistance Program for a grant to cover the cost of these improvements,

RESOLVED, that the Town approves this request and the application being made to the 2016-2017 New York State Justice Court Assistance Program.

Motion was made by Councilperson Laughlin to approve the JCAP grant application for further improvements for the Newfield Courtroom, seconded by Councilperson Allinger.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Old Business

Discussion and Action on Local Law No. 5 of the year 2016

Local Law No 5 of the year 2016

A local law to override the tax levy limit established in General Municipal Law 3-c for fiscal year 2017.

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Newfield, County of Tompkins pursuant to General Municipal Law § 3-c, and to allow the Town of Newfield, County of Tompkins to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

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Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Newfield, County of Tompkins is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Motion was made by Councilperson Laughlin to approve Local Law No. 5 of 2016, seconded by Councilperson Allinger.

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

Water Tower Update

Dan Walker reported the new water tower had passed its bacterial tests and that the new water main had been installed. Presently the project is waiting for the installation of service and a power pole by NYSEG. Discussion ensued regarding if a resident were to request a new connection to the water district, the customer would be responsibility of the customer.

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Supervisor Hart requested an engineering design quote regarding the expansion of the Town’s leach field from Mr. Walker.

Gene VanZile asked about the Veterans Memorial. Councilperson Laughlin commented that she, Councilperson Allinger, Roy Trask and Glen Caslick had met recently. Initially, the memorial for the WW1 and 2 Veterans will be the focus.

Approval of the Payment of the October Bills

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

General Fund	\$23,639.62
Recreation Fund	\$3,391.48
Highway Fund	\$109,510.32
Fire District	\$90,583.25
Street light Fund	\$2,509.97
Sewer Fund	\$929.73
Water District 1 Fund	\$5,379.21
Water District 2 Fund	\$2,565.86
Trust and Agency	\$4,003.57
Capital Fund #2	\$2,731.00

Vouchers were audited by Councilpersons Allinger and James

Vote	AYES	4	Hart, James, Laughlin and Allinger
	NAY	0	
	ABSENT	1	Powers

Carried

At 8:14 p.m., a motion was made by Councilperson Allinger to adjourn, seconded by Councilperson James.

Respectfully Submitted,

October 26, 2016

Karen Miller Kenerson
Newfield Town Clerk

