

Town of Newfield Regular Board Meeting Minutes
November 8, 2012

The regular meeting of the Newfield Town Board was called to order at 7:30 PM November 8, 2012 by Supervisor Driscoll. Present were: Councilperson Trask, Councilperson James, Councilperson Laughlin, Councilperson Powers, and Supervisor Driscoll. Also present were: Highway Superintendent: Kevin Berggren, Recreation Director: Dustin James, Code Enforcement: Harry Wright, Tompkins County Legislature: David McKenna and Town Atty. Ed Hooks.

Opening Privilege of the Floor:

Rebecca Riberio: read a letter from the Tompkins County Environmental Council, concerning the proposed garbage transfer station. She highlighted concerns of the shallow wells on the surrounding properties, concerns for Robert Treman State Park regarding runoff into the swimming water, traffic and road conditions. She also mentioned of interest when the initial meeting happened in May it was said the transfer station was proposed to be there for five years. In the most recent documents that have been seen it is up to twenty years. She feels in twenty years the wells in the vicinity will be more at risk.

Jeff and Sue Golden: spoke of how they had attended work sessions so they could understand what the Board does, to see how diligent each line item is reviewed, and witness the care that went in to it. They applauded the Board for it. This year they realized that all will have to lean their budgets, and for the Town, road work and repair will be one of them. They asked the Town Board for a moratorium concerning the proposed garbage transfer station until further study or a ban put into effect. The roads attaching the facility and other adjacent town roads cannot handle the loads of the anticipated facility as it is designed. Detailed studies have shown waste water runoff generated cannot be controlled as detailed in the report that was attached to the DEC application. They feel the facility is a threat to the community, as well as surrounding communities. This threat includes streams leading to Cayuga Lake.

Gene VanZile: asked the Board for a three year moratorium or a complete ban of the proposed garbage transfer station. He asked if a qualified engineer had been sent to speak to the Board or members of the neighborhood or if any mail had been received from an engineer with his stamp on it. He asked if anyone had tested the well on the proposed garbage transfer station. He wondered if an engineer or the fire company had checked or taken soundings or measure the depth. Mr. VanZile asked about the noise. He stated that Mr. Mente had a berm of dirt and pine trees planted He did not think that the pine trees would stop the noise. Mr. VanZile asked if a certified engineer had come in look at the roads and reported to the Board or the Highway Superintendent.

Bob Mente: told the Board a bit about AWS. Presently AWS employs four full time and two part time staff in which two of the full time staff were unemployed at time of hire. His employees as

well as he, take great pride in their company and community. They strive to provide the best customer service possible in order to make this a great place to live and work. His drivers take great pride and care in maneuvering and handling the trucks on the city streets as well as residential neighborhoods. He cited with today's distractions, distracted drivers and environmental hazards it is a demanding job. To say the roads in his neighborhood cannot withstand the small amount of added traffic that AWS is proposing with a transfer station will produce is minute, considering that the roads have handled constant truck traffic for past 15 to 20 years. In the past 20 years, there have been no incidents to his knowledge with pedestrians, school buses or motor vehicles caused by large trucks in his neighborhood. The community and neighborhood have adapted to the increase of traffic and population as well as the increase of large truck traffic throughout the years. He cited that many of the roads are in need of repair. He feels that most of the repairs needed are due to lack of funds and attention that increased traffic has caused over the long period of time, not due to one person or one company. He asked the Board not to consider a moratorium and to allow the locally owned business to operate and expand. He feels the Board has heard a lot of negativity. He asked if the Board would like to hear any positive response from neighbors and Alternative Waste customers, he would be happy to have them attend the next Board Meeting.

Brenda Lapp: commented on Mr. Mente's references concerning truck traffic in their neighborhood. She referred to Mr. Mente's proposal as having approximately 30 garbage truck and 7 tractor trailer trips a day 5 days a week and then half that amount on Saturdays. She also asked the Board for a Moratorium that would extend until the USGS water survey of that area is complete.

Agenda Changes

Supervisor Driscoll asked to add a resolution to appoint Amy Jacot as Newfield's representative to the Tompkins County Youth Advisory Board. He also asked to add, as request from the Town Attorney an Executive Session concerning a matter of potential litigation. He also asked to change the work session from Thursday November 29th. to Wednesday November 28th. at 6:30 PM at Town Hall. All approved.

Adoption of the Previous Meeting Minutes:

Motion was made by Councilperson Powers to approve Regular Board Minutes of the October 11, 2012 meeting. Motion was seconded by Councilperson Trask. All approved.

Correspondence: none

Reports:

Recreation: Recreation Director Dustin James reported that youth basketball will begin Saturday November 17th. He has had a coaches meeting and they are now working on a thorough program

outline with step by step goals to help improve the basketball program. He has also been using the Town website for online calendar that parents can access from the website. He spoke of the positive attributes the Tompkins County Youth Recreation Partnership has for the youth of Newfield and hoped the Board passed the proposed resolution to renew the contract with the Tompkins County Youth Recreation 2013-2017 that is on the agenda.

He reported that the basketball numbers are coming in a little slow but he thinks that the number will be where they should be. The Cheer numbers are good as well as the Ski program.

Code Enforcement: Code Officer Harry Wright reported on open cases on Millard Hill Road and Shelter Valley Road. He also reported that since last month, 15 building permits had been issued.

Highway- Highway Superintendent Kevin Berggren reported that the Highway crew had been trimming back trees, ditching, cutting shoulders, getting the trucks ready for winter, hauling in sand, and helping the Town of Ithaca Highway Department.

Tompkins County Legislature: County Board Representative David McKenna reported that the County tax budget has been decided by the Legislature and up for public hearing Tuesday, November 13th at 7:00PM. He said the total was 43,813,716.00, which is 3.77% tax increase in the levy which is ¼% over mandated costs. The budget will voted on November 27th. The Human Service Annex is on schedule and the County Office of the Aging should be moving in the end of December or the beginning of January. The Legislature Chambers may not be done until March of 2013. A resident asked if any word had come down on the High Speed Broadband Grant yet. He said that the results would not be out until the end of November or early December. Councilperson Trask asked what the County tax cap was; Mr. McKenna responded that he was not sure, as it was a moving figure because of the way it is figured. He told the Board when he had it he would be sure to let them know.

New Business:

Supervisor Driscoll asked for a motion to entertain the proposed local law to permit an override vote of the New York State Tax Cap Law: Local Law No. 2-2012.

Motion was made by Councilperson James to entertain Local Law No. 2-2012. Councilperson Powers seconded the motion.

Local Law No. 2 of the year 2012

Town of Newfield, County of Tompkins

A local law to override the tax levy limit established in General Municipal Law 3-c for fiscal year 2013.

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 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

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 2013 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.

Councilperson Trask stated he understands everyone point and principal of being worried on doing the calculation wrong. He does not feel they did it wrong, but if it is, he does not feel it is by much, and there would be enough in the budget to cover a mistake if there were one. He would like the State to provide the Town with better information in the calculations of the Tax Cap. Councilperson Laughlin agreed with Councilperson Trask. She stated that the Board worked hard to get it to the cap and believes it is right. Councilperson Trask added that if the calculation is not right, he thinks that maybe the Board should rethink how they do the calculation or have someone who is more versed making the calculation and doing it correctly.

Councilperson James added that she would hate to see the Town inadvertently make a mistake and have the State come in next year, or the year after and do an audit, and have to take away from some of the services that they are trying to provide for in the budget.

Supervisor Driscoll gave a brief comment of what had happened the last 2 years with respect to the community and state wide discussion about the Tax Cap. It is not a 2% tax cap, but rather a tax cap based on a formula.

Vote: Councilperson Trask: NAYE, Councilperson James: AYE, Councilperson Laughlin: NAYE, Councilperson Powers: AYE, Supervisor Driscoll: AYE. Motion passed.

Supervisor Driscoll proposed Resolution **41-2012** the Town of Newfield 2013 budget. Motion was made by Councilperson Laughlin to adopt the Town of Newfield 2013 Budget. Councilperson James seconded the motion.

Councilperson James noted that the budget was put in place with the tax cap calculation. The budget was not exceeding the tax cap as far as the Board knows. Councilperson Trask added that the figures were arrived by over several sessions. The Board forged its way through the budget and come up with a result to satisfy everyone. He feels it is a satisfactory budget that will be reliable. Some areas were increased and some were decreased. There were some realistic approaches made to the Justices and the Court Clerks, there were needed increases made. There was a need made for a full time bookkeeper. It was discovered that over the past year the Town was not able to sustain a part time position, there is just too much work there. He told of the restored money to the Newfield Public Library, and the Senior Citizens funding. He commented on how the tax cap makes it difficult for a town to operate within the limits. He feels the tax cap will eat up any opportunity for tax increases and, in the future, revenues or increased fees will be needed in order to continue some of the services offered.

Robert Mente of Alternative Waste Service offered the Town free waste service for the Highway, Water/Sewer Department and Town Hall as a way to help conserve funds.

Vote: Councilperson Trask: AYE, Councilperson James: AYE, Councilperson Laughlin: AYE, Councilperson Powers: AYE, Supervisor Driscoll: Motion passed.

Supervisor Driscoll read proposed Resolution No. 42-2012 as follows:

RESOLUTION No. 42-2012

Adoption of the 2013-2017 Intermunicipal Recreation Partnership Agreement:

WHEREAS, the Town of Newfield is currently a member of the Intermunicipal Recreation Partnership by agreement dated August 21, 2007, with an original 5 year term expiring December 31, 2012; and

WHEREAS, the Recreation Partnership has been an excellent and cost efficient model of intermunicipal collaboration which enables municipalities to jointly plan, finance, and share a diverse set of high quality recreation programs; and

WHEREAS, the Intermunicipal Recreation Partnership agreement by its own terms may be renewed for an additional five years by appropriate resolutions by each of the municipal partners on or before December 31, 2012; and

WHEREAS, any municipality may withdraw from the Intermunicipal Recreation Partnership agreement upon a full calendar year's notice.

Now therefore be it

RESOLVED, that Town of Newfield agrees to renew the August 21, 2007 Intermunicipal Recreation Partnership agreement for an additional 5 years, expiring December 31, 2017 and further

RESOLVED, that a copy of this resolution be sent to the Recreation Partnership Board care of Tompkins County Youth Services Department at 320 W. State/MLK Jr. Street, Ithaca, NY 14850.

Vote: Councilperson Trask: AYE, Councilperson James: AYE, Councilperson Laughlin: AYE, Councilperson Powers: AYE, Supervisor Driscoll: AYE.

Motion passed.

A motion was made by Councilperson Laughlin to appoint Amy Jacot as Newfield's representative to the Tompkins County Youth Services Board. Councilperson James seconded the motion.

Vote: Councilperson Trask: AYE, Councilperson James: AYE, Councilperson Laughlin: AYE Councilperson Powers, Supervisor Driscoll: AYE.

Motion passed.

OLD BUSINESS

Councilperson Laughlin asked if the 2011 AUD report had been filed yet. Supervisor Driscoll said it had not been yet.

It was also asked if the CDR project had been completed in the Court. Supervisor Driscoll said he would check with the Justices and let the Board know.

October 2012 Expenses:

Motion was made by Councilperson Powers to approve the October 2012 monthly expenses.

Motion was seconded by Councilperson Laughlin.

General Fund Totaling	\$62,985.38
Recreation Fund Totaling	\$ 2,702.74
Highway Fund Totaling	\$56,269.12
Streetlight Fund Totaling	\$ 1 293.14
Sewer Fund Totaling	\$293.49
Water District 1 Fund Totaling	\$2,986.24
Water District 2 Totaling	\$ 371.43
Trust and Agency	\$1,886.50
Motion carried.	

Closing Privilege of the Floor

Rebeca Riero thanked the Board for their time and effort put into the 2013 budget.

Gene VanZile: asked if the Mente proposal would be a conflict of interest.

Supervisor Driscoll reminded everyone that the work session on Wednesday November 27th at 6:30PM at Town Hall.

At 8:20PM Supervisor Driscoll recessed the meeting for 10 minutes and then would reconvene to Executive Session.

At 8:30PM Supervisor Driscoll moved the Newfield Town Board Meeting into an Executive Session for discussion of a matter of potential litigation.

At 9:00PM the Board reconvened to the regular Board Meeting. Council Person Trask made motion to adjourn the meeting

Respectfully Submitted

November 20, 2012

Date

Karen Miller Kenerson
Town Clerk