

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room March 19, 2014 at 7:00 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 Roy Trask, Councilperson Joanne James, Councilperson Christine Laughlin and Councilperson Casey Powers. Also present: Highway Superintendent Kevin Berggren, Justice Payne and Atty. Hooks and 18 attendees.

Privilege of the Floor

Anthony Russo: tendered his letter of resignation as a member of the Planning Board. Included was a manifesto of his concerns for the future of the Newfield Planning Board.

Gene VanZile: stated he had met with a retired engineer who had consulted/ worked with the Division of Soil and Water. Mr. VanZile explained his concerns about the proposed transfer station to the engineer. Mr. VanZile reported these facts from the engineer: there are 23 wells near the proposed property, 9 wells are within a few hundred feet of the proposed transfer station and 14 are within a half mile or less. All are at a lower elevation than the proposed transfer station and prone to pollutants. The USGS stated that the area is prone to contaminates and is in a basin from a large runoff area. The USGS also felt there should not be any type of construction that would cause pollution. He also added there were three interment streams in the area, two borders the property of the proposed transfer station and one flows through it. Mr. VanZile feels that the later stream's flow has been illegally obstructed to neighboring properties by two ponds that have been built that the interment stream flows through. Mr. VanZile said that the engineer he consulted with stated that this was a violation of a federal law which he would pursue. Mr. VanZile also reported from the engineer that there are at least two wet areas that feed into large trout streams and then flow into Robert H. Treman State Park. Mr. VanZile added that pollutants are always prevalent where there is garbage. Mr. VanZile also commented on his feelings concerning inspection practices at transfer stations. Mr. VanZile also commented he felt it was unlawful for the vehicle engine coolants to reach the soil where it could be flushed to other areas. Mr. VanZile stated he felt the Town of Newfield has the legal authority to say "no" to the proposed transfer station, the Town Board can say "no" as well or be held liable for any damages that may incur.

Dan Pakkala: requested that the work session date be posted on the monthly meeting agenda. Mr. Pakkala also asked how many Board Meetings would be changed in the future due to another commitment by the Supervisor.

Brenda Lapp: asked at the February public Board Meeting to have the Board contact the USGS about getting a one to two page report regarding the unconfined aquifer where the proposed

transfer station property is and then send it to the DEC. Supervisor Hart responded that had not been done. Ms. Lapp would like to add to her requested materials to the DEC the following; a disc that contains photographs and videos. The videos show an engine compartment open, being washed over the open ground. She feels there is high probability of Mr. Mente contaminating the water. The disc also contains a pdf file of a blog post where Mr. Mente states he washes his trucks weekly. Ms. Lapp also commented to Councilperson Trask and Councilperson Laughlin about issues she feels are conflicts of interest. Ms. Lapp also asked Supervisor Hart where the Town Credit Card resided. Ms. Lapp also stated she would FOIL the Town concerning the third use of the Town Credit Card by the prior Town Supervisor.

Becca Harber: commented that the Town of Danby has computers in their Town Hall for resident use. She asked if the Town of Newfield would be open to this idea for its residents.

Approval of February 13, 2014 Board Minutes

Motion was made by Councilperson Powers to approve the February 13,2014 Board Meeting Minutes, seconded by Councilperson Laughlin.

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

Carried

Correspondence:

Supervisor Hart read a letter from Chrys Gardener from the Tompkins County Cooperative Extension concerning grants available for beautification efforts in the Town.

Reports:

Highway: Highway Superintendent Kevin Berggren reported there had been ice and water issues. He asked for another point of access to the water tower from Taber Road to be considered in the future. Mr. Berggren reported the Town received 150 ton of table salt from Cargil at no charge.

He reported that the Highway Department had purchased several items from the Federal Surplus Program saving the Town many thousands of dollars. Supervisor Hart asked Mr. Berggren to explain to the Board what his plans were with the money set aside to purchase the new truck. Mr. Berggren explained that he's looking at purchasing a truck from the Federal Surplus Program then converting it to a plow truck. This could be a large cost saving to the Town. Supervisor Hart explained that the Bond process had begun for the purchase of a new plow truck but at Mr. Berggren's request, the Town is holding off while Mr. Berggren investigates the above option.

Code Enforcement: Code Enforcement Officer Harry Wright was not present however he had emailed a report to Supervisor Hart who then read said report.

Water Sewer: Water Sewer Manager Robb Brewer was not present; he submitted a report to the Supervisor and Board.

Recreation: Recreation Director Reid Hoskins was not present and had also submitted a report to the Supervisor and Board.

Tompkins County Legislature Report: Newfield Representative David McKenna was absent.

Supervisor: Supervisor Hart thanked the Board Members for allowing the meeting date change. Supervisor Hart reported he had been working with Unified Court System concerning the Justice requirements and dates for training. Supervisor Hart also commented that the USGS would be playing an important role in the month of April as a lot of the projects get started.

New Business

-Bill Foster of the Cayuga Floating Class Room: Mr. Foster was absent

-Marie Terlizzi: of the Newfield Village Cemetery Advisory Committee came to the Town Board with its preliminary plan, which included a request for some kind of formal recognition/authority to manage the cemetery, and a request to proceed with initial work on the Norway spruces trees. She also listed the key goals and action steps in a Master Plan for the Newfield Village Cemetery on Bank Street. Supervisor Hart asked Atty. Hooks how the funds stipulated in the designated Cemetery Account could be accessed. Councilperson James commented that she would not like any actions be to taken until the Advisory Committee was recognized by the Town. Atty. Hooks brought up several points he would look into.

-Discussion and Approval of Resolution 10-2014; Approving lease of property on Van Kirk Road to Thor Oeschner for farming purposes. Atty. Hooks felt that an Environmental Assessment Short Form needed to be on file. Councilperson Trask read proposed Resolution No. 10-2014 as follow:

RESOLUTION No. 10-2014

WHEREAS, the Town of Newfield is authorized, pursuant to Section 64(2) of the Town Law, to lease property it owns, and

WHEREAS, the Town Board desires to lease certain vacant property it owns on Van Kirk Road ("Former Van Kirk Property"), and

WHEREAS, a Newfield resident, Thor Oeschner has expressed interest in leasing the Van Kirk property, and the town is amiable to leasing this property to Mr. Oeschner, it is hereby resolved as follows:

1. The Board approves a written lease to Mr. Oeschner in the form annexed hereto, at a rate of \$30.00 per acre per year which rate the Board finds is reasonable.

2. The lease term shall be April 1, 2014 to Dec. 31, 2014 with a total lease payment of \$330.00.

3. The Board hereby agrees to lease the property, subject to a permissive referendum pursuant to Section 90 of the Town Law.

Motion was made by Councilperson Powers to approve Resolution No. 10-2014, seconded by Councilperson Laughlin.

Discussion: It was decided to change the lease ending date to December 31, 2014. Supervisor Hart read the Permissive Referendum legal to be placed in the Ithaca Journal. A copy of the lease will be available for view in the Town Hall.

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

Carried

-Discussion and approval of the 2012 and 2013 Audits for Town Justice Payne's Court.

Supervisor Hart thanked Nadine Bennett (Town of Newfield Bookkeeper.)

Motion was made by Councilperson Trask to approve the audit of Justice Payne's Court for the year 2012, seconded by Councilperson James.

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

Carried

Motion was made by Councilperson James to approve the audit of Justice Payne's Court for the year 2013, seconded by Councilperson Trask.

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

Carried

-Discussion and Approval for Town Supervisor to sign the Agreement between the Town of Newfield and Gadabout Transportation Services.

Supervisor Hart reminded the Board and Audience tis item was on the Agenda for 2013 and Gadabout had not gotten the contract to the Town to be signed.

Motion was made by Councilperson Laughlin to approve the Supervisor to sign the contract with Gadabout Transportation Services, seconded by Councilperson Powers.

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

Carried

-Discussion and Approval for the Supervisor to sign the “In Lieu of Taxes” Agreement Between the Town of Newfield and Better Housing for Tompkins County, Inc.

Supervisor Hart explained that this was discussed at the February Board Meeting, the Town was waiting for the document to be signed and returned.

Motion was made by Councilperson James to approve the Supervisor to sign the agreement with Better Housing of Tompkins County, seconded by Councilperson Powers.

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

Carried

-Discussion and Approval of decision to either appoint a Town Justice to replace vacant seat or wait until November election.

Supervisor Hart explained that a decision needed to be made concerning this issue as the New York State Justice Training School would begin on March 31st. Supervisor Hart spoke with the Uniformed Court System with concerns that were voiced at the previous work session.

Supervisor Hart feels that the Newfield Town Court is better having 2 justices. Councilperson Laughlin wants what is best for the Town and the Town Court System. Councilperson James felt that Justice Payne’s preference of one working Justice during the interim period should be respected. Atty. Hooks commented that there are time sensitive activities that need to be adhered to. Councilperson Laughlin did not doubt Justice Payne’s ability, but feels the Town should be prepared and have a justice trained. Councilperson Laughlin added the work load will continue to grow and it would be 9 months until another Justice would be working. Supervisor Hart commented that if it were September, it would be an easy decision to only have one working justice. Supervisor Hart affirmed his respect of job Justice Payne’s is doing, but the case load indicates there is a need for an additional justice. Councilperson Powers also commented on her respect for Justice Payne. She also supported Justice Payne’s recommendation for one working Justice. Councilperson Trask commented that he had several conversations with Justice Payne and the Board. He asked for a definition of “temporary” in this situation. Supervisor Hart responded from his conversation with the Unified Court System, that each request is handled individually and there was not a clear answer. Councilperson Trask had no doubt that Justice Payne could handle the Court in the interim. He felt that it would depend on who the Board chose to appoint, their abilities to go through the Justice Training School, and how that individual would move forward. Councilperson Trask felt it was best for the Town to move forward and look to appoint a second Justice. Supervisor Hart announced that interviews would be held Wednesday, March 26th, and a special Board Meeting to be held the same date at 7:30 to announce its decision. Atty. Hooks commented that according to Town Law Section 20, two justices are required for our population. Councilperson Laughlin commented the Town of

Enfield voted on a referendum to reduce to one Justice. She felt this may be a good test to find out if the Town may want to go to one Justice.

Motion was made by Councilperson Trask to move forward with the appointment of a second Town Justice, seconded by Councilperson Laughlin.

Vote	AYES	3	Hart, James and Laughlin
	NAY	2	James and Powers

Carried

-Discussion and approval for the Town Supervisor to sign the Agreement between Tompkins County Water & Soil and the Town of Newfield.

Supervisor Hart explained that this item had been mentioned at the February meeting, and that the Town was waiting for the signed contract to be returned to the Town. Motion was made by Councilperson Powers to approve the Supervisor to sign the agreement with Tompkins County Soil & Water, seconded by Councilperson James.

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

Carried

Max Carter gave Board Members a report of his Eagle Scout Project.

Motion was made to support this Eagle Scout Project by Councilperson Powers, seconded by Councilperson James.

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

Carried

Old Business

Supervisor Hart read a request from the Collective Bargaining Unit to meet with Chuck Campbell to discuss and review health insurance benefits. Supervisor Hart commented that Mr. Campbell represented Finger Lakes Insurance previously used by the Town.

Update on the US Geological Survey Aquifer Drilling: Supervisor Hart stated that the Town had been in contact with the USGS. The USGS has been meeting with potential drillers to look at sites. Supervisor Hart reported that Highway Superintendent Berggren was investigating the possibility of the sites on being on Town property. Superintendent Berggren asked if a well could be drilled in a Town Right of Way. Supervisor Hart reviewed what the State requirements were for drilling in the State Right of Ways.

Approval of the Payment of the March 2014 Bills

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

General Fund	\$32,364.81
Recreation Fund	\$4,995.39
Highway Fund	\$ 51,772.45
Fire District	\$177,614.00
Street light Fund	\$1,567.18
Sewer Fund	\$638.92
Water District 1 Fund	\$8,897.67
Water District 2 Fund	\$2,003.51
Trust and Agency	\$4,508.26

Vouchers were audited by Councilpersons Laughlin and Powers.

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

Carried

Supervisor Hart commented about the Floating Classroom. He will call Mr. Foster to invite him to speak at the April Board Meeting.

At 8:30 p.m., a motion was made to move into an Executive Session to discuss a Collective Bargaining Concern.

At 9:12, the Meeting was called back to the Regular Meeting of the Newfield Town Board, moving to adjournment at 9:12 p.m.

Notes were taken by Linda Smith, Deputy Town Clerk, and executed by Karen Miller Kenerson, Town Clerk.

Respectfully Submitted,

April 8, 2014

Karen Miller Kenerson
Newfield Town Clerk

