

July 10, 2014

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room July 10, 2014 at 7:30 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 and Councilperson Casey Powers. Also present: Highway Superintendent Kevin Berggren, Water/Sewer Manager: Rob Brewer, Code Enforcement Officer: Harry Wright, County Representative: Dave McKenna, Atty. Hooks, and 50 attendees. Absent: Councilperson Laughlin.

Privilege of the Floor

Rebecca Riberio: asked about the progress of the high speed internet.

Amy Heffron: suggested to eliminate the Planning Board.

Mike McLaughlin: spoke on the issue of “fracking”. Mr. McLaughlin commented that New York State owns the right to issue drilling permits. Mr. McLaughlin felt that the drinking water in Newfield is at more risk from hazardous waste from Rt. 13 than anything that had been previously discussed. Mr. McLaughlin commented that a lot of the comments made this evening had to deal with land use. He felt that if the Town residents wanted to protect Newfield with land use/zoning rights, it should be pursued or put it to rest rather than micromanage these issues.

Linda Calahan: commented that she did not feel the Town should not be bound by the past, but should look forward to the future and be proactive.

Brenda Lapp: would like to see the Personnel Policy and Code of Ethics completed. She also stated she supports the Planning Board.

Becca Haber: commented that the highest Court in New York State upheld the right to ban gas development. She would like an extension on gas development moratorium. Ms. Haber also encouraged people to attend the Solar Tompkins gathering on July 17th at the Newfield Fire Hall.

Randy Brown: commented on his support of the Newfield Planning Board and asked the current Town Board member to continue to support the Newfield Planning Board.

Jeff Golden: spoke on behalf the Planning Board as a newer member; he added that the Newfield Planning Board was there to do good things for the community. Mr. Golden thanked the Board for having the Planning Board referred to make recommendations concerning Local Law No. 2 of 2014. Mr. Golden commented that he has been asked not to have an opinion on this issue. Mr. Golden feels he is open minded, as he has not spoken against Mr. Mente’s garbage business, only the proposed waste transfer station.

Gene VanZile: commented on the sacrifice some gave in order for those present to have the freedoms we have today.

Marie Terlizzi: commented on the expiration of the gas drilling moratorium.

Dan Pakkala: commented that he supports an extension of the Moratorium concerning gas drilling.

Amy Heffron: commented on the hypocrisy she felt being voiced by some concerning land use and personal relationships.

Brenda Lapp: responded to the above comment.

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Supervisor Hart spoke of the passing of Tony Petito. Mr. Petito was a long time Junk Code Enforcement Office. Supervisor Hart, Newfield Town Board Members and Attorney Hooks spoke of their memories of good works Mr. Petito did for the Town of Newfield.

Max Carter presented his Eagle Scout project summary: Locating Natural Vernal Pools in Newfield N.Y. to the Board.

Approval of June 12, 2014 Board Minutes

Motion was made by Councilperson James to approve the June 12, 2014 Board Meeting Minutes, seconded by Councilperson Powers.

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

Carried

Correspondence:

Councilperson Trask read letters concerning the proposed extension of the Moratorium on the construction and operation of commercial solid waste management facilities from: Hillary Lambert, Jefner Allen, Dawn and Roger King, Shaun Brown and Jamie Haptak all supporting an extension and or ban of the proposed waste transfer station.

Reports:

Cemetery Committee: Marie Terlizzie reported that the next project would be to map the Newfield Bank Street Cemetery.

Planning Board: Nancy Dolge reported that the Planning Board was moving forward with the action steps concerning land use strategies and communicating with service organizations in Newfield.

Highway: Highway Superintendent Kevin Berggren stated that Smith Road's base and shoulders were done. They will begin to stone and oil Smith and Protts Hill Road. The Highway Department was also cleaning up storm damage as well.

Code Enforcement: Code Enforcement Officer Harry Wright reported on environmental issues Millard Hill Road, Crestview Lane, Shaffer Road and Butternut Lane. Councilperson James asked about an issue on Sebring Road. Mr. Wright explained the situation and Highway Superintendent Berggren also commented on the situation. Mr. Wright said that DEC had issued a stop work order.

Water Sewer: Water Sewer Manager Robb Brewer reported that well #3 in the Pine Circle area is no longer in use.

Recreation: Recreation Director Reid Hoskins submitted a written report to Supervisor Hart.

Tompkins County Legislature Report: Newfield Representative David McKenna reported that the old Biggs building was for sale. He also commented that an application to apply for New York State Assistance Funding for a farmland protection easement at Mazourek Farms had been approved.

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Supervisor: Supervisor Hart reported that he approved the webmaster to purchase a virus protection package, as the town website had been attacked. He also reported that the Town Board had toured the Casella Waste Transfer Station. Supervisor Hart also met with Tompkins County Youth Services to discuss the possibility of bringing back Tompkins County Youth Services to Newfield youth. The Supervisor's assistant's training with the payroll has been going well. Supervisor Hart said he had spoken to Recreation Director Hoskins about possibly bringing back the Recreation Advisory Committee. Their purpose would be to look into fundraising for the Recreation Department. He added this would possibly be only a quarterly meeting. Supervisor Hart reported that the department heads had received their budget request forms and has asked to have them returned by July 15th.

Supervisor Hart also reported that the Town Board members and department heads have received the June 2014 accounting statements and bank reconciliations.

New Business

Discussion and approval of Local Law #2 of the year 2014

Atty. Hooks commented that the proposed Moratorium the Board is being asked to consider is not a yea or nay of a transfer station being approved. It is designed for the Town Board and Planning Board to work in concert together as an opportunity to study this and then determine whether or not there should be land use controls, that would then govern waste transfer station locations within the Town of Newfield. If so, under what conditions would they be allowed? These recommendations could come from the Planning Board and determined by the Town Board. He added that this vote is not to permanently allow or disallow a waste transfer Station on Bishop Road or any place else in the Town of Newfield.

Supervisor Hart read proposed Local Law No. 2 of the Year 2014 as follows:

LOCAL LAW #2 OF THE YEAR 2014

A LOCAL LAW PROVIDING FOR AN EXTENSION OF MORATORIUM ON THE CONSTRUCTION AND OPERATION OF COMMERCIAL SOLID WASTE MANAGEMENT FACILITIES AND AMENDING THE SAME

BE IT enacted by the Town Board of the Town of Newfield as follows:

Section 1. Title. This Local Law shall amend as hereinafter provided Local Law #1 of the year 2013 Providing for a Moratorium on the Construction and Operation of Commercial Solid Waste Management Facilities (herein "Local Law #1 for the year 2013").

Section 2. Purpose:

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The purpose of this Local Law is to amend and thereby extend Local Law #1 of the year 2013 so as to enable the Town Board to continue its review and consideration of issues involved with the construction, placement, erection, enlargement, installation and operation of commercial solid waste management facilities within Town limits.

Section 3. Findings. This Local Law is being proposed for the reasons cited in Local Law #1 for the year 2013 and also in order to allow the Town's Planning Board adequate opportunity to consider, report about, and make recommendations, if any, pertaining to the construction, placement, erection, enlargement, installation and operation of waste transfer stations within the Town.

Section 4. Definitions. The definitions contained in Section 4 of Local Law #1 are hereby incorporated by this reference.

Section 5. Prohibition of Solid Waste Management Facilities. Section 5 of Local Law #1 for the year 2013 is amended to provide that for a period of nine (9) months from the date of enactment of this Local Law, no solid waste management facility shall be constructed, placed, erected, established, enlarged or permitted in the Town of Newfield.

Section 6. Implementation of Prohibition. Section 6 of Local Law #1 for the year 2013 is amended to provide that for a period of nine (9) months for the enactment of this Local Law:

(a) No Town official shall accept for filing any application for the construction, placement, erection, enlargement, establishment or installation of any solid waste management facilities.

(b) The Code Enforcement Officer shall not issue any building or other permit for any construction that is related to, or would result in the construction, placement, erection, enlargement, establishment or installation of solid waste management facility.

Section 7. Exceptions, Penalties, Severability: Sections 7, 8 and 10 of Local Law #1 of the year 2013 shall continue in effect and hereby are incorporated by this reference.

Section 9. Term. This Local Law shall be in effect for nine (9) months from its effective date; provided, however, that the penalties section shall remain in full force and effect after such period for the purpose of prosecuting any violation which occurred during such a period.

Section 10. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Motion was made by Councilperson James to approve **LOCAL LAW #2 OF THE YEAR 2014,**

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seconded by Councilperson Powers.

Discussion: Councilperson James commented this had been a volatile issue. While she respects the way Mr. Mente runs his garbage business, she felt a garbage trucking business is not the same as a waste transfer station. She had potential concerns to be addressed: smell, noise, birds, and rodents. She felt there would be a significant impact to the environment and the quality of life in the area.

Councilperson Powers, agreed with Councilperson James comments concerning Mr. Mente's business. She also has concerns for the residents of the community and the impact a business of that size would have, along with the constant noise. Councilperson Powers also has concerns for the environment and that the Town not add to the water problems that exist in our country. She feels the Town needs to wait and check this out more.

Councilperson Trask thanked Linda Callahan for coming to the Town meetings and reading the commentary the Town had sent to the DEC. He felt it should bring to light what the Board really thinks and feels concerning this issue. He commented that the Board spent a lot of time putting the document together and did not take the topic lightly. Councilperson Trask stated he has been very frustrated by the lack of response from the DEC. He also agreed with Councilpersons James and Powers that Mr. Mente runs an impeccable garbage business on his property. He has concerns involving the roads, lack of infrastructure, noise and potential pollution. He felt time was needed to work on it. He stated the Board was working hard at it to make it right. Supervisor Hart commented on how well the Board could disagree and yet respect one another's opinion. He also agreed how nice Mr. Mente's current business looks. While some of his concerns were answered at the Casella tour concerning contamination control, he still has road traffic concerns. Supervisor Hart commented while there is a Road Perseveration Law, a fee structure had never been passed for it. He said steps had been made and he wished they could be made faster in order to come to a conclusion. A big hurdle has been waiting to hear from the DEC. So far there has not been a response. He asked for patience from the community so that the Board could do it as best they can.

Supervisor Hart then called for a vote:

Vote	AYES	4	Hart, Trask, James, and Powers
	NOES	0	
	ABSENT	1	Laughlin

Carried

Motion to Approve the Road Preservation Permit Fee:

Supervisor Hart made a motion to table this until the August meeting, seconded by Councilperson Powers

Vote	AYES	5	Hart, Trask, James, and Powers
	NOES	0	
	ABSENT	1	Laughlin

Carried

Discussion and Approval of Resolution No. 16-2014: support to Mazourek Farms

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Supervisor Hart read the proposed Resolution as follows:

RESOLUTION NO. 16-2014 – Support to Mazourek Farms as part of the Tompkins County Farmland Protection Implementation Project grant.

WHEREAS Mazourek Farms is an important agricultural property located in the Town of Newfield and

WHEREAS Tompkins County Agriculture and Farmland Protection Board has identified Mazourek Farms as a high priority farm.

THEREFORE BE IT RESOLVED that the Town of Newfield’s Town Board supports Tompkins County Farmland Protection Implementation Project Grant on behalf of Mazourek Farms. If funded it would result in the County holding an agricultural conservation easement on the property.

Motion was made by Councilperson Trask to approve Resolution No. 16-2014 in order to move the project forward, seconded by Councilperson James.

Vote	AYES	4	Hart, Trask, James, and Powers
	NOES	0	
	ABSENT	1	Laughlin

Carried

Discussion and Approval of Resolution No 17-2014: All Hazard Mitigation Plan Update

Supervisor Hart explained that the Town of Newfield had not signed an adoption of the plan originally with Tompkins County. The plan presented was updated in 2013. The Plan involves steps in order to respond to a natural disaster. One of the advantages of the Town accepting and adopting the Mitigation Plan would be FEMA Grant eligibility for projects. Supervisor Hart read Resolution 17-2014 as follows:

RESOLUTION 17-2014

TO AUTHORIZE THE ACCEPTANCE AND ADOPTION OF THE MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN UPDATE FOR The Town of Newfield, TOMPKINS COUNTY, NEW YORK

WHEREAS, the Tompkins County Planning Department, with the assistance from Barton & Loguidice, P.C., has gathered information and prepared the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York; and

WHEREAS, the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York has been prepared in accordance with the Disaster Mitigation Act of 2000 and Title 44 Code of Federal Regulations (CFR), Part 201; and

WHEREAS, Title 44 CFR, Chapter 1, Part 201.6(c)(5) requires each local government participating in the preparation of a Multi-Jurisdictional Mitigation Plan or Plan Update to accept and adopt such plan; and

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WHEREAS, the Town of Newfield has reviewed the 2013 Hazard Mitigation Plan Update, has found the document to be acceptable, and as a local unit of government, has afforded its citizens an opportunity to comment and provide input regarding the Plan Update and the actions included in the Plan;

WHEREAS, the Town of Newfield, will consider the Tompkins County HMP Update during the implementation and updating of local planning mechanisms, and will incorporate the hazard assessment data, hazard vulnerabilities, and mitigation actions in these mechanisms, where applicable;

NOW THEREFORE, BE IT RESOLVED, that the Town of Newfield, as a participating jurisdiction, adopts the Multi-Jurisdictional All-Hazard Mitigation Plan Update for Tompkins County, New York, dated December 2013.

Motion was offered by Councilperson Powers to adopt Resolution 17-2014, seconded by Councilperson Trask.

Vote	AYES	4	Hart, Trask, James, and Powers
	NOES	0	
	ABSENT	1	Laughlin

Carried

Discussion and Approval of Resolution 18-2014: Budget Modifications

Supervisor Hart read proposed Resolution 18-2014

RESOLUTION NO. 18 – 2014 Budget Modification

WHEREAS at the request of the Town Bookkeeper the following budget modifications are requested to be made.

THEREFORE BE IT RESOLVED upon agreement by the Town Supervisor and Town Board the following 2014 June budget modification is approved to be made.

RECREATION

Transfer \$1,325.00 from A202 (Cemetery Account), to A8810.4 Cemeteries Contractual.

Motion was offered by Councilperson Powers to accept the proposed Resolution 18-2014, seconded by Councilperson Trask.

Vote	AYES	4	Hart, Trask, James and Powers
	NOES	0	
	ABSENT	1	Laughlin

Old Business

Friendly amendment to Resolution No. 14-2014: Standard Work Day for Elected and Non-elected officials.

Supervisor Hart explained that the previous approved amendment included the Town employees that were not to be included

RESOLUTION NO. 14 – 2014 Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Newfield hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to

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the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Bookkeeper for this body. Said Resolution will be posted on the Town's Website for 30 days.

Title	Name	SSN Last 4 digits	Registration Number	Term Begins/ Ends	Standard Work Day	Participates in Employer's time keeping system y/n	Days/Month Month Based on record of activities	Tier 1 (check only if member is Tier 1)
Elected Officials								
Town Clerk	Karen Kenerson		xxxxxxx	1/1/14-12/31/17	8	n	22	
Councilperson	Chris Laughlin		xxxxxxx	1/1/14-12/31/17	6	n	2	
Councilperson	JoAnne James		xxxxxxx	1/1/14/12/31/17	6	n	2	
Highway Supt.	Kevin Berggren		xxxxxxx	1/1/14-12/31/17	8	n	22	
Justice	Debbi Payne		xxxxxxx	1/1/11-12/31/14	6	n	10.77	
Non-Elected Officials								
Water/Sewer Sup.	Rob Brewer		xxxxxxx	1/1/14-12/31/14	8	y	22	
Highway Deputy Supt..	Rodney Williams		xxxxxxx	1/1/14-12/31/14	8	y	22	

Motion to approve the friendly amendment was offered by Councilperson Powers, seconded by Councilperson James.

Vote AYES 4 Hart, Trask, James and Powers
 NOES 0
 ABSENT 1 Laughlin

Carried

Broadband Report:

Councilperson Trask reported that the Jackson Hollow Road tower possibly was powered up today. He urged residents to visit Clarity Connect to express interest and updates.

Approval of the Payment of the July 2014 Bills

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

General Fund	\$29,412.71
Recreation Fund	\$2,661.12
Highway Fund	\$132,632.23
Fire District	\$88,807.00
Street light Fund	\$1,202.71
Sewer Fund	\$30658.20
Water District 1Fund	\$4,897.11
Water District 2 Fund	\$1,229.83

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Trust and Agency \$2,916.79

Vouchers were audited by Councilpersons Trask and Powers.

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

Carried

The next work session will be July 24 at 7:00.

At 9:25 p.m., a motion made by Councilperson Trask, seconded by Councilperson Powers to move into an Executive Session to discuss a collective bargaining unit issue.

At 9:43, the Meeting was called back to the Regular Meeting of the Newfield Town Board, Councilperson Powers moved to adjourn.

Respectfully Submitted,

July 23, 2014

Karen Miller Kenerson
Newfield Town Clerk