

May 14, 2015

The regular Meeting of the Newfield Town Board was held at the Town Hall Board Room May 14, 2015 at 7:35 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 Christine Laughlin, absent Councilperson Casey Powers. Also present: Highway Superintendent Kevin Berggren, Atty. Hooks, and 17 attendees.

### **Privilege of the Floor**

*Ellery Rumsey:* asked the Town Board to think hard regarding the Noise Law.

### **Approval of April 9, 2015 Board Minutes and April 23, 2015 Special Board Meeting Minutes**

Motion was made by Councilperson James to approve the April 9, 2015 Board Meeting Minutes, seconded by Councilperson Laughlin.

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

Carried

Motion was made by Councilperson Trask to approve the April 23, 2015 Special Board Meeting Minutes, seconded by Councilperson James.

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

Carried

### **Correspondence:**

Supervisor Hart stated a resolution had been received from the Danby Town Board regarding the purposed cell tower construction.

### **Reports:**

*Highway:* Highway Superintendent Kevin Berggren was absent. Supervisor Hart reported that the Highway Department had been sweeping the roads, ditching and preparing the roads for permanent repairs.

*Water Sewer:* Supervisor Hart reported that the Shelter Valley pump sensor needed to be replaced.

Councilperson James thanked the Highway department in the part they played with the construction of the Community Garden at the Newfield Central School Campus.

*Recreation:* Supervisor Hart read Recreation Director Reid Hoskins' monthly report.

*Code Enforcement:* Code Enforcement Officer Harry Wright reported on the environmental concerns at the farm on Millard Hill Road is progressing slowly. There is a new site on Piper Road that CEO Wright is

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addressing which concerns the storage of garbage. The owner has agreed to clean the lot up. The Shaffer Road site has stalled in the removal of unlicensed vehicles. He feels a letter with a dead- line of compliance needs to be sent. Mr. Wright commented on a concern of recycling pickup within a local mobile home park and feels it has been resolved.

*Tompkins County Legislature Report:* Newfield Representative David McKenna reported goal of a 1.3% levy increase for 2015 county taxes. The County also has passed several bonding resolutions to bond for construction for municipal buildings and highway, some being grant refundable. Good news was Clarity Connect received its long awaited reimbursement from the State for the Broadband Internet Project.

*Supervisor Report:* Supervisor Hart reported the preliminary draft audit was back from Ciaschi Dietershagin and Mickelson. The Board will review the draft audit at the next special meeting/ work session.

*Cemetery Committee:* Marie Terlizzi reported that the sign had been ordered and that there had been an accident earlier with a car hitting one of the maple trees.

*Planning Board:* Planning Board Chairperson Karen Trask; reported of the round table training held in April it was attended by Caroline, Ulysses, Spencer and Enfield. She felt it was very useful hearing how these other municipalities are dealing with land use strategies, sub division, zoning and site review in their towns.

Mrs.Trask also spoke of a grant Nancy Dolge has been working on for land use strategies the Planning Board is looking to apply for. The grant would help with the funding for consultants fees, education and surveying the town to help move forward.

**New Business**

*Discussion and approval for the Planning Board to go ahead with the grant application for its work on Action Step#1 of the Comprehensive Plan*

Supervisor Hart asked Mrs. Trask to review the costs involved with the grant. Mrs. Trask stated that Mrs. Dolge had worked with Joan Jurkowitz from TC Planning Department determining the assessment of the needs when applying for the grant. Ms. Trask stated that the Planning Board thought it was best to apply for \$65,000.00 which would cover all the action steps needed within the Land Use Strategies in the Comprehensive Plan. Several questions could not be answered; it was decided to ask for a clearer explanation at the Special Meeting/Work Session on the 28<sup>th</sup>. Councilperson James commented she understands the urgency for the resolution in order to get the groundwork done for the grant. Motion was made by Councilperson Powers to approve the Planning Board to seek a grant from NYSERTA Cleaner Greener Communities, not to exceed their budget line, seconded by Councilperson James.

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

Carried

**Old Business**

*Discussion and action on the proposed cell tower application*

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Attorney Hooks reviewed that the Town Board had received notice of the special application from Verizon, a waiver of the setback requirement to 130 feet and that the Public Hearing had been posted and published and that land owners within 500 feet of the proposed cell tower had received special notice of the Public Hearing. Attorney Hooks reviewed the full environmental assessment form. Motion was made by Councilperson Laughlin to approve the determination that there would not be a negative impact on the environment, seconded by Councilperson Powers.

**RESOLUTION #11 for 2015**

**Regarding Upstate Cellular Network d/b/a Verizon Wireless' Application for Approval to construct and operate a Wireless Telephone Communications Facility in the Town of Newfield ("West Danby Cell")**

**WHEREAS** Upstate Cellular Network d/b/a Verizon Wireless ("Verizon Wireless") is a public utility licensed and regulated by the FCC responsible for providing wireless telephone service to emergency services, businesses and individuals in various parts of New York State, including the area in and around the Town of Newfield; and,

**WHEREAS** Verizon Wireless has submitted an application dated April 1, 2015 to locate, construct and maintain a communication tower within the Town of Newfield; and,

**WHEREAS** the application so submitted complies with the requirements of Local Law #4 for the year 1998 which regulates the location, construction and maintenance of communications facilities within the Town of Newfield ("Cell Tower Law"); and,

**WHEREAS** representatives of Verizon Wireless, including in particular, its attorney Robert W Burgdorf, appeared at and made detailed presentations during a public hearing duly advertised and conducted on May 14, 2015; and,

**WHEREAS** questions raised by both the public and members of the Board were fully and satisfactorily answered by Mr. Burgdorf or other representatives of Verizon Wireless at such public hearing; and,

**WHEREAS** it appears to the Board that in order to provide adequate wireless telephone service to what is known as the "West Danby Cell", Verizon Wireless needs to construct and operate a wireless telephone communications facility on property located at 126 Tupper Road (the "Site") located within the Town; and,

**WHEREAS** such site consists of approximately .23 acres of land which Verizon Wireless will be leasing from Ronald Brashear; and,

**WHEREAS** it appears that the facility will consist of a 195 foot high standing tower, together with such other site improvements all as more particularly described in a site plan submitted with the April 1, 2015 application; and,

**WHEREAS** Verizon Wireless seeks a special permit from the Town Board in accordance with section 4 of the Cell Tower Law and further and coincidentally seeks a waiver from the requirement of such law that the communications tower have a setback equal to the height of the tower (in this case 130 feet instead of 195 feet); and,

**WHEREAS** the Board has carefully reviewed the full environmental assessment form submitted by the applicant and has taken the requisite hard look of all pertinent possible environmental impacts which this project might foreseeably affect; and,

**WHEREAS** the Board has concluded on the basis of such review that the project will not have a negative environmental impact and has so concluded upon careful review of the full environmental assessment form submitted with and as a part of the application; and,

**WHEREAS** Verizon Wireless has satisfactorily explained why co-location is impractical so as to satisfy the requirement that the applicant demonstrate that the proposed telecommunications facility cannot be accommodated on an existing telecommunications facility as prescribed under Section 4 A(xii)(a); and,

**WHEREAS** the application was submitted to the Tompkins County Planning Department in accordance with Sections 239-l and 239-m of the General Municipal Law and the County Planning Department in accordance with that law having submitted two recommendations in and by its letter of May 3, 2015; and,

**WHEREAS** the Verizon Wireless representatives carefully and thoroughly explained why these specific recommendations would not be appropriate with respect to this particular project;

**NOW, THEREFORE, UPON MOTION BY Councilperson James SECONDED BY Councilperson Powers IT IS:**

**RESOLVED** that the application of Verizon Wireless dated April 1, 2015 as explained and clarified by the presentation made at the duly convened public hearing conducted this date be and the same hereby is approved subject to the following conditions:

1. That Verizon Wireless, its agents, contractors, and anyone with whom it contracts for purposes of constructing the subject tower must comply with all pertinent requirements of the Town's Road Preservation Law (Local Law # 1 of 2014); and,

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- 2. That the accessory structure be landscaped with trees native to the area to the extent possible; and,
- 3. That Verizon Wireless in the course of constructing the tower and necessary facilities comply with the requirements prescribed in the Cell Tower Law pertaining to construction, structural safety as well as requirements pertaining to maintenance and removal; and,
- 4. That Verizon Wireless deliver to the Town Clerk prior to commencement of construction adequate proof of the insurance required under Section 7(D) of the Cell Tower Law; and,
- 5. That Verizon Wireless secure a building permit in accord with Section 9.2(A) of the Cell Tower Law; and it is further,

**RESOLVED** that in accord with and as permitted by Section 7.A of the Cell Tower Law, the requested set back variance (130 feet instead of 195 feet) is granted and, it is further

**RESOLVED** that sufficient reasons having been presented by Verizon Wireless, the Board declines to adopt the recommendations made by the County Planning Board in accordance with General Municipal Law Section 239-l and 239-m.

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

Carried

*Review and discussion for approval of the Procurement Policies and Procedures*

**TOWN OF NEWFIELD  
PROCUREMENT POLICIES AND PROCEDURES**

This resolution sets forth the policies and procedures of the Town of Newfield to meet the requirements of General Municipal Law, Section 104-b.

**PURPOSE**

Goods and services which are not required to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public monies, in the best interests of the taxpayer, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further

these objectives, the Newfield Town Board is adopting internal policies and procedures governing all procurements of goods and services which are required to be made pursuant to the competitive bidding requirements of General Municipal law, Section 103 or for any other general, special or local law.

### **Determining if Procurement is Subject to Competitive Bidding**

Purchase contracts involving the acquisition of commodities, materials, supplies or equipment of \$20,000.00 or more, either as a single purchase or for similar purchases during the fiscal year, are subject to competitive bidding as proscribed under General Municipal Law, section 103.

Purchase contracts for public works involving services, labor or construction of \$35,000.00 or more, either as a single purchase or for similar purchases during the fiscal year, are subject to competitive bidding as prescribed under general Municipal Law, section 103. The Town Board expects wherever possible statutory contracts to be used to secure purchase contracts or public works contracts. The Town Board also expects wherever possible State Contracts or Statuary Contracts will be used whenever possible in order to secure goods and services.

Contracts involving purchase of both goods and services for \$20,000.00 or more will require the procurement to be reviewed by the authorized official and a determination made as to whether or not the procurement is for a purchase contract or for public works. The official will be guided in this determination by determining the major components of the contract which should be quoted on the basis of labor component cost and equipment, supplies and materials cost. The official will provide written documentation outlining the reasons for his/her determination that competitive bidding is not required which will be attached to the appropriate voucher and retained as part of the Town's records.

Any lease will be submitted for review to the Town Attorney who will confirm, in writing to the authorized official, the contract is a true lease and not an installment purchase contract.

### **Statutory Exceptions from These Policies and Procedures**

Except for procurements made pursuant to General Municipal Law, Section 103 (3) (through county contracts) or Section 104 (through state contracts), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein below, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law, Section 104-b.

### **Competitive Procedures to be used for Non-Bid Procurements**

	Confirmation Quotes			Written Quotes	
	0	2	3 or more	2	3 or more
<b>Purchase Contracts</b>					
Below \$10,000.00	X				
\$10,000.00 to \$15,000.00		X			
\$15,001 to \$19,999.00				X	
<b>Public Works Contracts</b>					
Below \$8,750.00	X				
\$8,751.00 to \$17,500.00		X			
\$17,501.00 to \$26,250.00				X	
\$26,251.00 to \$34,999.00					X

Confirmation quotes can be verbal with an email follow up. Verbal quote could be a telephone log recording the date, item or service desired; price quoted and name of contact, and then followed up with an email. Written quotes would be submitted by a vendor on their letterhead and include the date, description of item or details of service to be provided, price quoted and name and signature of contact. Catalogs or price lists may be a substitute for a written or verbal quote. If a quoted price is below the New York State or Tompkins County contract price no further quotes are required.

In any case in which two or more quotes are required as prescribed in the grid set forth above, if the Town, despite having advertised or otherwise having solicited for such bids or quotes, is unable to obtain the requisite number of quotes or bids, the Board may waive the requirement for two or more quotes and award a purchase or public works contract to the individual contractor or entity who submitted a bid or quote or the Board may choose to re-advertise or solicit further bids or quotes. As a condition of doing so, the Board must be satisfied that reasonable efforts have been made to secure quotes in accordance with these policies and procedures.”

**Emergencies**

Emergencies are not subject to competitive bidding or subject to these Procurement Policies and Procedures. Emergencies are defined as situations meeting three criteria:

1. The situation arises out of an accident or unforeseen occurrence or condition.
2. Public buildings, public property or the life, health, safety or property of the Town of Newfield’s residents are affected.

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- 3. The situation requires immediate action which cannot await competitive bidding.

**Insurance**

At least once every three years the Town Supervisor and one Councilman will, as a committee, solicit proposals for insurance coverage, review the submitted proposals and make a recommendation to the Town Board. The Town Board will have final authority in placement of coverage.

**Sole Source**

Competitive bidding is not required in those limited situations when there is only one possible source from which to procure goods and services. This situation will normally involve patented goods or services or public utilities. The official responsible for procurement of the item will:

- Document the unique benefits of the patented item as compared to other items available in the marketplace.
- Provide a written statement that no other item provides substantially equivalent or similar benefits.
- And that, considering the benefits received, the cost of the item is reasonable.

**Procurements from Other Than “Lowest Responsible Dollar Offer**

Anytime a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, there must be justification and documentation submitted by the authorized official of the reason why the purchase was in the best interest of the Town of Newfield.

**Annual Review**

The Town Board will annually review these procurement policies and procedures and make any modifications required to meet the changing needs of the Town of Newfield.

**Unintentional Failure to Comply**

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Newfield or any officer or employee thereof.

Motion was made by Councilperson Trask to approve the 2015 Procurement Policies and Procedures, seconded by Councilperson Laughlin.

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

Carried

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Discussion and approval of Resolution No. 8-2015

Motion was made by Councilperson Laughlin to approve **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE “TOWN”) PURSUANT TO SECTION 202-b OF THE TOWN LAW DETERMINING THAT IT IS IN THE PUBLIC INTEREST TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE TOWN’S WATER DISTRICTS NO. 1 AND NO. 2**

seconded by Councilperson James.

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

Carried

Discussion and approval of Resolution No. 9-2015 Bond Resolution

**BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUTNY, NEW YORK (THE “TOWN”),AUTHORIZING THE ISSUANCE OF UP TO \$1,271.980 IN SERIAL BONDS OF THE TOWN TO UNDERTAKE CERTAIN IMPROVEMENTS TO TOWN’S WATER DISTRICTS No. 1 and No. 2.**

Motion was made by Councilperson Trask to approve the issuance of serial bonds up to \$1,271,980 to undertake improvements to the Town’s Water Districts No. 1 and No. 2, seconded by Councilperson Powers.

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

Carried

Discussion and approval of Resolution No. 10-2015 Government Efficiency Program

Motion was made by Councilperson Powers to endorse Tompkins County Plan, seconded by Councilperson James.

**RESOLUTION 10-2015**

**ENDORING THE DEVELOPMENT AND SUBMISSION OF A SINGLE, COUNTYWIDE GOVERNMENT EFFICIENCY PLAN, ESTABLISHING TOMPKINS COUNTY AS LEAD ENTITY IN THE DEVELOPMENT OF THE PLAN**

**WHEREAS**, the State of New York enacted legislation creating a Property Tax Freeze Credit as a part of the 2015 State Budget; and

**WHEREAS**, the new law encouraged local governments to generate long-term property tax relief by sharing services, consolidating or merging, and implementing operational efficiencies; and

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**WHEREAS**, the law provides a “freeze credit” to qualified homeowners that is equal to the increase in property taxes levied by a taxing jurisdiction that limits any increase in its tax levy to a property tax cap set by State law and develops and implements a Government Efficiency Plan (“Plan”) determined to be compliant by the New York State Division of Budget; and

**WHEREAS**, to be determined compliant by the State, a Government Efficiency Plan must document actions that have been, or will be, taken that will result in a sustained three-year savings, beginning in 2017, that are equivalent to at least 1% of the combined 2014 property tax levies of all signatories to the Plan; and

**WHEREAS**, in year one of the program, homeowners received a Freeze Credit if their local government stayed within the property tax cap; and

**WHEREAS**, in year two of the program, homeowners will receive the Freeze Credit for taxes from any taxing jurisdiction that stays within the property tax cap and that also puts forward a compliant Government Efficiency Plan; and

**WHEREAS**, while allowing local governments to submit individual Plans, the State has encouraged local governments to submit a single, countywide plan that achieves a savings of at least 1% of the combined property tax levies of all of the participants; and

**WHEREAS**, the State will recognize only savings associated with actions implemented after January 1, 2012; and

**WHEREAS**, prior to 2012, local governments in Tompkins County pioneered shared services, mergers, and consolidations including the centralization of the property tax assessment function, a fully consolidated public safety dispatch and interoperable communication system, a consolidated public transit system, a two-county community college and, most recently, an inter-municipal health benefits consortium that continue to generate multiple millions of dollars in annual savings for taxpayers within Tompkins County; and

**WHEREAS**, in response to the State’s directive, the Tompkins County Council of Governments (TCCOG) formed a shared services committee that continues to explore a variety of prospective shared services, but recognizes that time and careful thought is required to ensure that any shared service initiative will result in lower costs and higher quality; and

**WHEREAS**, it is now estimated that savings well in excess of 1% of the \$88.4 million levied by all local governments within Tompkins County in 2014, including the County itself, will be achieved and sustained during the period 2017-2019 by a combination of savings associated with a dependent eligibility certification process undertaken by every municipal member of the Health Benefits Consortium and changes made by Tompkins County to the cost structure of its health benefit plan and; and

**WHEREAS**, additional efficiencies may be identified by participating municipalities that may also be included in a countywide plan; and

**WHEREAS**, in a resolution enacted April 23, 2015, the Tompkins County Council of Governments found that a consolidated countywide Plan that documents savings in excess of 1% of the combined 2014 property tax levies of all local governments within the County is the most efficient and effective way to respond to the State’s directive and has therefore endorsed the development and presentation of a single countywide Government Efficiency Plan that includes all local governments within Tompkins County; now therefore be it

**RESOLVED**, that the Town of Newfield endorses the designation of Tompkins County as lead entity in the development and submission of the Government Efficiency Plan and agrees to be a signatory to that Plan.

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Vote	AYES	5	Hart, James, Laughlin and Powers
	NAY	1	Trask

Carried

*Update on the Water Tank Project*

Attorney Hooks will review the Contract with Labella Engineering then Supervisor Hart will sign.

**Approval of the Payment of the May 2015 Bills**

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

General Fund	\$43,090.63
Recreation Fund	\$3,333.09
Highway Fund	\$38,709.95
Street light Fund	\$1,363.40
Sewer Fund	\$895.42
Water District 1 Fund	\$7,017.39
Water District 2 Fund	\$5,151.72
Trust and Agency	\$1,240.18

Vouchers were audited by Councilpersons James, Laughlin and Powers.

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

Carried

Next Special Meeting/Work Session will be May 28, 2015

Agenda items will be Noise Ordinance, Monument Site and Audit Review.

At 8:53 p.m., a motion was made by Councilperson Laughlin to move to adjournment, seconded by Councilperson Trask.

Respectfully Submitted,

June 10, 2015

Karen Miller Kenerson  
Newfield Town Clerk

