

Town of Newfield Regular Board Meeting
April 12, 2012

The April 12, 2012 Regular Board Meeting was called to order at 7:02PM by Supervisor Richard Driscoll, also present were: Council Person James, Council Person Powers, Council Person Laughlin and Council Person Trask. Also in attendance were : Kevin Berggren, Highway Superintendent , Butch Wright: Code Enforcement Officer, Dustin James: Recreation Director, Justice Payne, Justice Dresser, Gary Goff: Planning Board Co Chair, Randy Brown: Planning Board Co Chair, Ed Hooks, Town Attorney. Supervisor Driscoll opened with the Pledge of Allegiance.

Opening Privilege of the Floor: Supervisor Driscoll explained the difference between Opening and Closing Privilege of the Floor use.

Jean Gerow of Blakeslee Hill Road: Encouraged the Board to approve the moratorium on hydrofracking, in order to give the Planning Board time to get the Comprehensive Plan done, and also pass proper road usage laws and regulations.

Joyce Frank of Rowell Hill Road: Encouraged the Board to approve the moratorium on hydrofracking.

Bob Mente of Bishop Road: the owner of Alternative Waste Service invited those to attend a public meeting May 11, 2012 at the Newfield Fire Hall in regards to his expansion plans for the material recovery facility.

April Peress of Carter Creek Road: urged the Board to approve the moratorium on horizontal slick water fracturing.

Sam Shapiro of Barnes Hill Road: spoke against the hydrofracking, until they can develop more trust worthy process for doing it. He is also concerned about the noise. He moved to Newfield for the the rural quiet experience.

Diane Harbert of Burdge Hill Road: urges the Board to also consider the moratorium.

Zane Carter of Burdge Hill Road: presented a brochure to the Board for his Eagle Scout project on Van Kirk Road Property, concerning vernal pools and the amphibian life surrounding it.

Cindy Schulte of Burdge Hill Road: asked if the Board would approve the Town Highway Department to deliver wood chips to the site to be used on the trails at the Eagle Scout/Vernal Pool project.

Tom Reynolds of Van Kirk Road: spoke of attending an PAUSE meeting and the pictures that were shown of gas pipelines being installed, and how horrible it was to see, after that he saw something similar, Main Street during a repair. He made the comparison as to not having an after picture shown of a completed gas pipe line or Main Street after the project was completed. . He likened completed gas line installations to ski sloop, wilderness trail, a skinny golf course He presented a study of two counties in PA. by Penn State University. He feels we need to get straight answers before we consider adopting rules similar to New York City Water Shed in Tompkins County.

John Fries of Briarwood Lane: he cited when the land men from the Gas Companies told the home owner falsehoods when they came to get leases from property owners. He feels the extraction process is not safe

and is in support of a moratorium for hydrofracking and also for a ban on drilling, other than the traditional by an auger bit.

Evelyn Marques of Tower Road: presented to the Board DEC materials and descriptive materials, independent lab study and articles, concerning hydrofracking.

Scott Smith of VanKirk Road: cited that the studies that have been done have been done within the last year or two. He feels there is no reason to hurry, and supports the Board approving a moratorium.

Marie Terlizzie of Seely Hill Road: responded to comments made earlier as she was one of the presenters at the PAUSE meeting. She stated she is a former resident of Bradford County, PA. Her goal at the PLAUS meeting was to show what the gas drilling/pipelines brings, and feels there was nothing dishonest of showing what installation looks like.

Thor Oschner of Trumbulls Corner Road: he and his partner, Rachel Lodder operate an 800 acre organic grain farm, he also operates flour mill in Trumansburg where they mill grains grown in Newfield, as well as being a part owner of a bakery that has a 700 member of a CSA. His concern with hydraulic fracturing is that some of his suppliers have told him they will not be buying produce grown in areas where there is hydraulic fracturing is taking place. He has concerns that hurt his farms and other farms that he contracts with that grow grains for him. His family also is from Bradford County. He spoke of the truck traffic and road conditions. He urged the Board to approve a moratorium. He also spoke of how this type of situation affects neighbors. It may be that one is a large land owner and may earn financial benefits from the lease, but Thor felt you needed to think of the community as a whole, and how it would affect everyone. We need to think how this would impact everyone.

Rebecca Lestikow of Miller Road: Supports the compressive plan and the moratorium.

Agenda Changes: None.

Adoption of the March 8, 2012 minutes: Motion was made by Council person Laughlin to accept the minutes, and seconded by Council person Trask. Vote: Council person Trask: AYE, Council Person James: AYE, Council person Laughlin: AYE, Council person Powers: AYE, Supervisor Driscoll: AYE. Motion Carried.

Reports:

Highway: Superintendent Berggren reported the catch basin at the base of Main and Shaffer Road was replaced. The trucks are hauling in the unused salt we had in contract, and materials for summer use.

Water Sewer Department: Absent

Recreation: Recreation Director Dustin James reported that the spring sports are getting started. Volleyball program has moved to the spring, in doing so the NCS JV and Varsity Volleyball coaches run the volleyball clinic for us.

Youth Track has increased to 25 kids.

Baseball, Softball and T ball numbers are up to 90 and he anticipates increases as soon as people realize the program has begun.

Off season Softball program: the recreation program and the school worked together to provide this indoor opportunity for the kids.

A letter was received concerning renewing our contract with the Recreation Partnership that Director James recommends that the Town participate with.

Adult Wellness Program: new 3 part series, it is our second adult program offered.

Summer Camp Program: interview/hiring process will be beginning soon.

Dustin Co-Presented at the New York State Parks and Recreation Conference in Saratoga Springs.

Code Enforcement: Code Enforcement Officer Butch Wright presented the Board members with a print out of building permits for 2011 and 2012. Mr. Wright will be looking after some of Code Enforcement Officer Tony Petito's cases while he is recovering.

County Legislature: David McKenna reported that there will be a meeting at the Newfield Town Hall on May 9th. Concerning Broadband, it will be a question and answer afterwards. He also showed the recent maps showing the redistricting of the County representation. It does not affect Newfield. He was asked what type of community support was needed for Broadband. Mr. McKenna replied that input was the most valuable.

New Business:

Stephen Brown gave a presentation on starting a local Farmers Market. Last year when the Planning Board sent out surveys to the local households there was a responded need for a Farmers Market and for Organic Produce. Under State Law if there is a Farmers Market in Newfield it has to be governed under the Newfield Town Board. There would not be a license required for those selling produce. For this first year they would like to have the Market the last Friday of the month behind the Newfield Town Hall from 3:30 to 7:00 PM, the months of June, July August and September, with no costs to the Town. Mr. Brown has contacts offering donations and time. A steering committee and volunteers are needed to organize it, if Town Board approves it.

Justices Payne and Dresser, and Ms. Elizabeth Burns, Special Counsel to the Administrative Judge for the 6th. Judicial District presented the Town Board with a hand out containing information of the open cases in the Town of Newfield Court. To bring Newfield Town Court up to compliance there is approximately 250 hours of work. The current budget falls short of the estimate and the Justices are here to request funds to bring the Courts into compliance. Ms. Burns explained the process of closing the cases, and the importance of showing conviction or dismissal and closing the cases, urging the Board to consider the additional funds. Atty. Hooks asked if the Town would be liable for sanctions and fines if the Town does not comply. Ms. Burns was not sure. Council person James asked if Court Clerks were working on closing any of the cases currently, Justice Payne replied that there was no time to do so. Council James also asked that if the process could be done systematically in phases, rather than all at once. Counsel Person Trask stated he felt the Town should look very seriously into finding the funds and cleaning the mess up, but he wanted assurances from both courts that it could be done for the three thousand dollars and not be coming back to the Board requesting more, because they could not get it done. Ms. Burns suggested that if the Town Board were to allocate the funding, that a report could be given of the status of how many hours have been used. Supervisor Driscoll suggested that the Justices formulate a plan, and that the Board can react to and match the needs of the court with the resources that the Town has, at the work session on April 26th.

New Business:

A Motion to entertain **Resolution NO 16-2012**, concerning the Newfield Recreation Advisory Committee By-Laws was read by Council Person James motion was made by Council Person Laughlin and seconded by Council Person Powers.

Resolution NO. 16-2012

RESOLVED, that the Town Board hereby adopt the By-laws recommended by the Newfield Recreation Advisory Committee at its April 3, 2012.

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

A Motion to entertain **Resolution NO. 17-2012** the appointment to Newfield Recreation Advisory was Committee was made by CP Powers, and seconded by CP Laughlin

Resolution NO. 17-2012

Resolved , that upon the recommendation of the Newfield Recreation Advisory Committee, Shannon LaBarge is here by appointed to fill the vacancy left by Jennifer Westling through December 31,2012.

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

A Motion to entertain **Resolution NO. 18-2012** Appointment Recreation Officers was made by CP Laughlin, and seconded by CP Powers

Resolution 18-2012

Resolved, that upon recommendation of the Newfield Recreation Advisory Committee that Sean Norman is hereby appointed Chair and Amy Heffron is hereby appointed as Vice-Chair through December 31, 2012

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE
Motion Passed.

A Motion to entertain Resolution NO 19-2012, to encumber funds was made by CP James and seconded by CP Powers:

Resolution NO. 19-2012

Resolved: that \$ 475.00 shall be encumbered respectively in 2011 funds in lines A1110.200 and A1110.202.

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

Resolution for special Counsel: Atty. Hooks wanted to clarify why he could not advise the Town on the Gas / Well Drilling Moratorium, Harris Beach LLC, has done considerable legal services for gas companies, he personally has not, accordingly he has advised Supervisor Driscoll and the Board that it is the best interest of the Town to avoid any appearance of impropriety that he not take part in any deliberation or discussion of any laws that may relate to regulation or concerns of natural gas drilling. He suggested that the Town accordingly look to appoint a special counsel someone who would have expertise in handling these matters. Supervisor Driscoll stated he has spoken to several other Town Supervisors and the recommendation that they gave was that the Town consider the retention of Guy Krogh, who is highly regarded and he also represents other municipalities in Tompkins County. He also is very familiar with New York State Municipalities law. Mr. Krogh has agreed and he has offering a reduced rate of \$175.00/hour for municipal work.

Supervisor Driscoll read proposed **RESOLUTION NO. 20-2012**

RESOLVED, that the Town retain the services of Guy Krogh, Esq. for the purpose of providing counsel with respect to all matters relating to possibly enacting a moratorium pertaining to natural gas drilling operations with the Town of Newfield; and, it is further,

RESOLVED, that Supervisor Driscoll be and hereby is authorized to execute and deliver on behalf of the Town a retainer agreement by and between Mr. Krogh and /or his law firm, Thaler & Thaler, thereby retaining those attorneys to perform legal services with respect to this matter at an hourly rate of \$ 175.00/hour and , not to exceed \$1,000.00.

A motion was made by CP James and Seconded by CP Powers.

CP James asked if Mr. Krogh felt he could get everything done in the amount of time that the one thousand dollars would represent. Supervisor Driscoll said he had spoken to Mr. Krogh specifically about that, with the respect of the work that the Town is doing and to begin the process of considering the template moratorium law. CP Laughlin asked if the law that the Town is looking at his work, Supervisor Driscoll stated it was the of David Slottje, as the drafter of the ordinance that has been entertained and adopted by several towns in Tompkins County and being considered in other towns in the region. Counsel Person Laughlin asked what line the Special Counsel payment would be coming from, Supervisor Driscoll stated it would be coming from the Attorney line, as this work would not been covered by the retainer fees.

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE
Motion: Passed

Counsel Person James asked for the opportunity to clear the record, at the last the work session she learned that Atty. Hooks recused himself from the situation to help with the moratorium, and she expressed her disappointment. Counsel Person James stated she had the utmost admiration for Mr. Hooks, and feels the Town has been very fortunate to have him as our counsel for many years, and she hopes for years to come.

Supervisor Driscoll then told the audience that the Town Board would be hosting an Informational Community Meeting on the Proposed Gas Drilling Moratorium Law on April 19, 2012 at 7:00 in the Aiosa Auditorium at Newfield High School. It will be a Public Presentation with power point by David

Slottje, with a question and answer to follow. Supervisor Driscoll stated this was not the first moratorium that Newfield has adopted. Prior was when there was a possibility of there being a wind farm up on Black Oak Road. The Town Board at that time decided to adopt a moratorium on wind farm activity in the Town of Newfield, while the Board took the time to examine laws for the Town, and be able to fashion a law suitable for the Town of Newfield. The Board is now moving forward to adopt for potentially a moratorium, in order to undertake the following activities: road preservation agreement, and or law, industrial noise ordinance, a gathering line law, an adoption of comprehensive plan, and the adoption of critical environmental areas. On April 24th. the Board will be meeting with Atty. Krough, and will then be refining their work frame. The goal is to take action to adopt or not, of an ordinance moratorium law on gas drilling on the second Thursday in June, at our next regular meeting. The Board then reviewed the template section by section and questions were notated. Supervisor Driscoll notated the questions to be clarified by Atty. Krogh.

OLD BUSINESS:

Counsel Person Laughlin asked if the AUD report had been filed yet. Supervisor Driscoll stated that the 2010 AUD is ready to be reviewed by the Board. Counsel Person Laughlin asked about the 2011, Supervisor Driscoll replied that he needed understand what it means to do without an audit. We will not have an audit until July. He stated he had filed for a 30 day extension. Counsel Person Trask asked why we were waiting until July for the audit, Supervisor Driscoll stated that the field work was taking place at the end of April ,and then the Board would receive the draft report in July.

Counsel Person Trask asked where the Town stood with Workmen’s Compensation. Supervisor Driscoll stated he is waiting to receive the check from New York State Insurance. Supervisor Driscoll will then negotiate with PERMA, as this is what he can pay now, and the remainder can be remitted the following year.

March 2012 Expenses:

Motion to approve the payments of the March 2012 expenses was offered by Counsel Person Powers and seconded by Counsel Person James.

Counsel Person Trask noticed in reviewing the vouchers and bills that the Town was paying some May bills in March and questioned that. Supervisor Driscoll stated that the Town was trying to get ahead of the sequencing of the payments for benefits. Regulating the way we pay them so we are on time with them.

General Fund Totaling	\$ 60,864.91
Recreation Fund Totaling	\$ 1,855.86
Highway Fund Totaling	\$187,184.30
Streetlight Fund Totaling	\$ 1,252.17
Sewer Fund Totaling	\$ 3,298.60
Water 1 Funding Totaling	\$ 5,885.59

Water 2 Fund Totaling \$ 6,082.96

Trust & Agency Fund Totaling \$ 6,545.31

Vote: CP Trask: AYE, CP James: AYE, CP Laughlin: AYE, CP Powers: AYE, Supervisor Driscoll: AYE

Motion Passed

Closing Privilege of the Floor

Richard Dolge voiced his respect of Atty. Hooks and of his own personal involvement of the Windmill Moratorium. He also asked with concerns with the Court issue if with Community safety issues, if the most serious could be addressed first.

Nancy Dolge: Asked with concerns to the April 19 meeting, if the meeting was about the Town of Newfield's moratorium or moratoriums in general?

Evie Marques: Asked if the proposed moratorium would be online before the April 19 meeting. She also wished to make a personal donation to help with the judiciary fund to help the budget constraints.

Tom Reynolds: stated that he had dealt with Excellus for years and their bills are due on the first day of the month, but there was no penalty if they were paid by the 15th. He then had questions concerning the moratorium and the difficulty finding the funding to help the Courts.

John Fries: He asked what caused the back log first, and then figure out how to clean it up.

Samuel Shapiro: asked if the court could charge a surcharge to help make up the money.

Richard Dolge: wanted to clarify that a moratorium is not debating pros and cons, all that is being done is postponing any action until you review your options.

Brian McIlroy: Stated that Courts are a losing battle. The Court may rise X amount of money, but the Town has to pay the State 99%. The Town ends up paying for the Justices and Clerks. He wanted to compliment the Town Board on spending time looking at the issues concerning the moratorium. He suggested that Board look at both sides of the issue. He also thought the Board should look at not just a vote, but who has more land rights, assessed values, to look at the whole citizen picture.

John Fries: he felt the tone of his voice expressed his passion and he did not mean to disrespect the Board Members. He mentioned compulsory integration the gas companies. He also was moved by the Court issues concerning a soldier in Afghanistan, that the Board or someone write a letter to the commanding officer regretting that a record keeping glitch happened and that the Town is proud of him serving his country, with hopes that this will not affect his judgment.

There being no further business to discuss, Counsel Person Trask moved to adjourn the meeting and was seconded by Counsel Person Powers. The Regular Newfield Town Board Meeting was adjourned at 8:22 PM.

Respectfully Submitted

April 19, 2012

Karen Miller Kenerson
Town Clerk

DRAFT