

April 9, 2020

The April Business Meeting of the Newfield Town Board was held via the ZOOM platform due to the COVID-19 pandemic April 9, 2020, at 7:02 PM. The meeting was called to order by Supervisor Michael Allinger and opened with the Pledge of Allegiance to the flag lead by Councilperson Laughlin.

Present were: Supervisor Michael Allinger, Councilperson Joanne James, Councilperson Christine Laughlin, Councilperson Casey Powers and Councilperson Heather McCarty. Also present were Bookkeeper Blix Taetzch, Planning Board Chair Leo Tidd, County Legislature Representative David McKenna, Town Clerk-Karen Miller Kenerson, Town Attorney Tom Smith, Planning Board members Jim Haustein and Randy Brown, Building Code Enforcement Officer Alan Teeter

**Agenda Approval-** no additions Motion to approve the Agenda was offered by Councilperson Laughlin, seconded by Councilperson James.

Vote AYE 5 Allinger, James, Laughlin, McCarty and Powers

NAY 0

Carried

### **Privilege of the Floor**

Michelle Henry stated all County Committee meetings were on hiatus.

### **Communications**

Supervisor Allinger reported he has had phone conversations with neighboring municipalities and Tompkins County representatives and Representative Tom Reed regarding updates with the current pandemic and best practices to be practiced. Supervisor Allinger reported he had spoken to the NYS DEC regarding the permitting of the materials being brought to Newfield from the City of Ithaca. A permit was issued by NYS DEC for the materials to be brought to Newfield and deemed to be clean. Supervisor Allinger also reported on the sewer and the water studies.

### ***Approval of the March 12,15,19 and 26, 2020 Meeting Minutes***

Motion was made by Councilperson Laughlin to approve the March 12,15,19 and 26, 2020 Business and Board Meeting Minutes, seconded by Councilperson Powers.

Councilperson Powers noted she was not in attendance of the March 12 meeting

Vote AYES 5 Allinger, James, Laughlin, Powers and McCarty

NAY 0

Carried

### **Approval of Payments of the April 2020 Bills.**

Motion was made by Councilperson Laughlin to approve the payments, seconded by Councilperson Powers.

The Board authorized the payments of the following amounts:

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General Fund	\$32,043.03
Recreation	\$156.78
Highway Fund	\$83,312.70
Streetlight Fund	\$412.35
Fire District Fund	\$5,339.00
Sewer Fund	\$856.16
Water District 1 Fund	\$4,091.69
Water District 2 Fund	\$2,691.65
Trust & Agency	\$3,607.16

Vouchers were audited by Councilpersons Laughlin, James, Powers and McCarty

Vote	AYES	5	Allinger, James, Laughlin, Powers and McCarty
	NAY	0	

Carried

## Reports

*Highway Department:* Highway Superintendent Berggren was absent.

*Water/Sewer Department:* Supervisor Berggren was absent.

*Recreation:* Recreation Director Austin Kuczek's report was read by Supervisor Allinger, summer camp planning is continuing. Spring sports are still on hold, but not looking good for a potential spring season.

*Code Enforcement:* Code Officer Alan Teeter reported 3 building permits had been issued in March- 1 solar, 1 roof replacement and 1 mobile home demolition. Mr. Teeter stated most building construction is on hold as per the Governor's executive order. Also reported that new building codes will be coming out April 12, 2020, the flood plain training he was slated to attend has been canceled and the code training postponed until September.

*Planning Board:* Leo Tidd reported the Planning Board had submitted the Cornell Design Connect application for the Hamlet Revitalization Program and expect to receive an answer in early May. No site plan review applications were received. Next Planning Board Meeting will be May 6 via Zoom platform.

*Personnel & Finance:* Bookkeeper Blixty Taetzch reported the March 2020 financials, Budget Modifications, update regarding the 2019 audit, submission of the 2019 Annual Update Document, Newfield Town Court audit, financing for the Main Street Culvert project and summer camp.

*Tompkins County Legislature:* Representative David McKenna reported the Legislature meetings are being held virtually via the Zoom platform. There will be a public hearing May 19 regarding Agriculture District 1.

*Committee Reports*

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*Hamlet Beautification-* Randy Brown reported the Committee did not meet in April. A community clean-up day is being planned, but no date has been set. Mr. Brown stated the summer program is looking to hire youth again. It is planned the youth would socially distance work. Mr. Brown also is working with Early Bird Farms to provide free vegetable and fruit plants for Newfield families. This is a joint program with Mr. Brown, Early Bird Farms, Tompkins County Cooperative Extension and the Newfield School District. The school will handle the sign ups and plant pick-ups will be at Early Bird Farms. There will be approximately 50 twenty-five-dollar vouchers given to program applicants. Mr. Brown asked that the Town act as the payment conduit to Early Bird Farm. Supervisor Allinger asked what the criteria would be- first come first serve Mr. Brown responded. Mr. Brown also stated he was willing to donate one thousand dollars for the Mill Park fence.

*EMC:* Michelle Henry reported there had not been any EMC meetings. Ms. Henry reported the Community Science Institute is continuing to do stream samples.

*TCCOG:* Councilperson James reported TCCOG is meeting bi-monthly. No report this month. Councilpersons James and McCarty attended the Energy Council Sub Committee meeting and had been previously reported on.

*Supervisors Report-* Supervisor Allinger provided this with his correspondence.

### **Old Business**

*Revised Draft Subdivision Law-* Planning Board member Jim Haustein reported the draft document has been updated after the comments at the last meeting. Supervisor Allinger asked how the purposed law would be enforced, Mr. Haustein stated a permit or certificate of occupancy would not be permitted if the law was not followed. Councilperson Laughlin asked about the filing with the County Clerk, Alan Teeter responded that subdivision maps are filed with the County Clerk, after he has stamped his approval on it. The revised draft will be sent to Attorney Smith to review.

*Discussion: Reconciling Junk Yard Law of 1988 with duties of Junk Yard Enforcement-* Supervisor Allinger stated he submitted the 1988 Junk Yard Law to Attorney Smith to review.

### **ACTION ITEMS**

#### *Main Street Culvert Project Financing*

Councilperson James motioned to amend the May 2019 Bond Resolution, seconded by Councilperson Laughlin

**SECOND AMENDED AND RESTATED BOND RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE "TOWN"), AMENDING AND RESTATING IN ITS ENTIRETY A BOND RESOLUTION OF THE TOWN DATED MARCH 14, 2019, AS PREVIOUSLY AMENDED AND RESTATED BY AN AMENDED AND RESTATED BOND RESOLUTION OF THE TOWN DATED MAY 15, 2019, AUTHORIZING THE TOWN TO UNDERTAKE THE MAIN STREET BRIDGE REHABILITATION PROJECT;**

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**ESTIMATING THAT THE TOTAL COST THEREOF IS \$834,970; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$700,000 IN SERIAL BONDS OF THE TOWN TO FINANCE SAID APPROPRIATION**

**WHEREAS**, the Town Board (the “Town Board”) the Town of Newfield, Tompkins County, New York (the “Town”), by a Bond Resolution adopted on March 14, 2019 (the “Original Bond Resolution”) authorized the issuance of serial bonds and bond anticipation notes of the Town in the principal amount of \$250,000 to undertake the reconstruction and rehabilitation of the existing bridge on Main Street over West Branch Cayuga Inlet, including the reconstruction, rehabilitation or replacement of deteriorating supporting structural steel, the replacement, reconstruction or resurfacing of the bridge deck and road surface, and the reconstruction or replacement of curbing, sidewalks and rails including all ancillary and incidental improvements, costs and expenses in connection therewith (collectively, the “Project”) and determined that the maximum estimated cost of the aforementioned specific object or purpose was \$607,000; and

**WHEREAS**, by its Amended and Restated Bond Resolution adopted on May 15, 2019 (the “First Amended and Restated Bond Resolution”), the Town Board amended and restated the Original Bond Resolution in its entirety so as to (i) increase the maximum estimated cost of the Project from \$607,000 to \$678,000; (ii) appropriate said increased amount; (iii) increase the amount of bonds authorized thereunder to finance the cost of the Project from \$607,000 to \$678,000; and (iv) restated the plan of finance set forth therein; and

**WHEREAS**, the Town has learned that, due to further increases in certain costs of the entire Project, the estimated maximum cost of the Project has increased from \$678,000 to \$834,970 and the estimated amount of bonds or bond anticipation notes that the Town will need to issue to finance the Project (including bond anticipation notes to be issued in anticipation of the receipt of Federal and State aid payments) has increased from \$250,000 to \$700,000; and

**WHEREAS**, the Board now intends to amend and restate the First Amended and Restated Bond Resolution in its entirety pursuant to the terms of this resolution for the purpose of (i) increasing the maximum estimated cost of the Project from \$678,000 to \$834,970; (ii) appropriating said increased amount; (iii) restating the plan of finance set forth therein to include \$667,976 in Federal aid (80%) and \$125,245 in State aid (15%); (iv) increasing the amount of bonds authorized thereunder to finance the cost of the Project from \$250,000 to \$700,000; and (v) decreasing the period of probable usefulness of the aforementioned class of objects or purposes to five (5) years, pursuant to subdivision 89. of paragraph a. of Section 11.00 of the Law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Newfield, Tompkins County, New York (by the favorable vote of not less than two-thirds of all the members of such body), to amend and restate in its entirety the Original Bond Resolution, as previously amended and restated by the First Amended and Restated Bond Resolution, to read as follows:

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SECTION 1. The Town is hereby authorized to undertake the reconstruction and rehabilitation of the existing bridge on Main Street over West Branch Cayuga Inlet, including the reconstruction, rehabilitation or replacement of deteriorating supporting structural steel, the replacement, reconstruction or resurfacing of the bridge deck and road surface, and the reconstruction or replacement of curbing, sidewalks and rails including all ancillary and incidental improvements, costs and expenses in connection therewith (collectively, the "Project"). It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$834,970 said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$667,976 in grant monies expected to be received by the Town from the Federal Government and \$125,245 in grant monies expected to be received by the Town from the State Department of Transportation with respect to the Project to either directly pay certain costs of the Project or to reimburse such costs (including the repayment of portions of any bond anticipation notes issued under the authority of this resolution); (ii) the issuance of up to \$700,000 in serial bonds of the Town authorized to be issued pursuant to this section, or bond anticipation notes issued in anticipation of such serial bonds; and (iii) unless paid from other sources, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Town (including, without limitation, statutory installment bonds) in the principal amount of \$700,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned object or purpose.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned class of object or purpose is five (5) years, pursuant to subdivisions 10. and 89. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Town shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law

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and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town subject to applicable statutory limits, if any. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Town Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town (the "Town Supervisor"). Such notes shall be of such terms, form and contents as may be prescribed by said Town Supervisor consistent with the provisions of the Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the class of objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Town Board hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State

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Department of Environmental Conservation thereunder (collectively, “SEQRA”) and that no further action under SEQRA with respect to the Project need be taken by the Town Board as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Town Board.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. The Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Town for such purpose.

SECTION 14. This resolution shall take effect immediately.

Roll Call Vote           AYES   5   Allinger, James, Laughlin, McCarty and Powers  
                                  NAYS   0

Carried

*Approve Contract with Municipal Solutions, Inc- Contract Culvert BAN*

Councilperson Laughlin motioned to approve the Supervisor Allinger to sign the contract agreement with Municipal Solutions, Inc. Seconded Councilperson Powers

Roll Call Vote           AYES   5   Allinger, James, Laughlin, McCarty and Powers  
                                  NAYS   0

Carried

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*RESOLUTION NO. 34-2020 – Creation of Additional Camp Counselor Positions*

WHEREAS: The Town of Newfield operates a Health Department certified summer camp for six weeks every summer, and

WHEREAS: It is necessary to employ youth in Camp Counselor positions to operate the summer camp, and

WHEREAS: Up to twenty (20) camp counselors may be required to operate the summer camp, be it

THEREFORE, BE IT RESOLVED: The Newfield Town Board authorizes the creation of twenty (20) Camp Counselor positions.

Motion was made by Councilperson Powers approving authorization of additional camp counselor positions. Motion seconded by Councilperson Laughlin.

Roll Call Vote           AYES   5   Allinger, James, Laughlin, McCarty and Powers  
                                  NAYS   0

Carried

*Acceptance of Newfield of Newfield Town Court Audit*

Blix Taetzch- Town Bookkeeper provided her written report of her audit of the Newfield Town Court. Ms. Taetzch stated she had reviewed the Court financials and felt they were in good order, she also included recommendations.

Motion was made by Councilperson James to accept the Newfield Town Court Audit, seconded by Councilperson Laughlin.

Roll Call Vote           AYES   5   Allinger, James, Laughlin, McCarty and Powers  
                                  NAYS   0

Carried

*Resolution No. 35-2020*

**RESOLUTION NO. 35-2020 – Approval of April 2020 Budget Modifications**

WHEREAS, it is necessary to modify the 2020 budget based on updated estimates of revenues and expenses in 2020, and

WHEREAS, a detailed listing of each budget adjustment by Fund has been provided below, be it therefore

RESOLVED, that the Newfield Town Board approves the budget modifications as outlined below.

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Account #	Account Name	Original Budget	Increase/ (Decrease)	Modified Budget
<b>GENERAL FUND REVENUE</b>				
A3021	State Aid - Court	\$ -	\$ 750.00	\$ 750.00
Total Revenue Adjustments			\$ 750.00	
<b>GENERAL FUND EXPENSES</b>				
A1110.112	Town Justice - Court Clerks	\$ 33,280.00	\$ (400.00)	\$ 32,880.00
A1110.19	Town Justice - Emergency Closing	\$ -	\$ 400.00	\$ 400.00
A1110.401	Town Justice - Grant Expenditures	\$ -	\$ 750.00	\$ 750.00
A1410.11	Town Clerk - Deputy Clerk	\$ 20,000.00	\$ (135.00)	\$ 19,865.00
A1410.19	Town Clerk - Emergency Closing	\$ -	\$ 135.00	\$ 135.00
A3310.1	Traffic Control - Personal Services	\$ 4,440.00	\$ (120.00)	\$ 4,320.00
A3310.19	Traffic Control - Emergency Closing	\$ -	\$ 120.00	\$ 120.00
A5010.11	Superintendent of Highways - Clerk	\$ 11,713.00	\$ (160.00)	\$ 11,553.00
A5010.19	Superintendent of Highways - Emergency Close	\$ -	\$ 160.00	\$ 160.00
A5132.2	Garage - Equipment	\$ 8,000.00	\$ 750.00	\$ 8,750.00
A5010.4	Superintendent of Highways - Contractual	\$ 1,000.00	\$ (750.00)	\$ 250.00
A9055.8	Disability Insurance	\$ 835.00	\$ 2,665.00	\$ 3,500.00
A9060.8	Health Insurance	\$ 78,250.00	\$ (2,665.00)	\$ 75,585.00
Total Expenditure Adjustments			\$ 750.00	

Account #	Account Name	Original Budget	Increase/ (Decrease)	Modified Budget
<b>HIGHWAY FUND EXPENSES</b>				
DA5110.1	General Repairs - Personal Service	\$ 205,000.00	\$ (5,000.00)	\$ 200,000.00
DA5110.19	General Repairs - Emergency Closing	\$ -	\$ 5,000.00	\$ 5,000.00
Total Expenditure Adjustments			\$ -	

Motion was made by Councilperson James accepting the April 2020 budget modifications as presented.

Motion seconded by Councilperson Powers.

Roll Call Vote           AYES    5   Allinger, James, Laughlin, McCarty and Powers  
                                   NAYS   0

Carried

*Newfield Planning Board Appointments of Randy Brown and Brenda Lapp*

Motion was made by Councilperson Powers approving the appointments of Randy Brown and Brenda Lapp to 5-year terms, seconded by Councilperson James.

Roll Call Vote           AYES    5   Allinger, James, Laughlin, McCarty and Powers  
                                   NAYS   0

Carried

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**New Business**

Councilperson James commented she had received information regarding USDA announcement regarding easing restrictions applying for loans. Councilperson James will forward the information to the Board Members.

Next meeting- April 23, 2020 will be held via Zoom format.

At 8:27 PM a motion was made by Councilperson Laughlin to adjourn, seconded by Councilperson Powers.

Respectfully Submitted,

May 1, 2020

Karen Miller Kenerson  
Newfield Town Clerk