

The November 18, 2021 regular business meeting was held in person at the Newfield Town Hall and remotely via Zoom.

Present were: Supervisor Michael Allinger, Councilmembers- Joanne James, Christine Laughlin, Heather McCarty and Casey Powers, Highway Superintendent Kevin Berggren, Town Bookkeeper Blixey Taetzsch, Town Attorney Tom Smith, Town Clerk Karen Miller Kenerson and 9 others.

Supervisor Allinger called the Town Board Meeting to order at 7:02 PM, the Pledge of Allegiance was recited.

*Agenda Approval-* No additions were requested.

*Privilege of the Floor-* Paula Ferria of Newfield commented on the Cannabis Opt Out topic, thinking it would be good to opt out to see how other towns handle cannabis dispensary sales. Ms. Ferria also commented about 2 other communities who either have a dispensary or a proposed dispensary.

*Communications:* Eva Marques sent a note of concern regarding Cannabis to the Board. Ms. Marques suggested a ban or moratorium regarding cannabis sales to better assess how other communities handle dispensary sales.

The Newfield Girl Scouts sent thank you letters to the Board Members for approving their service projects at the Community Park.

*Presentations: Thoma Consultants & assisting with CDBG 2022 Grant Application*

Rich Cunningham presented the advantages of retaining Thoma for the CDBG 2022 grant application. Data from the WIIA grant applications can be used, helping with the cost.

### **Approval of October 14, and October 28, 2021 Meeting Minutes**

Motion to approve the October 14, 2021 minutes was offered by Councilperson Laughlin, seconded by Councilperson James.

Vote	AYES	4	James, Laughlin, McCarty and Powers
	NAY	0	
	ASTAIN	1	Allinger

Carried

Motion to approve the October 28, 2021 minutes was offered by Councilperson Powers, seconded by Councilperson McCarty.

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

Carried

### **Approval of Audit and Claims of Abstract 11 Vouchers**

Motion to approve the Abstract 11 vouchers was offered by Councilperson Powers seconded by Councilperson McCarty,

General, Fire and Lighting District Vouchers 290-322	\$122,374.21
Highway Fund Vouchers 196-218	\$228,351.30
Recreation Fund Vouchers 22-25	\$4,470.00
Sewer Fund Vouchers 63-71	\$3,442.77
Water District 1 Fund Vouchers 98-110	\$39,167.23

Water District 2 Fund Vouchers 67-74		\$26,730.29
Trust & Agency Vouchers 30-33		\$4,081.14
Vote AYES	5	Allinger, James, Laughlin, McCarty and Powers
NAY	0	
Carried		

### Reports

*Highway Department-* Highway Superintendent Kevin Berggren reported Bull Hill and Tupper Road culverts have been replaced. The Salt barn is full of salt in preparation for winter. Superintendent Berggren also reported a 2015 Ford F250 truck listed with Auctions International had sold for \$ 24,100, and requested approval from the Board of the sale. Motion was offered by Councilperson James to approve the sale of the 2015 Ford F250 truck, seconded by Councilperson Laughlin.

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

*Water/Sewer Department-* Water Supervisor Berggren reported is looking for estimates to hook the pump up the Pine Circle well. Supervisor Berggren commented the meter pit plans are needed for the DEC Flow Management Plan.

*Recreation-* Recreation Supervisor Austin Kuczek was absent, a report was provided.

*Code Enforcement-* Code Enforcement Officer Alan Teeter reported he had attended a Clean Energy training the previous week and also provided the October building permit report.

*Junk Code Enforcement:* Randy Brown provided a progress report to the Board. Mr. Brown is looking for a replacement for his position.

*Hamlet Beautification-* Randy Brown commented the next meeting will be the first Monday of December and that he was working with the Girl Scouts to maintain Mill Park in 2023.

*Planning Board-* Leo Tidd reported the Planning Board has 2 undergraduate interns they would like to retain for the Hamlet Revitalization Project through the Spring semester. The Planning Board is not recommending a local Right to Farm Law for Newfield. Mr. Tidd commented concern about the tree plantings at Burdge Hill Rd solar array not holding up to the vegetative screen agreement.

*Finance and Personnel-* Bookkeeper Blixty Taetzsch provided a report and November Budget Modification resolution.

*Climate Smart Communities-* Councilperson McCarty reported on the point accumulation and that she would like to see a Recycle and Reuse Resolution passed at the December business meeting. Councilperson McCarty also commented the Climate Smart Communities committee would like to a repair event partnering with the Newfield Public Library.

*EMC-* Michelle Henry reported

*TCCOG-* Councilperson James reported on Tompkins County Food System Plan.

### Action Items

Resolution No. 56-2021 202-b Water Districts 1 & 2 Facilities Improvements

Motion to approve Resolution No. 56-2021 was offered by Councilperson Laughlin, seconded by Councilperson James.

**RESOLUTION No. 56-2021 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 TOWN OF NEWFIELD WATER DISTRICT NO. 1 AND WATER DISTRICT NO. 2 FACILITIES**

WHEREAS, the Town Board (the "Town Board") of the Town of Newfield, Tompkins County, New York (the "Town") is considering authorizing certain improvements to the facilities serving Town of Newfield Water District No. 1 and Water District No. 2, as set forth and described in a certain engineering report as prepared by Hunt Engineers, Architects, Land Surveyors & Landscape Architect DPC (the "Engineer") dated September 2020 as revised October 2021 (the "Project"), and on file in the office of the Town Clerk; and

WHEREAS, the Town's Engineer has estimated that the maximum cost of undertaking the Project is \$4,828,253; and

WHEREAS, by Resolution No. 50-2021, adopted October 28, 2021 at a regular meeting of the Town Board held on such date, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that said public improvement and purpose constitutes a "Type I" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and based on its coordinated review determined that the Project will result in no significant impacts and, therefore, (a) the action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, by Resolution No. 54-2021, adopted October 28, 2021 at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on November 18, 2021 at 7:00 p.m. at the Town of Newfield Town Hall, 166 Main Street, Newfield, New York 14687; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *Ithaca Journal*, the official newspaper of the Town, on November 1, 2021 and a copy of such notice was posted on the signboard maintained by the Town Clerk on November 1, 2021, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 1. Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated

maximum cost of \$4,828,253. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

SECTION 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Tompkins, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

Carried

Resolution No. 57-2021 202-b Sewer District Improvements

Motion to approve Resolution No. 57-2021 202-b Sewer District Improvements was offered by Councilperson Powers, seconded by Councilperson Laughlin.

**RESOLUTION 57-2021 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 TOWN OF NEWFIELD SEWER DISTRICT NO. 1 FACILITIES**

WHEREAS, the Town Board (the "Town Board") of the Town of Newfield, Tompkins County, New York (the "Town") is considering authorizing certain improvements to the facilities serving Town of Newfield Sewer District No. 1, as set forth and described in a certain engineering report as prepared by Hunt Engineers, Architects, Land Surveyors & Landscape Architect DPC (the "Engineer") dated May 2021 as revised October 2021 (the "Project"), and on file in the office of the Town Clerk; and

WHEREAS, the Engineer has estimated that the maximum cost of undertaking the Project is \$1,113,485; and

WHEREAS, by Resolution No. 52-2021, adopted October 28, 2021 at a regular meeting of the Town Board held on such date, the Town Board, as lead agency, determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that the Project constitutes a "Type I" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and based on its coordinated review determined that the Project will result in no significant impacts and, therefore, (a) the action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, by Resolution No. 55-2021 adopted October 28, 2021, at a regular meeting of the Town Board held on such date, the Town Board directed that a public hearing be held on whether to authorize the Project, and to hear all persons interested in the subject matter thereof concerning the same on November 18, 2021 at 7:05 p.m. at the Town of Newfield Town Hall, 166 Main Street, Newfield, New York 14687; and

WHEREAS, notice of said public hearing certified by the Town Clerk was duly published and posted as required by law, to wit: a copy thereof was published in *Ithaca Journal*, the official newspaper of the Town, on November 1, 2021 and a copy of such notice was posted on the signboard maintained by the Town Clerk on November 1, 2021, and on the Town's website, pursuant to Town Law Section 193; and

WHEREAS, said public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK HEREBY RESOLVES, AS FOLLOWS:

SECTION 4. Based in part upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to undertake the Project as hereinabove described at the estimated maximum cost of \$1,113,485. The Town is hereby authorized to undertake the Project at such estimated maximum cost.

SECTION 5. The Town Clerk is hereby authorized and directed to cause a certified copy of this resolution to be duly recorded in the office of the County Clerk, County of Tompkins, New York within ten (10) days after the adoption hereof, in accordance with Section 195 of the Town Law.

SECTION 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

Carried

Resolution No. 58-2021 Bond Resolution – Water Districts 1 & 2 Facilities Improvements  
Motion to approve Resolution No. 58-2021 Bond Resolution Water Districts 1 & 2 Facilities Improvements was offered by Councilperson James, seconded by Councilperson McCarty.

**BOND RESOLUTION 58-2021 OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$4,828,253 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO TOWN OF NEWFIELD WATER DISTRICT NO. 1 AND WATER DISTRICT NO. 2 FACILITIES**

WHEREAS, pursuant to proceedings undertaken by the Town Board (the “Town Board”) of the Town of Newfield, Tompkins County, New York (the “Town”) under Section 202-b of the Town Law, including in particular a resolution adopted on November 18, 2021 immediately prior to the consideration of this resolution (the “Approval Resolution”), the Town Board (a) determined it was in the public interest to undertake certain improvements to the facilities serving Town of Newfield Water District No. 1 and Water District No. 2, as set forth and described in a certain engineering report as prepared by Hunt Engineers, Architects, Land Surveyors & Landscape Architect DPC (the “Engineer”) dated September 2020 as revised October 2021 (the “Project”), and on file in the office of the Town Clerk; and, at an estimated maximum cost of \$4,828,253 and (b) authorized the Town to undertake the Project at such estimated maximum cost; and

WHEREAS, by Resolution No. 50-2021, adopted October 28, 2021 at a regular meeting of the Town Board held on such date, the Town Board determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”), that said public improvement and purpose constitutes a “Type I” action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”) and based on its coordinated review determined that the Project will result in no significant impacts and, therefore, (a) the action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town’s serial Bonds and bond anticipation notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$4,828,253 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the Project, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,828,253, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$4,828,253 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the assessment, levy and collection of assessments upon the benefited properties within Water District No. 1 and Water District No. 2; and, to the extent necessary, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

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 Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof 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 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 without legal or constitutional limitation as to rate or amount. 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 bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 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 relating 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 Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Town Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision 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 this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town 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 anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser 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 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this 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. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

Carried

Resolution No. 59-2021 Bond Resolution- Sewer District Improvements

Motion to approve Resolution No. 59-2021 Bond Resolution Sewer District Improvements was offered by Councilperson Laughlin, seconded by Councilperson Powers.

**BOND RESOLUTION No. 59-2021 OF THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$1,113,485 IN SERIAL BONDS OF THE TOWN TO FINANCE CERTAIN IMPROVEMENTS TO TOWN OF NEWFIELD SEWER DISTRICT NO. 1 FACILITIES**

WHEREAS, pursuant to proceedings undertaken by the Town Board (the "Town Board") of the Town of Newfield, Tompkins County, New York (the "Town") under Section 202-b of the Town Law, including in particular a resolution adopted on November 18, 2021 immediately prior to the consideration of this resolution (the "Approval Resolution"), the Town Board (a) determined it was in the public interest to undertake certain improvements to the facilities serving Town of Newfield Sewer District No. 1, as set forth and described in a certain engineering report as prepared by Hunt Engineers, Architects, Land Surveyors & Landscape Architect DPC (the "Engineer") dated May 2021 as revised October 2021 (the "Project"), and on file in the office of the Town Clerk; and, at an estimated maximum cost of \$1,113,485 and (b) authorized the Town to undertake the Project at such estimated maximum cost; and

WHEREAS, by Resolution No. 52-2021, adopted October 28, 2021 at a regular meeting of the Town Board held on such date, the Town Board, as lead agency, determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA"), that the Project constitutes a "Type I" action under the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, "SEQRA") and based on its coordinated review determined that the Project will result in no significant impacts and, therefore, (a) the action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA, and (d) such determination constitutes a negative declaration for purposes of SEQRA; and

WHEREAS, the Town Board now wishes to authorize the issuance of the Town's serial Bonds and bond anticipation notes in anticipation thereof in order to finance the Project.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to issue up to \$1,113,485 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law of the State of New York, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the Project, as hereinabove described.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,113,485, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$1,113,485 in serial bonds of the Town authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, and (ii) the assessment, levy and collection of assessments upon the benefited properties within Sewer District No. 1; and, to the extent necessary, the levy and collection of taxes on all taxable real property of the Town to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

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 Section 1 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof 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 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 without legal or constitutional limitation as to rate or amount. 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 bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 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 relating 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 Supervisor of the Town, the chief fiscal officer of the Town (the "Supervisor"). Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Town Supervisor. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision 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 this Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Supervisor, as the chief fiscal officer of the Town.

SECTION 8. The Town Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Supervisor of the Town 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 anticipating thereof, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser 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 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this 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. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full, 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

Carried

Resolution No. 60-2021 Approval of November 2021 Budget Modifications

Motion to approve Resolution No. 60-2021 November 2021 Budget Modifications was offered by Councilperson James, seconded by Councilperson Laughlin.

RESOLUTION NO. 60-2021 – Approval of November 2021 Budget Modifications

WHEREAS, it is necessary to modify the 2021 budget based on updated estimates of revenues and expenses in 2021, and

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



Carried

Resolution No. 61-2021 – to appoint Michelle Henry to Tompkins County EMC for a two-year (2022-2023) term.

Motion was offered by Councilperson Laughlin approving the appointment of Michelle Henry for a two- year appointment to the Tompkins County EMC, seconded by Councilperson McCarty.

Resolution No. 61 -2021

Appointment of Michelle Henry as Newfield Representative to the Tompkins County Environmental Management Council

**WHEREAS**, the Tompkins County Environmental Management Council is seeking to renew the appointment of Michelle Henry as the Town of Newfield representative,

**WHEREAS**, Michelle Henry has stated her interest in continuing in this position and has submitted to the Newfield Town Board the Tompkins County Advisory Board application: and

**WHEREAS**, Michelle Henry is qualified and willing to serve in such a capacity as Town of Newfield Representative to the Tompkins County Environmental Management Council; and

**WHEREAS**, upon consideration and deliberation upon same, the Town Board of Newfield has hereby

**RESOLVED**, that Michelle Henry be and is hereby appointed as the Town of Newfield Representative to the Tompkins County Environmental Management Council, to serve at the pleasure of this Board.

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

Carried

Resolution No. 62-2021 to Establishing a checking account with the Tioga State Bank (TSB) for the purpose of accepting on-line Water/Sewer District payments.

Motion to approve Resolution No. 62-2021 establishing a checking about with the Tioga State Bank for the purpose of accepting on-line Water/Sewer District Payments, seconded by Councilperson James.

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

Carried

### Old Business

*Opt-out Marijuana Law*- tabled until the December 9, 2021 meeting for discussion and vote.

### New Business

Discussion /Approval of proposed fee structure for large scale solar

Motion to accept the recommendation from the Newfield Planning Board fee schedule for Solar permits as follow: Small Scale/ Residential permit- \$100.00; Large Scale/Commercial permit- \$1000.00 up to five acres, plus \$50.00/acre for each acre of project size exceeding five acres was offered by Councilperson James, Seconded by Councilperson McCarty

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

Carried

*Discussion -Entering in a contract with Thoma Consultants to assist with CDGB 2022 Application*

Motion to approve entering into a contract with Thoma Consultants to assist with CDGB 2021 application was offered by Councilperson Laughlin, seconded by Councilperson Powers.

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

Carried

*Discussion – Establishing a super saver account-*

Bookkeeper Taetzsch reviewed the financial benefits of having Town funds \_\_\_\_\_. Bookkeeper Taetzsch will gather information from area financial institutions and present information to the Board at the December meeting.

Respectfully Submitted,

November 22, 2021,

Karen Miller Kenerson, RMC  
Town Clerk