

Town of Newfield Regular Board Meeting  
November 10, 2011

The regular meeting of the Newfield Town Board was called to order at 7:00PM by Supervisor Driscoll. Present: CP Trask, CP Hart, CP James, CP Laughlin and Supervisor Driscoll. Also present: Town Atty. Edward Hooks, Highway Superintendent Kevin Berggren, Water/Sewer Supervisor Rob Brewer, Code Enforcer Tony Petito and Code Enforcer Harry Wright.

#### PRIVILEGE OF THE FLOOR

Mark Sidle spoke to the Board regarding issues with the Time Sheets. He has talked with the Union and the NYS Labor Board and they have told him the same thing. He has time on his pay stub, which is a legal document, from the town and he has another sheet which puts him in the negative for comp time. It is not just him but a couple of others. He would like to know what to do to rectify this in a timely manner without taking a hit on his time. He is suppose to be able to go by these documents. CP Trask stated that the Highway Dept. Superintendent should be getting a monthly/weekly reports with time balances on them. CP Hart reviewed the time stub of 10/28 payroll it showed that Mr. Sidle had 19 hours comp time and when he got his next statement it showed that Mr. Sidle was in arrears 33 hours. Mark stated that he was told it was a clerical error in bookkeeping and he was to use whatever time he had to make a negative a positive but he never knew he had a negative. Levi Carling, Highway Dept. stated that he had the same situation. Bryan Fuller stated he was told they should keep track of their own time which they have never had to do before. Highway Superintendent, Kevin Berggren stated that in prior years he had a sheet with their time available. He has not had one of those sheets given to him in many months. CP Trask stated the supervisor of the Dept. should have a monthly/weekly updated sheet. Mr. Berggren stated he did not get those sheets anymore. CP Hart asked what other problems they had. Mr. Sidle stated that money is going into their acct. and then coming back out again. Mr. Fuller stated that the HSA acct. monies were not being put in their accounts in a timely manner. Employee withholding taxes were not deducted properly the first 6 months they were using 2010 tax roll instead of 2011 and it took them 6 months to figure it out. Bryan McIlroy, Temporary Bookkeeper for payroll, stated that when he first start doing payroll he told Richard about the discrepancies in the comp. and personal time. Richard was suppose to tell Kevin, that the comp. time was not going to track on their time sheets until he had time to reconcile from the beginning of the year forward to ensure that what Brenda was doing and the last quarter were correct. A few weeks ago he was finally able to get reconcile. Brenda was not suppose to be using Williamson Law Book for Payroll 2011. She supposedly switch to QuickBooks. If you don't pay for the Support you don't get the updates which includes the tax amounts inside the program. So when the Town went back to Williamson Law they updated the rates.

CP Trask stated that Bryan came in when things were a mess and he has done a very good job getting this cleaned up and we are almost reconciled up to August.

Mr. Fuller stated that someone should have communicated with them and let them know what was going on. Supervisor Driscoll stated that he asked to have a

conversation with the Highway Crew in August at 4:30 and when he got there no one was there.

Supervisor Driscoll stated the Bookkeeper was way over her head and did a good job of never letting anyone know and it was never discovered until after she left. He didn't have the funds to have Bryan and Gerry Licht come in full time and do that kind of work. Bryan came in for about 10 hours per week and Gerry for about 10-15 hours per week.

CP Hart asked what would make the guys happy. Mr. Sidle and Mr. Fuller stated they would like to have all the negatives taken off their time. They know they have not used all the comp. time that is stated on their pay checks

CP Trask stated that the 4 Board Members were not responsible for what happened. However, they are responsible for helping to clean it up.

CP Laughlin asked how many guys this involves. They thought 3-4.

Mr. McIlroy stated that the bottom line is the problem is fixed and it will not happen again and if the Board just wants to say you guys are at zero, he will fix it and the Town will move forward just like they always have.

CP Trask stated that in his world if you use more time than you have they take it out of somewhere else. Everyone needs to be responsible for themselves and keeping track of their time is partly their responsibility also. Moving forward he suggests that the Highway Superintendent get a monthly or weekly report that shows their time.

After more discussion motion was made by CP Hart that the negative comp. time be zeroed out for the 3 people that are affected and on Bryan Fuller's negative personal time be zeroed out as well. Highway Superintendent Kevin Berggren to get the Monthly/weekly report. Motion was seconded by CP Trask.

Ayes

CP James

CP Hart

CP Trask

Supervisor Driscoll

Nays

CP Laughlin

Motion carried.

Atty. Hooks asked Mr. Sidle if he would be amendable to take the position that this is in lieu of any and all of grievances that might be filed on the subject. Mr. Sidle-the President of the CSEA unit- agreed on behalf of the Highway Department employees that is resolution was satisfactory and that no grievances would be filed concerning this issue.

Amy Heffron stated her concerns regarding the bookkeeper that had left. She stated again that she felt that Supervisor Driscoll should resign because of all the financial errors that he has made in the past year. The Town cannot afford any more.

Motion was made by CP Trask to approve the minutes of the October, 2011 Regular Board meeting. Motion was seconded by CP Laughlin. CP Hart asked that the letter he read from the Comptroller's Office, at the last Board Meeting, be entered into the Minutes. All approved.

#### AGENDA CHANGES

Supervisor Driscoll stated that the Board would be voting on the CSEA Contract tonight. Atty. Hooks suggested that the Board should go into Executive Session to discuss the Contract. The Regular Board Meeting will continue after the Executive Session.

Supervisor Driscoll stated he was going to move the Adoption of the 2012 Town Budget to item 6D and the voting on the CSEA Contract to 6A.

Motion was made by CP James to adjourn this portion of the Regular Board Meeting and go into Executive Session to discuss the CSEA Contract for 2012 -2014. Motion was seconded by CP Hart. All approved.

Motion was made by CP Trask to adjourn Executive Session and return to the Regular Board Meeting. Motion was seconded by CP Hart. All approved.

#### NEW BUSINESS

Motion was made by CP Hart to approve the adoption of the CSEA Contract for the years 2012, 2013 and 2014. Motion was seconded by CP Trask. All approved.

After discussion motion was made by CP James to approve Resolution No. 16-2011. Motion was seconded by CP Hart.

#### RESOLUTION NO. 16-2011 Increase of Fees in Water District 1

RESOLVED, that the water rates and schedule of charges for services for the Town of Newfield Water District 1 be set as set forth in the schedule below and be it further

RESOLVED, that the Town Clerk be and hereby is directed to immediately post a copy of this resolution in her office, and it is further

RESOLVED, that the applicable water rates and charges shall go into effect as of the first billing in December 2011 and the Town Clerk hereby is authorized and directed to prepare bills and notices accordingly.

#### **WATER RATE TABLE NO. 1 RESIDENTIAL SINGLE DWELLING**

	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>CHARGE</u>
1.	0	15,000 Gallons	\$40.00 base rate

**WATER RATE TABLE NO. 1  
RESIDENTIAL SINGLE DWELLING (CONT.)**

2.	15,001	30,000 Gallons	\$2.00/1000 gallons
3.	30,001	750,000 Gallons	\$1.85/1000 gallons
4.	750,000		\$1.25/1000 gallons

**Note:** The first range defines the base charge minimum of \$40.00 with an allowance of 15,000 gallons. It is a base charged to all customers and allows for the use of up to 15,000 gallons without incurring any additional charges. Thereafter, charges are on a per 1000 gallon basis.

**WATER RATE TABLE NO. 2  
MULTIPLE FAMILY DWELLING, APARTMENTS, MOBILE HOME PARKS**

	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>CHARGE</u>
1.	0	30,000 Gallons	\$70.00 base rate
2.	30,001	750,000 Gallons	\$1.85/1000 gallons
3.	750,000		\$1.25/1000 gallons

**Note:** The first range defines the base charge minimum of \$70.00 with an allowance of 30,000 gallons. It is a base charged to all customers and allows for the use of up to 30,000 gallons without incurring any additional charges. Thereafter, charges are on a per 10000 gallon basis.

AYES	NAYS
CP James	None
CP Laughlin	
CP Hart	
CP Trask	
Supervisor Driscoll	

Motion carried.

Motion was made by CP Laughlin to approve the adoption of the 2012 Town of Newfield Budget. Motion was seconded by CP Hart. Supervisor Driscoll thanked the Residents for attending the Public Hearing last Tuesday and for their comments as well as the hard work the Town Board had put into this Budget. It was a very difficult process with lots of cuts. They made their goal which was a maximum levy of \$66,172.00.

All approved.

Motion was made by CP James to move funds from A1110.110 Court Clerk line to A110.112 Court Clerk line. Motion was seconded by CP Laughlin.

AYES	NAYS
CP James	CP Hart
CP Laughlin	
CP Trask	
Supervisor Driscoll	

Motion Carried.

Motion was made by CP Hart to approve the payment of the November monthly bills. Motion was seconded by CP Laughlin. CP Hart stated that he had noticed that the payroll taxes April-June until now have not been paid. He stated that he knew the fines are typically steep and swift. He asked if Supervisor Driscoll had any idea what the fines would be on this? Supervisor Driscoll stated he has not heard anything and is expecting he will be and he is going to ask that they reduce the fines and to eliminate them for the reasons he has already discussed. CP Hart asked where the money will be coming. Supervisor Driscoll stated he would bring it up to the Board when that letter comes. The 2<sup>nd</sup> and 3<sup>rd</sup> quarters were late also. Supervisor Driscoll stated that all is current now.

General Fund totaling	\$ 54,655.99
Recreation Fund totaling	\$ 2,279.42
Highway Fund totaling	\$125,063.80
Streetlight Fund totaling	\$ 1,308.41
Sewer Fund totaling	\$ 670.85
Water District 1 totaling	\$ 5,278.26
Water District 2 totaling	\$ 1,641.30

Motion carried.

#### REPORTS

Supervisor – Supervisor Driscoll introduced the new Town Justice Gary Dresser to the community.

Highway – Highway Superintendent Kevin Berggren asked if once the budget is approved the only thing the Board can touch is the permanent improvements in which he has to provide a report for the roads to be worked on for approval. Other than that he will spend the money as he sees necessary. He is elected to do the position and that is what he is going to do. CP Trask stated he agreed with Mr. Berggren it is his budget. Mr. Berggren stated that the Highway Dept. is doing okay with their financials. Mr. Berggren stated he still disagrees with the bonding.

The Highway crew has been doing some paving on Jackson Hollow Rd. Shoulders on Cox Rd. Getting the trucks ready for winter.

CP Hart stated that he has been on the Board for a long time and he can remember when Mr. Berggren first started working at the Highway and the Board was doing the budget he remembers the repairs for Caskey's and Crispell was almost half of what it was the previous year. The Board at the time thought that there was a mistake and there wouldn't be enough money in the budget line. They found out that Mr. Berggren had been hired and was fixing the trucks and at times taking the trucks to his father's shop for repair after he got done at the Highway Barns. CP Hart asked that he realize that there is a lot of people that know this is going on and appreciate it. CP Trask stated that he to feels that the Highway Crew has done a good job and he sees what is done and he realizes how much money he has been saving the town. He told Mr.

Berggren to continue what he is doing and to come to the Board and voice his opinion. They are listening. Supervisor Driscoll stated he echoed the sentiments completely and has said it before. Mr. Berggren stated that no one told him they were going to remove the uniforms from the budget line. That is his budget line and he should have been told. If the Board wishes him to bring to their attention on what he is doing down at the barns then they should be communicating with him also. Last year his budget was cut way down and he was never told about that either. If someone is being honest with you and when the Board is going to make changes he should be told about it. He discussed other issues in the Contract that should have been changed and wasn't and items that were changed that he wasn't told about. It was suggested that Mr. Berggren should be sitting in on the negotiations.

Water/Sewer – Supervisor Brewer stated he didn't have anything to report.

Recreation – Recreation Director Dustin James reported that the Basketball program starts up Saturday. There is a new program starting where they are working closely with other local Rec. Directors in a new league of play that better fits the Recreation philosophy. There was a Recreation Committee last night and Shawn Norman is the new Chair of the committee with Amy Heffron the Vice Chair. The Committee is working on funding for next year and youth development programs that were cut from his budget. Fall Cheerleading is over and basketball cheer will have sign ups next week. The Shoot A Thon fund raiser will be brought back because it has been a good fund raiser in the past. CP Hart stated that if there is anyone that could help the Committee out, Dustin is in desperate need of a storage facility for rec. equipment. Something like a wooden shed he can put at the Town Hall. Currently he shares space with the school and there are too many hands that have access to the area and it is getting harder to keep track of equipment. So if anyone out there knows anyone that is willing to donate time, material, labor, and money please help Dustin.

Code Enforcer – Code Enforcer Tony Petito reported that cases he has been working on. Two of his cases are improved and are in compliance. He also reported on new complaints. Mr. Petito stated that as a resident of Newfield he would like to thank CP Hart for all the hard work and good things he has done for the Town of Newfield.

Code Enforcer – Code Enforcer Harry Wright reported there were 103 building permits to date, about 12 down from 2010. He will have a print out for the December meeting. CP Trask asked Mr. Wright if he sees any development for the future. Mr. Wright stated that the one developer that was going to develop Cox Rd. has decided he would rather sell the land and not develop at all. He is not sure about the future it is very difficult to predict.

CP Hart asked if the Frandsen development was all finished with CO issued. He is at the stage where he is able to rent. His Storm water notice of determination cannot be delivered with respect to the growth over the disturbed area. There must be 80% growth over 100% of the disturbed area. Things are growing and he is still paying for inspections.

County Legislator – County Legislator Dave McKenna reported the County Budget is tentatively set at 3.99% which is 6.67 per \$1000. Up 3.1% from last year. This will go to the Legislator next Tuesday night for a vote. Public Hearings were held last night, 4 people showed up. County Highway Superintendent is retiring as of Dec. CP Trask asked what was the maximum tax cap Mr. McKenna stated the mandated was 2.9%. It is just over 1%.

Atty. Hooks reviewed the Bond Resolution with the Board. This Bond is for the purchase of a backhoe.

At a regular meeting of the Town Council of the Town of Newfield, Tompkins County, New York, duly held at the Town Hall located at 166 Main Street, Newfield, New York 14687 held on November 10, 2011 at 7:00 p.m.

PRESENT: CP James  
CP Laughlin  
CP Hart  
CP Trask  
Supervisor Driscoll  
ABSENT: None

The following resolution was offered by CP Laughlin who moved its adoption, seconded by CP Trask to-wit:

**BOND RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEWFIELD, TOMPKINS COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ISSUANCE OF UP TO \$85,000 IN SERIAL BONDS OF THE TOWN TO FINANCE THE ACQUISITION OF A BACKHOE**

WHEREAS, the Town Council (the "Council") of the Town of Newfield, Tompkins County, New York (the "Town") is considering the acquisition of a backhoe and related equipment, all at a total estimated cost not to exceed \$85,000; and

WHEREAS, the purchase of said equipment and the financing thereof through the issuance of the Town's obligations constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations thereunder (collectively, "SEQRA"), and therefore no further actions or proceedings under SEQRA with respect thereto need be taken by the Council prior to authorizing the issuance of obligations or expenditure of funds for said purchase; and

WHEREAS, the Council now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW THEREFORE, THE TOWN COUNCIL 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 undertake the acquisition of one backhoe and related equipment for use by the Town's Highway Department (the "Project") at a maximum cost of \$85,000, said amount is hereby appropriated therefore and the Town is authorized to issue up to \$85,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$85,700, and the plan for the financing thereof shall consist of the issuance of up to \$85,700 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.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision a.28. 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 Section 1 of this resolution.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subsection d.5. of Section 107.00 of the Law.

SECTION 6. 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, in hereby authorized pursuant to Section 165.10 of the Law, capital purpose described in Section 1 of 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 7. 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 8. 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 Council 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, as the chief fiscal officer of the Town (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 bond 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 the Town, then the power of the Town Council 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 Town Supervisor, as the chief fiscal officer of the Town.

SECTION 9. 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 Town of

(the ACode@) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as Aqualified tax-exempt bonds@in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure undertaking 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 Town 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 Council.

SECTION 12. The Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 13. 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.

The following vote was taken and recorded in the public or open session of said meeting:

Supervisor Driscoll	VOTING	Aye
Council Member Hart	VOTING	Aye
Council Member James	VOTING	Aye
Council Member Trask, Jr.	VOTING	Aye
Council Member Laughlin	VOTING	Aye

This bond resolution shall take effect immediately.

Dated: November 10, 2011

There being no further business, Supervisor Driscoll adjourned the meeting at 8:15PM.

Respectfully submitted,

Katharine Crance  
Town Clerk

Nov. 25, 2011  
Date

DRAFT