

A regular meeting was held June 21, 2016 at Hutchinson Hall, Newark Valley at 7:00 P.M. The following Board members were

**PRESENT:**

Stuart Yetter, Jr., Supervisor  
Tim Dalton, Councilman  
Joe Tomazin, Jr. Councilman  
Dan Cheresnowski, Councilman

**ABSENT:**

Warren Smith, Councilman

**Also Present:**

Charlie Morgan, Del Mock, Karen McMullen; Levine, Gouldin, & Thompson, Attorneys to the Town, Charles Meade; Highway Superintendent, Marty Schneider; Historian Volunteer, Mari-Louise Merkwa; Representative from Hybrid Building Solutions, and Tom Larson; Code.

**Meeting Called To Order**

Supervisor Yetter called the meeting to order at 7:00 P.M.

**Pledge of Allegiance**

Supervisor Yetter led all in the Pledge of Allegiance.

**Approval of Board Meeting Minutes for May 17, 2016 and June 7, 2016**

**Resolution #61-2016**

**Approval of Town Board Meeting Minutes for  
May 17, 2016 and June 7, 2016**

On a motion offered by Councilman Dalton and seconded by Councilman Tomazin, the Town Board approved the Meeting Minutes for May 17, 2016 and June 7, 2016 as submitted.

Councilman Dalton - AYE  
Councilman Tomazin - AYE  
Councilman Cheresnowski - AYE  
Supervisor Yetter - AYE

**Motion Carried**

**Privilege of the Floor**

Supervisor Yetter opened Privilege of the Floor.

Marty Schneider said they are trying to find someone to paint the walls in the new renovations. The Board will help try to find someone.

There was discussion about Prevailing Wages and proper quotes.

Supervisor Yetter said he Met with Ginny Mullen concerning the Tioga County Fair exhibit. It should be a good thing for people to see how the town was back years ago.

Superintendent Meade said he would be taking delivery of the new truck bought in December, tomorrow. It too, will be on display at the Tioga County Fair.

Mari-Louise Merkwa is here for the bid opening.

Privilege of the Floor was closed.

## Highway Superintendent's Report

Highway Report June 21, 2016

- #1. Gas Price: \$1.88 gal Diesel Price: \$1.68 gal
- #2. All the projects with stone and oil are complete. I did do 1 more road, which the oil price was lower than estimated in April and we had the stone. I will have the exact cost for Dr. Knapp S. in the July meeting with amendment for the agreement to spend highway funds. If the monies are ok I might do more but waiting for the bills.
- #3. I haven't had time to get into the wall on NV-Maine Rd. yet. Basically explore to see what is happening, I will keep you informed.
- #4. The shoulders should be done by the July meeting on NV-Maine Rd.
- #5. We have gone around and re-worked holes on gravel roads only. The DEC permit I finally received for truck #84. Now we are waiting for a valve that wore out in the back, which closed on its own while loading water and blew out all the piping. We are replacing all.
- #6. We will be getting some type of dust control out shortly. Harford gas does have brine, but only 19% salt. It will take 3 or 4 times to get enough. No cost for now.

There was discussion about calcium and salt brine.

Superintendent Meade added to his report.

#7. The new truck will be arriving tomorrow.

There was discussion about keeping the dust down.

The bids for the salt shed were opened at 7:14.

There were two bids:

Hybrid Building Solutions bid came in at a cost of \$89,517.00 with all information included.

Clearspan's bid came in at \$67,250.00 with very little information.

The Board looked over the bids,

Superintendent Meade will contact Clearspan for more information and specs. He will then look at both bids and make a recommendation to the Board at the next meeting.

There was a discussion about the differences between the two bids.

## New Business

### Supervisor's Financial Report

Supervisor Yetter said there is nothing too exciting. Everything is pretty much on track.

### Resolution #62-2016

### Supervisor's Financial Report

On a motion offered by Councilman Cheresnowski and seconded by Councilman Tomazin, the Town Board accepted the Supervisor's Financial Report for May 2016 as submitted.

Councilman Dalton - AYE

Councilman Tomazin - AYE

Councilman Cheresnowski - AYE

Supervisor Yetter - AYE

### Motion Carried

**Old Business**

**New Truck**

The process of trying to bond money is quite involved.

There was a lengthy discussion about how bonding works and what is involved.

Superintendent Meade presented the Board with an alternative to bonding. He shared a lease-purchase agreement to the Board members and the attorney.

There was discussion about the lease-purchase and bonding.

After the discussion it was decided that we should lay the groundwork to bond the money in case it is needed.

There was discussion concerning the language of the bonding agreement and resolution

Resolution #63-2016

A RESOLUTION AUTHORIZING THE ISSUANCE OF A STATUTORY  
INSTALLMENT BOND OF THE TOWN OF NEWARK VALLEY, TIOGA COUNTY,  
NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED  
\$162,000.00 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE  
PURCHASE OF A TRUCK.

A regular meeting of the Town Board of the Town of Newark Valley, Tioga County, New York was convened in public session at Hutchinson Hall, 109 Whig Street, in the Town of Newark Valley, New York on June 21, 2016, at 7 pm, local time.

The meeting was called to order by Supervisor Stuart Yetter, and, upon roll being called, the following Town Board members were:

PRESENT: Stuart Yetter, Jr., Supervisor  
Timothy Dalton, Councilman  
Joseph Tomazin, Jr. Councilman  
Daniel Cheresnowski, Councilman

ABSENT:  
Warren Smith, Councilman

The following persons were ALSO PRESENT: Charlie Morgan, Del Mock, Karen McMullen; Levine, Gouldin, & Thompson, Attorneys to the Town, Charles Meade; Highway Superintendent, Marty Schneider; Historian Volunteer, Mari-Louise Merkwa; Representative from Hybrid Building Solutions, and Tom Larson; Code.

The following resolution #63-2016 was offered by Councilman Tomazin, seconded by Councilman Cheresnowski, to wit;

STATUTORY INSTALLMENT BOND RESOLUTION

DATED June 21, 2016

A resolution authorizing the issuance of one statutory installment bond of the Town of Newark Valley, Tioga County, New York in an aggregate principal amount not to exceed \$162,000.00 pursuant to the Local Finance Law to finance the purchase of a 2016 Volvo dump truck with a

tenco box, plow, wing, and sander, and delegating the power to issue the Statutory Installment Bonds to the Town Supervisor.

BE IT RESOLVED, by the Board of the Town of Newark Valley, Tioga County, New York (the “Town”) by the favorable vote of the three Board members present at the meeting, as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the purchase of a 2016 Volvo dump truck with a tenco box, plow, wing, and sander at an estimated maximum cost of \$192,950.00.

SECTION 2. The Board plans to finance the total cost of the said purpose by a down payment of \$30,950.00 and the issuance of a statutory installment bond of the Town in an amount not to exceed \$162,000.00, hereby authorized to be issued therefor pursuant to the Local Finance Law. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the purpose described herein.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in Section 11.00(a)(28) of the Local Finance Law, and that the period of probable usefulness is 15 years.

SECTION 4. It is hereby determined that the proposed maturity of the obligation authorized by this resolution will not be in excess of five (5) years.

SECTION 5. The bond authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bond as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bond becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bond as the same become due and payable.

SECTION 6. Subject to the terms and contents of this resolution and the Local Finance Law, the power to issue the statutory installment bond authorized by this resolution, and the power to prescribe the terms, form and contents of said bond, and the power to determine to issue said bonds providing for substantially level or declining debt service, are hereby delegated to the Town Supervisor, Stuart Yetter, Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any bond issued pursuant to this resolution, and the Supervisor is hereby authorized to affix the corporate seal of the Town to the bond, if necessary, and to attest to such seal.

SECTION 7. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bond authorized by this resolution, 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 bond authorized by this resolution as a “qualified tax-exempt obligation” in accordance with Section 265 (b) (3) of the Code.

SECTION 8. The validity of said bond may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of the publication of this 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
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 9. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Tioga County Courier, a newspaper having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication.

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

Councilman Dalton - AYE  
Councilman Tomazin - AYE  
Councilman Cheresnowski - AYE  
Supervisor Yetter - AYE  
**Motion Carried**

The foregoing resolution was thereupon declared duly adopted.

## CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

- (1) She is the duly qualified and acting Town Clerk of the Town of Newark Valley, Tioga County, New York (hereinafter called the "Town Clerk") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.
- (2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on June 21, 2016 and entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE OF A STATUTORY  
INSTALLMENT BOND OF THE TOWN OF NEWARK VALLEY, TIOGA COUNTY,  
NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED  
\$162,000.00 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE  
PURCHASE OF A TRUCK.

- (3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of said resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of said resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.
- (4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 21st day of June, 2016.

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Barb Mock  
Town Clerk of the Town of Newark Valley

### **Department & Council Reports**

There was a discussion about the Fire Department parking area.

It was decided when Superintendent Meade contracts privately with anyone in the Town of Newark Valley he needs to disclose it to the Town Board. Use of any town resources is to be used only for town projects unless there is a Shared Service Contract with the other entity.

We need to enter into a Shared Service Agreement with the Fire District.

## **Code**

Tom Larson updated the Board about the cabins.

Mr. Larson handed out a Tech Bulletin from New York State Division of Code Enforcement and Administration.

There was discussion about the bulletin, subdivisions and road frontage.

## **Solar Panels and Wind Power**

There was discussion about Solar Farms.

The Board discussed having a one year moratorium on solar farms.

Karen McMullen discussed with the Board laws concerning solar panels and wind power. She will have a draft for a local law for a one year moratorium on solar farms at the next meeting.

Karen McMullen discussed with the Board the Lighting Law. She will be in contact with the Planning Board to go over their draft.

We will only have one meeting in July, scheduled for July 19, 2016.

## **Dog Control**

Denise Liske gave Supervisor Yetter her report:

- June 23 she will be in court with several tickets
- The enumeration is going well
- She has had complaints about barking dogs
- Complaints about dogs running at large

## **Resolution # 64-2016**

## **Appointment of Janet Smith as Deputy Town Clerk, Tax Collector and Deputy Registrar**

On a motion offered by Councilman Dalton and seconded by Councilman Tomazin, the Town Board appointed Janet Smith as Deputy Town Clerk, Deputy Tax Collector, and Deputy Registrar.

Councilman Cheresnowski - AYE

Councilman Dalton- AYE

Councilman Tomazin, Jr. - AYE

Supervisor Yetter, Jr. - AYE

**Motion Carried**

## **Resolution #65-2016**

## **Change of Signees on Town Clerk and Tax Collector Checking Accounts**

A motion was offered by Councilman Dalton and seconded by Councilman Tomazin authorizing the removal of Sharon Weed on the Town Clerk's and Tax Collector's checking account and putting Janet Smith on the accounts.

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Councilman Dalton - AYE

Councilman Tomazin - AYE

Councilman Cheresnowski - AYE

Supervisor Yetter - AYE

**Motion Carried**

**Highway Bills**

**Resolution #66-2016**

**Highway Bills**

On a motion, offered by Councilman Dalton and seconded by Councilman Tomazin, the Town Board authorizes the payment of Highway Bill Vouchers #H78– #H100 inclusive in the amount of \$179,391.08.

Councilman Dalton - AYE  
Councilman Tomazin - AYE  
Councilman Cheresnowski - AYE  
Supervisor Yetter - AYE

**Motion Carried**

**General Bills**

**Resolution #67-2016**

**General Bills**

On a motion offered by Councilman Cheresnowski and seconded by Councilman Dalton, the Town Board authorizes the payment of General Bill Vouchers 149-183, inclusive, in the amount of \$17,875.51.

Councilman Dalton - AYE  
Councilman Tomazin - AYE  
Councilman Cheresnowski - AYE  
Supervisor Yetter - AYE

**Motion Carried**

On a motion offered by Councilman Cheresnowski and seconded by Councilman Dalton, the meeting was adjourned at 9:07 P.M.

The July 5, 2016 Work Session has been canceled.

The next scheduled meeting is a Regular Meeting on July 19, 2016 at 7:00P.M.

Respectfully submitted,

Barbara S. Mock