

A regular meeting was held November 15, 2016 at Hutchinson Hall, Newark Valley at 7:00 P.M.  
The following Board members were

**PRESENT:**

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

**Also Present:**

Charlie Morgan; Marty Schneider, Volunteer Historian; Charlie Meade, Highway Superintendent; Sue Meade; Karen McMullen, Levene, Gouldin & Thompson, Attorneys to the Town; Denise Liske, Dog Control Officer.

**Meeting Called to Order**

Supervisor Yetter called the meeting to order at 6:59 P.M.

**Pledge of Allegiance**

Supervisor Yetter led all in the Pledge of Allegiance.

**Approval of Town Board Meeting Minutes for October 18, 2016 and November 9, 2016**

**Resolution #122-2016**

**Approval of Town Board Meeting Minutes  
October 18, 2016 and November 9, 2016**

On a motion offered by Councilman Cheresnowski and seconded by Councilman Smith, the Town Board approved the Meeting Minutes for October 18, 2016 and November 9, 2016 as submitted.

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

**Motion Carried**

**Privilege of the Floor**

Supervisor Yetter opened Privilege of the Floor.

Marty Schneider, on behalf of Shirley Callahan, Town Historian, and the volunteer Historians, thanked Dan Cheresnowski and all those involved in the Historian Building bathroom project. They are very pleased with it! Supervisor Yetter reported that the water will be turned on as soon as the furnace is fixed, which is waiting on parts to be delivered. Marty also mentioned that she will be researching whether a grant revision needs to be done to spend the surplus money for incidental purchases for the Historian Building (i.e., filing cabinets).

## Highway Superintendent's Report

### HIGHWAY REPORT NOVEMBER 15, 2016

1. Gas Price: \$1.87 Diesel Price: \$1.77
2. Back cleaning ditches on King Hill Rd and spots on Russell Rd. New driveway pipe on King Hill (Stokes 1717) and add on driveway pipe Markham Rd (Taylor 278).
3. Been hauling road sand in, building not full yet. Probably start moving outside sand in next week. (Skeleton crew deer season)
4. Under state bid replaced tires on:
  - a. #80 - 4
  - b. #83 - 4 rears
  - c. #81 - 8 rears
  - d. #82 - 8 rears
  - e. #84 - 8 rears

I am also getting a rear tire with tube for mower. Change 2 tires on front of 81 which came off from 85 - 1 and 88 - 1. All tires which came off of 81, 82, 84 turned in for credit which lowers the cost.

5. Both floors on 81 and 82 are done.
6. Still working on cat-ex. Getting closer on fixing. In house fixing it so far.
7. Truck #89 - the roof is fixed from Burr Truck.
8. The brine tank has started to leak at the patched area. I have prices to replace it which is:
  - a. Wayne Welding (Yorkville NY): 2600 gal. \$5,253.00 delivered. Only verbal quote.
  - b. Central Equipment (Port Byron NY 13140): 2600 gal. \$4,108.00 we pick it up. Written quote. Note: Wayne Welding and Central Equipment are both light gage tanks, what we have now.
  - c. Bradco Supply (Towanda PA): 2035 gal. heavy gage (blue) \$4,352.00 delivered here. Written quote.
  - d. Independent Ag (Biglerville PA): 2035 gal. heavy gage (blue) \$4,326.20 delivered here. Also a 2035 gal. light gage (white) delivered here \$4,011.84. Written quotes.

I recommend if we go with the heavy gage (blue), buy it through Bradco Supply. It's a lot closer if we need anything. The difference is \$25.80.

The reason to buy or replace it is, when we had this patched (Castle Creek), he won't warrantee it, and I don't want to see that happening again. We had problems getting a patch through the company and the plastic welding rod, because he didn't have anything compatible with the tanks plastic. Don't use no more (the tank).

9. An amendment for the agreement to spend is attached. The prices include oil and equipment. We had stone on hand. We ran out of oil to complete Dalton Hill intersection. If they went for more, it would be overtime for us.
10. I have the contract from Auctions International. They will come here and take (6) pictures of each motorized equipment and do conditions report, for \$30.00 that will be deducted from the sale of that piece. I think it should be done because of their conditions (i.e., trucks and equipment, etc.).

Highway Superintendent Meade read his Highway Report.

There was discussion about #8. Superintendent Meade added that his recommendation to go with Bradco Supply is also because of tank dimensions. There is no money left in the 2016 budget for equipment, however, there is money that can be used from other accounts. Supervisor Yetter noted that a higher bid can be accepted, per State Law, if it can be justified. Since Biglerville PA is around 4 hours away, the Town Board agreed that Bradco Supply and a heavy gage tank were the best options. The written quotes from Bradco Supply, Independent Ag and Central Equipment are on file in the Clerk's office.

**Resolution #123-2016**

**Highway Department Equipment Purchase**

On a motion offered by Councilman Smith and seconded by Councilman Tomazin, the Town Board authorized Superintendent Meade to purchase a heavy gage tank from Bradco Supply to be delivered here.

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

**Motion Carried**

There was discussion about #9. The Town Board approved the amendment. A copy of the proposed amendment is on file in the Clerk's office.

**Resolution #124-2016**

**Amendment to Agreement to Spend Town Highway Funds 2016**

On a motion offered by Councilman Dalton and seconded by Councilman Cheresnowski, the Town Board authorized Superintendent Meade to sign the Amendment to the Agreement to Spend Town Highway Funds 2016 for Davis Hollow and Dalton Hill Roads.

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

**Motion Carried**

There was discussion about #10. The Town Board is okay with Superintendent Meade listing old Highway equipment with Auctions International.

**New Business**

**Supervisor's Financial Report & Budget Transfers**

Supervisor Yetter noted a correction to the Capital Reserve - Hwy Equipment account DA9950.9, which should be \$0.00, and that the Town is on target for the Sales Tax from County account DB1120.

**Resolution # 125-2016**

**Supervisor’s Financial Report**

On a motion offered by Councilman Cheresnowski and seconded by Councilman Smith, the Town Board accepted the Supervisor’s Financial Report for October 2016 as amended.

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

**Motion Carried**

**Resolution #126-2016**

**Budget Modifications**

On a motion offered by Councilman Tomazin and seconded by Councilman Cheresnowski, the Town Board authorized the following budget transfers as listed:

\$ 3,576.38 FROM Cap Res - Money Market    \$ 3,576.38 TO A9950.9 - Cap Res Bldg  
 (note: Salt Shed)

\$ 121.76 FROM B1990.4 - Contgy. Acct    \$ 121.76 TO B3620.4 - Code Enforcement CE

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

**Motion Carried**

**Old Business**

**Services to Village**

Supervisor Yetter requested Superintendent Meade to prepare an estimate of the cost to perform snow removal, to include plowing and sanding, time and materials, etc., on village roads.

**Department and Council Reports**

**Code Enforcement**

No report.

**Dog Control**

Denise Liske discussed the following with the Town Board:

1. Outstanding Kasmarcik court case - the Town Board agreed that the case can be withdrawn since the Kasmarcik's are no longer residents of the town.
2. Cheryl Jones' pit bull has been licensed and, to date, there have been no complaints from neighbors.
3. 100% of retrieved dogs have been returned to their owners. No dogs have been sent to Stray Haven.
4. There have been no new dangerous dog reports.

## **Town Attorney**

Karen McMullen discussed the following with the Town Board:

1. Proposed Local Law(s) for Solar and Wind - Karen gave the Town Board sample laws to review and provide her with feedback. She stated that NYS is pro-solar. The new law(s) will not need zoning provisions, however should include provisions to cover setback, size of property, etc. The new law(s) will also include permit requirements, i.e., larger farm facilities (special permit) versus roof mounted (standard permit). The Town Board is considering moving forward on the local law for Solar and pursuing a separate local law for Wind at a later date, although it was previously discussed to combine them into one law. There doesn't seem to be any interest in the town concerning Wind energy at this time. It was noted again the need for bond requirements in the law(s).
2. Local Law #4 - Karen gave approved Local Law #4 to Supervisor Yetter to sign. She also gave the Clerk forms for filing the approved law with the State to sign, seal and mail back to Karen. Karen will file the approved law with the State.
3. Maine EMS Contract - a revised contract will be sent to Supervisor Yetter with the contract amount corrected from \$75,000 to \$55,000. Once received, it will be brought before the Town Board for approval.

## **Council Members and Committees Reports**

Supervisor Yetter reported that the Highway Union has agreed to the terms of the 2017/2018 Contract.

### **Resolution- # 127-2016**

### **Highway Union Contract for 2017/2018**

On a motion offered by Councilman Smith and seconded by Councilman Tomazin, the Town Board authorized Supervisor Yetter to sign the Highway Union Contract for 2017/2018.

Councilman Cheresnowski - AYE

Councilman Tomazin - AYE

Councilman Dalton - AYE

Councilman Smith - AYE

Supervisor Yetter - AYE

**Motion Carried**

## **Planning Board**

Supervisor Yetter will contact the Planning Board to see if/how they want to remain viable and discuss recruiting new members, if needed.

**Highway Bills**

**Resolution # 128-2016**

**Highway Bills**

On a motion, offered by Councilman Smith and seconded by Councilman Tomazin, the Town Board authorizes the payment of Highway Bill Vouchers H170–H188, inclusive, in the amount of \$81,753.58.

Councilman Cheresnowski - AYE

Councilman Tomazin - AYE

Councilman Dalton - AYE

Councilman Smith - AYE

Supervisor Yetter - AYE

**Motion Carried**

**General Bills**

**Resolution #129-2016**

**General Bills**

On a motion offered by Councilman Dalton and seconded by Councilman Cheresnowski, the Town Board authorizes the payment of General Bill Vouchers 293-331, inclusive, in the amount of \$51,732.46.

Councilman Cheresnowski - AYE

Councilman Tomazin - AYE

Councilman Dalton - AYE

Councilman Smith - AYE

Supervisor Yetter - AYE

**Motion Carried**

On a motion offered by Councilman Dalton and seconded by Councilman Tomazin, the meeting was adjourned at 8:03 P.M.

The next scheduled meeting is a Work Session on December 6, 2016 at 7:00 P.M.

Respectfully submitted,

Janet B. Smith  
Deputy Town Clerk