

A regular meeting was held February 21, 2012 at Hutchinson Hall, Newark Valley at 7:00 P.M.
The following were

PRESENT:

Stuart Yetter, Jr., Supervisor
Donald Thomas, Councilman
Ronald Graham, Councilman
Joe Tomazin, Jr., Councilman
Dan Cheresnowski, Councilman

Also Present: Karen McMullen; Levene, Gouldin & Thompson, Attorneys to the Town, Charles Meade; Highway Superintendent, Hans Peeters; Planning Board Chairman, Del Mock, Charlie Morgan, and Dominica Creeley.

Supervisor Yetter called the meeting to order at 7:00 P.M.
Supervisor Yetter led all in the Pledge of Allegiance.

Approval of Board Meeting Minutes for January 17, 2012 and February 7, 2012.

Supervisor Yetter explained that because the Town Clerk was at the hospital with her husband and the Deputy Town Clerk had a previous engagement the minutes from the February 7, 2012 meeting was taped. However, the tape recorder failed to tape so he told his secretary what he remembered about the meeting and between that and his notes she wrote up the meeting minutes and had the Deputy Town Clerk type them. Mr. Yetter asked the Board if they had any changes to the minutes that they felt needed to be made and no one did.

Resolution #21-2012

Approval of Board Meeting Minutes

On a motion, offered by Councilman Cheresnowski seconded by Councilman Tomazin, the Board approved the Meeting Minutes for January 17, 2012 and February 7, 2012 as submitted.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin - AYE
Supervisor Yetter - AYE

Motion Carried

Privilege of the Floor

There were no comments from the floor.

Privilege of the Floor was closed.

Highway Report February 22, 2012

- #1. Gas price: \$3.166 Diesel price: \$3.449
- #2. We hauled in 1,034.7 tons of sand.
- #3. We are hauling in item #4 from Gregory's while it's still at last year's price.
- #4. Our Truck # 89 2006 Volvo, went to Caskey's for an EGR stepper valve repair.
The cost was: \$3,144.31
- #5. We painted the New Holland Tractor hood and the rear end area.
Also, we found that the exhaust had several cracks, so we welded them up.
We changed the right front tire, and we hope the rear ones will get us through this.

- #6. We changed 8 tires on #81, they were all rear tires. The bill will be here next month.
- #7. We changed 5 tires on Truck #83, four rears and one left front.
Note: right front tire was changed last year.
- #8. Truck #84 we changed the front PTO and pump. Also the air compressor is working again
- #9. We moved tires around from 81 to 85 and spares from stock.
- #10. Howard Hill box culvert (floor). The PW for the floor was written and signed but when Albany looked over the paper work, they saw side cracks in the pictures, so they sent it back. I had county Engineer Gary Hammond, Supervisor Yetter and myself, Re-look it over. Gary said that the floor structure is sound. (No cracking) The up rights are cracking, they are fatigued. If FEMA will pay for the replacement 75% go for the replacement. We left it at that.
- #11. Later that day FEMA Representatives along with a Bridge P.E. Re-looked it over. What do you want to do? Going along with what the County Engineer stated. FEMA asked if there were any paper work for inspections. Do we have anything or does the County have it. I told him I looked over most of the non- Inspected Bridges, once (1) a year for debris removal or any obvious problems, but no paper trail. They left it to me to get a cost for replacing it. I have been working on it.
- #12. Bailey Hollow Pipe – FEMA will not replace it, but there is a program 404 which is through FEMA and they will pay 75% of the Cost. This is handled through the Tioga County Soil and Water. I am in the process of getting the Cost to remove and replace it.
- #13. We will have the amount of Chips as last year, with a \$1.00 increase \$120,857.
- #14. We took some Junk to Weitsman’s and the amount of \$1,553.27 was turned over to the bookkeeper. Check # 13239.

Mr. Meade discussed with the Board what needs to be done on the roads this year. The Board and Mr. Meade discussed the amount received and will be received from FEMA for the April and September flooding. Supervisor Yetter said that so far the word is that we will be receiving nothing from the State and 75% from the Federal Government. We have received two checks electronically from FEMA and there was discussion about the work completed and the work not completed.

Councilman Tomazin believes this would be a good time to get the site ready for the salt barn. There was discussion about gravel.

Councilman Thomas thanked Mr. Meade for getting a limb down on Howard Hill Rd.

Mr. Meade said he had to call NYSEG to get it down.

New Business

Supervisor’s Financial Report

Supervisor Yetter stated that everything is good. Revenues for FEMA have started coming in. The tax money is all in.

Resolution #22-2012

Supervisor's Financial Report

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

Councilman Thomas -AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin- AYE
Supervisor Yetter - AYE

Motion Carried

The Town Board and Superintendent Meade discussed details of the Spring Clean-up Day, and the dates were set for May 3, senior pick up; May 4 and May5 for people to bring their junk. The information will be published in the newsletter.

There was discussion about scrap metal and tires.

Deputy Clerk/Tax Collector Compensation

Supervisor Yetter stated that Alex Torra lost a significant number of days for subbing at the school when she covered for the Clerk/Tax Collector in January and February. Supervisor Yetter wants to compensate her for her time and it would come out of the contingency account. He stated that in all fairness, we do not expect anyone else to work extra hours. He said we are looking at less than eighty hours.

There was discussion on this matter and Supervisor Yetter said he would look at the numbers.

Dog Control

Del Mock has resigned his position as DCO as of February 5, 2012. Supervisor Yetter said we need to move on. Mr. James Gee and Mr. Eric Johnson have submitted their letters of interest for the position. Supervisor Yetter and Councilman Cheresnowski will set up interviews with the two men. Councilman Cheresnowski will be leaving tomorrow for a week.

Public Hearing for Flood Damage Prevention Law

At 7:30 PM, Supervisor Yetter said we needed a resolution to open the public hearing for the Flood Plain Law

Resolution #23-2012

Opened Public Hearing for Local Law #1 of 2012

At 7:30 P.M. by a motion offered by Councilman Tomazin and seconded by Councilman Cheresnowski, the Town Board opened the Public Hearing for Local Law #1-2012, titled Flood Damage Prevention.

Councilman Thomas -AYE
Councilman Graham - AYE
Councilman Cheresnowski – AYE
Councilman Tomazin- AYE
Supervisor Yetter - AYE

Motion Carried

Supervisor Yetter stated the copy of the law that is being looked at tonight has been accepted as a draft by the State as submitted.

There were a few questions and then discussion about the contents of the law. The flood map changed but only where significant water went through, it wasn't whole neighborhoods, but some were widened. The DEC requires the laws to be more specific. Dominica Creeley asked if you would be notified if you were in a flood plain. The answer was no. There were meetings prior to the changes to the maps that people were invited to attend.

There was discussion about people's homeowner's insurance not catching the fact they are in a flood plain, but a mortgage company would if they were applying for a mortgage or refinance.

At 7:34, on a resolution by the Board the Public Hearing was closed.

Resolution #24-2012

Closed Public Hearing for Local Law #1 of 2012

At 7:34 P.M., by a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Town Board closed the Public Hearing for Local Law #1-2012, titled Flood Damage Prevention.

Councilman Thomas -AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin- AYE
Supervisor Yetter - AYE

Motion Carried

Resolution #25-2012

Adoption of Local Law #1 of 2012 Flood Damage Prevention

On a motion offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board of the Town of Newark Valley adopted Local Law #1-2012, titled Flood Damage Prevention.

Councilman Thomas -AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin- AYE
Supervisor Yetter - AYE

Motion Carried

All Hazards Mitigation Plan Update Project

The Board discussed the All Hazards Mitigation Plan Update Project. There has to be an annex from us for this plan identifying one mitigation initiative that we will implement. There is a firm working on writing one. Supervisor Yetter encouraged Mr. Meade to list road projects in order of importance. The funding works different than FEMA. We need to put everything in this plan.

There was discussion about inspecting bridges and roads.

Old Business

Stray Haven

Supervisor Yetter received a response from Stray Haven. We pay \$80.00 for a dog to be there, but the owner pays only \$40.00. The Board would like Stray Haven to collect the other \$40.00 from the owner when they get their dog back.

Ms. McMullen said the dangerous dog impoundment has to come from a judge. Also, Stray Haven needs to ask for collection from the owner, the contract states the Town will pay. We need reimbursement from the owner, maybe the judge can work something out.

Time Warner Agreement

Our franchise agreement with Time Warner has expired. We need to renew it. We need a resolution for a public hearing.

Resolution #26-2012

Public Hearing for Time Warner Franchise Agreement

On a motion offered by Councilman Cheresnowski and seconded by Councilman Tomazin, the Town Board authorizes the Town Clerk to place a legal notice in the Tioga County Courier for a Public Hearing for the purpose of the proposed Franchise Agreement with Time Warner. Said Public Hearing to take place March 20, 2012 at 7:30 PM at Hutchinson Hall, 109 Whig Street, Newark Valley, NY

- Councilman Thomas -AYE
- Councilman Graham - AYE
- Councilman Cheresnowski - AYE
- Councilman Tomazin- AYE
- Supervisor Yetter - AYE

Motion Carried

Department & Council Reports

Code Enforcement

Tom Larson submitted the monthly Code Enforcement report. (A copy is on file in the Clerk’s office). Tom Larson submitted a paper for training. The Board made a resolution for permission for his attendance.

Resolution #27-2012

Code Enforcement Training

On a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Town Board authorizes the Code Enforcement Officer to attend the training for STBOA at Oneonta, NY, March 7, 2012 at a cost of \$30.00 plus mileage.

- Councilman Thomas -AYE
- Councilman Graham - AYE
- Councilman Cheresnowski - AYE
- Councilman Tomazin- AYE
- Supervisor Yetter - AYE

Motion Carried

Council Members and Committees

The Council members had nothing to report from their committees.

Planning Board

Hans Peeters handed out lighting guidelines, Outdoor Lighting Standards, a lighting guide from TING and a draft of the Lighting Control Ordinance for the Town of Newark Valley. He asked that the Board look over the information and give their input.

There was discussion about Code to review the minimum standard for parking lots.

The Town will need to purchase a light meter.

There was discussion about business and residential lighting.

Road Usage

Karen McMullen FOILED the Town of Hector at Supervisor Yetter's request and received a copy of their draft for road usage.

The Board discussed their draft copy.

There was discussion about the Highway Employees Contract

Dangerous Dog Case

There was discussion about the dangerous dog case that is pending. The Board wants this to go through another hearing. The Karen McMullen said she would contact the parties involved.

Town Clerk

The Town Clerk has filed her monthly reports and they are on file in her office.

Justice Report

Justice John Schaffer reported for the month of January 2012, the following cases disposed of: 25 Traffic Tickets; 2 Criminal charges; 4 Dog cases; 0 Civil cases; 0 Econ case and 0 Town law cases. A total of \$2,930.00 was sent to the NYS Comptroller's Office.

Justice Todd Smith reported for the month of January 2012, the following cases disposed of: 31 Traffic Tickets; 0 Criminal Charges; 0 Dog Cases, 1 Civil Case; 0 Econ Cases, 0 Town Law Cases. A total of \$3,670.00 was sent to the NYS Comptroller's Office.

Resolution #28-2012

General Bills

On a motion, offered by Councilman Graham and seconded by Councilman Tomazin, the Town Board authorizes the payment of General Bill Vouchers, 30-59 inclusive, in the amount of \$17,660.97.

Councilman Thomas -AYE

Councilman Graham - AYE

Councilman Cheresnowski - AYE

Councilman Tomazin- AYE

Supervisor Yetter - AYE

Motion Carried

Resolution #29-2012

Highway Bills

On a motion, offered by Councilman Cheresnowski and seconded by Councilman Thomas, the Town Board authorizes the payment of Highway Bill Vouchers #H19 – H48 inclusive in the amount of \$40,093.03.

Councilman Thomas -AYE

Councilman Graham - AYE

Councilman Cheresnowski - AYE

Councilman Tomazin- AYE

Supervisor Yetter - AYE

Motion Carried

There was a motion to adjourn the meeting at 8:28 PM., offered by Councilman Thomas and seconded by Councilman Cheresnowski.

The next scheduled meeting is March 5, 2012.

Respectfully submitted,

Barbara S. Mock
Town Clerk