

A regular meeting was held July 17, 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, Attorney to the Town, Charles Meade; Highway Superintendent, Charlie Morgan, Sue Meade, Del Mock, Paula Litzel, Richard Litzel, Morgan Inderwies, Leslie Inderwies, Benjamin Stephens, Tony DeMara, Teresa DeMara, Dave Lowdermilk, Ann Lowdermilk, George Mundt, Jr., Ed Nizalowski, Gary Hoyt, Stacy Hoyt Mike Wales, John Neuwerk, Nancy Neuwerk, Harvey Hurley, Sherry Hurley, Reda Fedurski, Lee Kocian, Derrick Lee, Keith Tubman, Julie Mundt, Bernie O'Doherty, Dale Gunther, Karen Gunther, William Gale, Elayne Dudek, Eileen Morock, Adriann Townsend, Lise Weaver, TJ Morrissey, Nicole Gwardyak, Ronald Smith, George Gwardyak, Larry Sullivan, Emily Hammond, Tom Hammond, Todd Farthing, Cari Shiel, Brenden Shiel, Kenny Williams, Martin Reilly, Antoinette Chvaral, Cathy Healy, Linda Northrup, Andrew Hellmann, Martin Hellmann, Kelly Swift, James Ulrich, Barbara Ulrich, Carl Brink, Rod Holcomb, Tom Darpino, John Houston, Mary Zimmer, Don Zimmer, Joanne Williams, Dave Andrews, Brad Robinson, Carlton Snapp, Tina Snapp, Todd Cawley, Jennifer Malarky, Harry Holden, Carol Holden, and Josh Holden,

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 June 19, 2012.

Resolution #70-2012

Approval of Board Meeting Minutes

On a motion offered by Councilman Thomas and seconded by Councilman Tomazin, the Board approved the Meeting Minutes for June 19, 2012 as submitted.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

Privilege of the Floor

Privilege of the Floor was opened at 7:03 P.M.
The following people voiced their opinions or not concerning gas drilling:

Charlie Morgan - no comment
Paula Litzel - submitted a letter to the Board supporting gas drilling
Richard Litzel - submitted a letter to the Board supporting gas drilling
Morgan Inderwies - wants a moratorium
Leslie Inderwies - no comment

Ben Stephens - came to listen
Tony DeMara - supports gas drilling
Teresa DeMara - no comment
Dave Lowdermilk - came to listen
Ann Lowdermilk - came to listen
George Mundt, Jr. - wants a moratorium
Ed Nizalowski - against gas drilling
Gary Hoyt - against gas drilling
Stacy Hoyt - no comment
Mike Wales - left the meeting
John Neuwerk - supports gas drilling
Nancy Neuwerk - supports gas drilling
Harvey Hurley - supports gas drilling
Sherry Hurley - supports gas drilling
Reda Fedurski - supports gas drilling
Lee Kocian - supports gas drilling
Derrick Lee - against gas drilling
Keith Tubman - supports gas drilling
Julie Mundt - wants a moratorium
Bernie O'Doherty - against gas drilling
Dale Gunther - supports gas drilling
Karen Gunther - supports gas drilling
William Gale - supports gas drilling
Elayne Dudek - against gas drilling
Eileen Morock - against gas drilling
Adriann Townsend - against gas drilling
Lise Weaver - against gas drilling
TJ Morrissey - against gas drilling
Nicole Gwardyak - supports gas drilling
Ronald Smith - supports gas drilling
George Gwardyak - supports gas drilling
Larry Sullivan - against gas drilling
Emily Hammond - left meeting
Tom Hammond - left meeting
Todd Farthing - against gas drilling
Cari Shiel - no comment
Brenden Shiel - against gas drilling
Kenny Williams - supports gas drilling
Martin Reilly - left the meeting
Antoinette Chvaral - left the meeting
Cathy Healy - left the meeting
Linda Northrup - left the meeting
Andrew Hellmann - supports gas drilling
Martin Hellmann - supports gas drilling
Kelly Swift - supports gas drilling
James Ulrich - against gas drilling
Barbara Ulrich - against gas drilling
Carl Brink - supports gas drilling

Rod Holcomb - supports gas drilling
Tom Darpino - supports gas drilling
John Houston - supports gas drilling
Mary Zimmer - supports gas drilling
Don Zimmer - supports gas drilling
Joanne Williams - supports gas drilling
Dave Andrews - supports a moratorium
Brad Robinson - Candor resident - supports gas drilling
Carlton Snapp - supports gas drilling
Tina Snapp - supports gas drilling
Todd Cawley - supports gas drilling
Jennifer Malarky - came to listen
Harry Holden - couldn't hear comment
Carol Holden - couldn't hear comment
Josh Holden - couldn't hear comment

Paula Litzel asked if the Board legally has a right to pass a moratorium.

Supervisor Yetter stated there are some questions as to the local town's role. Other towns have passed bans under the home rule law that have been upheld in court, but that's not to say that further legal challenges are not forthcoming, that remains to be seen. The Board is looking to the attorney for guidance.

Ms. Litzel asked if time wouldn't be better spent protecting the interest of the town by passing laws to protect us.

Supervisor Yetter said a noise ordinance has been passed, a lighting law is being drawn up, and we are working on a road use law. We are researching other town's laws so we know what things we can control.

Supervisor Yetter said at this point, the sense of urgency is overblown, we do need to keep this moving forward but the issue of gas drilling in Tioga County is a significant time away in the respect that the market is down and the companies have pulled out. We have a little breathing room. We will be looking at everything.

Supervisor Yetter disclosed a conflict of interest he has with the gas drilling issue. He has a significant amount of acreage perhaps subject to a lease and he will not be able to participate in the discussion or do any voting on issues that come up. The Deputy Supervisor will be handling these things. He will stay in an administrative role as far as disseminating information and so on, but will no longer be actively participating in the voting process. The law is clear that if you have the ability to profit from something you shouldn't be making the rules for it.

Supervisor Yetter expressed his thanks to all for sharing their comments and opinions.

Privilege of the Floor was closed at 9:12 P.M.

At 9:19 bids were opened for pile driving. There were two bids. One from Jim Morono from Binghamton and one from Proton in Vestal.

Jim Morono's bid is \$36,000 non inclusive and Jim Lameneo is \$38,000 non inclusive. There was discussion about what each included and their bid prices.

On a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Board accepted the low bid from Proton using the material stated.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

Highway Report July 17, 2012

- #1. Gas price: \$3.33 Diesel price: \$3.06
- #2. The Bus Garage has a leak in there underground gas tank. They hope to have a temporary tank above ground for us to use.
- #3. Russell Rd. Crossover pipe is out and put back in already and open for traffic. We still have lower end of pipe work to do yet. Concrete Blocks, Rip Rap and Concrete Spillway. Also the guard rail on both sides and then paving over the top of the pipe along with bridge signs.
- #4. Today the Lamb Road Pipe is in and is now open for traffic. We still have to Rip Rap, and install guard rails and bridge signs. FEMA Cut \$21,000. Which this money was for the Rip Rap. I Contacted Dick Le Count and he E-mailed the problem to SEMO. If we don't get it, we won't do it.
- #5. Tomorrow we will be on Smokey Zimmer Pipe.
- #6. Right now all the Equipment is A OK!!
- #7. After all the pipes are in we will be going back to finish the entire extra's. Also we need to spread more Salt Brine on the gravel roads.
- #8. We Received \$902.00 for the old pipe on Russell Road. The check was given to Supervisor Yetter this morning.

Karen McMullen discussed with the Board the easement agreement with landowners. The Board will have to decide if they want to sign the agreement when it is drawn up. The Town will need to get proper easement from the landowner. The Town needs permanent easements for maintenance. Soil and Water does the work but we get the easements.

There was discussion about the easements. Zimmer Road Spur and Courtright Hill Road are the two roads that need the easements for riprap used for streams and ditches during excessive rains.

On a motion offered by Councilman Cheresnowski and seconded by Councilman Tomazin, the Board approved the agreement and authorizes Supervisor Yetter, Jr. to sign the agreement entering the Town as a sponsor for the soil and water projects.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

New Business

Supervisor's Financial Report

Supervisor Yetter stated that revenues look inflated because of FEMA. Sales tax is running on track. Everything looks good for the year.

We have one transfer tonight.

The Code Enforcement Officer has gone over his contractual expenses by \$136.49 so far for the year. Supervisor Yetter said he would like to put \$500.00 more in for ease of work. The Board agreed.

Resolution #73-2012

Transfer of Funds

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Board agreed to the following transfer:

\$500.00 from B1990.4 Contingency \$500.00 to B3620.4 Code Enforcement

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

Resolution #74-2012

Supervisor's Financial Report

On a motion offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board accepted the Supervisor's Financial Report for June 2012 as submitted.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

Variance Committee

The Chairman Nate Little of the Variance has resigned. Supervisor Yetter asked for all to be looking for people to serve on this committee. He will check to see if anyone on the committee is interested in being Chairman.

Old Business

Berkshire EMS

Berkshire EMS was going to be here but decided it was too late. They will be back in touch with us to reschedule.

Dog Shelter

Supervisor Yetter said Front Street Shelter is working out great, far superior to the other shelter, but their legal department did a turn around on us. Ms. McMullen explained the problem to the Board. There would be a flat fee, and no pay as you go. It would be \$3,413.00 for the rest of the year. Stray Haven charges \$85.00 per dog and an upfront fee of \$800.00 to \$900.00.

The Board discussed this issue and decided that Ms. McMullen contact Stray Haven to see if they would contract with the Town for the rest of the year.

Department & Council Reports

Code Enforcement

Tom Larson submitted the monthly Code Enforcement report. (A copy is on file in the Clerk's office).

Council Members and Committees

The Council members had nothing to report from their committees.

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 June 2012, the following cases disposed of: 45 Traffic Tickets; 5 Criminal charges; 0 Dog cases; 2 Civil cases; 0 Econ case and 0 Town law cases. A total of \$4,160.00 was sent to the NYS Comptroller's Office.

Justice Todd Smith reported for the month of June 2012, the following cases disposed of: 16 Traffic Tickets; 2 Criminal Charges; 0 Dog Cases, 1 Civil Case; 0 Econ Cases, 0 Town Law Cases. A total of \$2,860.00 was sent to the NYS Comptroller's Office.

Jeanine Komar submitted a package for a resolution of support for a grant/low interest loan renovation project.

The Board discussed the issue. After much discussion, they passed a resolution.

RESOLUTION #75-2012
SOUTH MAIN STREET #29 & 31

WHEREAS, Charles Komar and Jeanine Sherman-Komar are the owners of the properties commonly known as 29 & 31 South Main Street, in the Village of Newark Valley; and

WHEREAS, the Komars have provided the Town with plans for improvements to the properties; and

WHEREAS, the Komars are applying for grants and/or loans through the Southern Tier Regional Office of the Empire State Development Corporation and its Southern Tier Community Revitalization Loan Program; and

WHEREAS, improvements to the properties will provide a benefit to the Town in available housing, safety of the units, and the aesthetics of the community.

NOW on a motion by Councilman Tomazin, and seconded by Councilman Graham,

IT IS HEREBY

RESOLVED, that the application of the Komars to make improvements to the above-referenced properties is supported by the Town, provided that there is no financial obligations, direct or indirect, by the Town.

MOTION Tomazin SECOND Graham

ROLL CALL:

Thomas: NAY Cheresnowski: AYE Tomazin: AYE Graham: AYE Yetter: AYE

The Board discussed this for a few minutes longer.

Time Warner Public Hearing

Ms. McMullen reminded Supervisor Yetter that we need a resolution for a public hearing for Time Warner.

On a motion offered by Councilman Cheresnowski and seconded by Councilman Tomazin, the Board agreed to schedule a Public Hearing for the Time Warner Franchise August 21, 2012 at 7:15 P.M.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

There is a change in the Town Board Meeting schedule. August 7, 2012 at 7:00 P.M. there will be a work session. George Mundt would like an attorney to speak to the Board concerning gas drilling.

We need to discuss, health insurance for Highway Employees and other things. Ms. McMullen said she would be glad to come to the meeting as well.

Disposal of Office Equipment

We have a couple of printers that have stopped working and we need to do a resolution for disposal.

Resolution #77-2012

Disposal of Office Equipment

On a motion offered by Councilman Tomazin and seconded by Councilman Cheresnowski the Board agreed to dispose of an HP Inkjet printer from the Bookkeepers office and a printer from the Assessor's office.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

The Board discussed fracking and gas drilling.

Resolution #78-2012

General Bills

On a motion, offered by Councilman Cheresnowski and seconded by Councilman Thomas, the Town Board authorizes the payment of General Bill Vouchers, 187-221 inclusive, in the amount of \$14,511.04.

Councilman Thomas - AYE
Councilman Graham - AYE
Councilman Cheresnowski - AYE
Councilman Tomazin, Jr. - AYE
Supervisor Yetter, Jr. - AYE

Motion Carried

Resolution #79-2012

Highway Bills

On a motion, offered by Councilman Graham and seconded by Councilman Tomazin, the Town Board authorizes the payment of Highway Bill Vouchers #H127 – #H145 inclusive in the amount of \$171,380.87.

Councilman Thomas - AYE

Councilman Graham - AYE

Councilman Cheresnowski - AYE

Councilman Tomazin, Jr. - AYE

Supervisor Yetter, Jr. - AYE

Motion Carried

There was a motion to adjourn the meeting at 10:24 PM., offered by Councilman Tomazin and seconded by Councilman Graham.

The next scheduled meeting is August 7, 2012.

Respectfully submitted,

Barbara S. Mock
Town Clerk