

A regular meeting was held June 19, 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
Joseph Tomazin, Jr., Councilman
Daniel Cheresnowski, Councilman

Also Present: Karen McMullen; Levene, Gouldin & Thompson, Attorneys to the Town, Charles Meade; Highway Superintendent, Hans Peeters; Planning Board Chairman, Tom Larson; Code Enforcement Officer, Charlie Morgan, Carlton Snapp, Del Mock, John Neuwerk, Donna Mundt, Julie Mundt, Bernie O’Doherty, George Mundt, Jr., Tom Toton, Cari Shiel, Brian Griffin, Kara Christenson, Vicky Havel, and Fred Goodrich.

Supervisor Yetter called the meeting to order at 7:01 P.M.

Supervisor Yetter led all in the Pledge of Allegiance.

Approval of Board Meeting Minutes for May 15, 2012.

Resolution #61-2012

Approval of May 15, 2012 Board Meeting Minutes

On a motion, offered by Councilman Tomazin and seconded by Councilman Cheresnowski, the Board approved the Meeting Minutes for May 15, 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

Supervisor Yetter explained that all comments were to be addressed to the Board and not to the rest of the audience. He said the Board is here to listen to what the people have to say. We want to give everyone a chance.

Carlton Snapp said he supports fracking and wants the Town Board to support it.

John Neuwerk wants the Town Board to support fracking. He said Governor Cuomo would like the town boards to give word as to whether or not they should allow fracking and he would like the Town to allow fracking here.

Donna Mundt wants the Town Board to have a moratorium against unconventional gas drilling. She is concerned about the water and air and what the risks are with smog. She is concerned about respiratory problems. She believes traffic will increase and diesel mixed with whatever chemicals they are using will increase respiratory problems. The winds will blow and affect everyone by depleting the ozone.

Julie Mundt feels fracking will jeopardize our lives in Newark Valley. It will industrialize Newark Valley and she doesn't want to see that. She believes water supplies will be affected and she doesn't want to lose her water. She went on to state some of the information she has collected concerning fracking. She doesn't want our town to be part of a fracking test case experiment.

She said it should be safe for everybody, the costs are too great. She again said she wants a moratorium. She said it will be easy to get signatures against fracking and for a moratorium.

George Mundt passed out a handout. It is a study that was done from the PA DOT. One of his concerns is the increase of truck traffic on the roads and the cost of maintenance repairs to the town roads if fracking is allowed. There was an average of about 5,000 vehicles increase per year from gas drilling. In 2010, the overall traffic increased about 300% or close to it. All traffic increased about 500%. He is concerned about the noise and the wear and tear on the roads. He understands the Town is considering some kind of road legislation. He said these are big trucks and our highways will not stand up to this. Who will pay for the damages? The gas companies are not here with interest for us, but for the gas. It bothers him that we are being used as a guinea pig for the state.

Tom Toton grew up in PA. He talked about a gas lease he has. Before they started to drill, before the pad went down, there was a complete water analysis done for every well within 5,000 feet of each pad. This should be done here.

Here are his recommendations for the Town Board:

- All secondary roads to be posted with 10 ton limits, if any gas company wants to go over that limit they would have to give the Town a bond for a permit, if they damage the road, they have to pay for it.
- They would pay a severance tax for every unit amount of gas and the money is to stay in Newark Valley for all public good. It would help property tax, school tax, and road tax.
- Water testing, have all the wells tested.

He said the Town cannot supersede state law. So if the DEC says the gas companies can drill, the Town cannot stop them.

The severance tax to him is the future. He encouraged the Board to go to PA to try to find a well. In the beginning you can see the wells, but when they are done, they are hard to find. The poor farmers are trying to hang onto their land. They are being forced out of business and that is a crime, a shame. We are sitting on the future of our Southern Tier.

Kara Christenson wants a moratorium. She would like to have the Board wait for more information and feels there would be major consequences to gas drilling.

Brian Griffen said he has researched this a lot. He has friends in Dimmock, PA fracking is not helping the community financially and doesn't see where it will help here financially. He wants the Board to take a better look at this. He says we are letting the gas companies tell us what to do. Let's figure out if this is good for the entire town. He said if you allow drilling, his family may have to move, drilling will not do anything for him. He wants the Town to take a really good look at this before they make any rash decisions. It's very upsetting to him. He has been looking at all sides and there will be a few big winners and a whole lot of disappointed people. This could be the most important thing that this town talks about for years and years to come.

He suggested the Board talk with other towns and find out the reasons they are against it and talk with some of the other towns that have had drilling and see what has happened. He thinks more research needs to be done. There are laws in New York State, use those laws.

John Neuwerk said he is hearing all these people say we should wait to see what happens and to check this stuff out. The DEC has been studying this for 4 years. A lot of people, technical people have been looking at this and they are going to be coming up with their recommendations. Why second guess them? They are the ones we pay to do this job. Candor passed legislation approximately 2 years ago, to regulate the drillers there, as far as road use and everything else. He said he is not familiar with the details so maybe the Board needs to talk to them to see what they have to say. He says the roads and fields look good in PA. As long as we have bonding legislation for road repairs if they do damage, he believes we can control what happens. You can put everything you want in legislation to control what they do and the consequences if they don't do it. There are changes in technology all the time. There are so many things that can be done to protect us. He says he sees no reason for further delays.

George Mundt had another comment. It seems the DEC, by its own admission doesn't have its impact study complete. He doesn't believe that we can trust them to do the right thing. They don't have enough inspectors now. He doesn't believe it should move forward.

After more comments from those in the audience, Councilman Tomazin said he is concerned with the quality of life. He rode his bike to the community store as a kid and would like to see his grandchildren be able to ride their bikes like he did. He believes there would be too many trucks to allow them to ride their bikes. He said he sees people making personal gains from drilling and are not looking at the betterment of the community but at their own pocketbooks. For the DEC to have only studied this for 4 years, it is too short for his lifetime.

Councilman Thomas said he believes the DEC has really let us down for the last 25 years. If you don't think so, check the creeks, they won't let you work in them, and they have everything to say about it, but they are in such a chaotic mess that all of our soil is going to the Delaware.

Supervisor Yetter said the one point that he agrees with totally is the point that Mr. Griffin made that this may be one of the most important issues that we address. Supervisor Yetter said he has had the privilege of being on the Board in one capacity or another for about 20 years and we have never had anything that is going to impact our life here, like it has. Supervisor Yetter said he, like Joe grew up here, he is here because he likes it here. He is all for making any kind of money he can, but he is not about to sacrifice the quality of his life or anyone else's for it. That is why there are so many people here today; he got the word out and has been getting requests so this Board can try to make the best, most informed decisions on the path that we, as a community, need to make to protect the individuals with no financial gain and to protect those who stand to have financial gain. There should be a way to work this so that if it is done, it is approached with caution and common sense. We need to try to find the path that will be the best for everyone in town. He thinks everybody setting here is very serious about this; nobody is looking at one direction or another without trying to get all the facts and information here and he truly appreciates everyone that comes in here and gives him input. He has received a number of emails and information, copies of which he has distributed to the Board Members, so they can get the input of the community as a whole. We are looking at what we as a Board can do

with the laws that are at hand, what kind of risks and exposures we are willing to accept for the community on their behalf. He believes that is the Town Board's job, he appreciates all the people as local citizens coming in and giving their input and helping them understand what is important to everyone out there.

There were more comments from the audience.

Supervisor Yetter again thanked everyone for their comments.

Privilege of Floor was closed.

Highway Report

Highway Report June 19, 2012

- #1 Gas Price: \$3.34 Diesel Price: \$3.54
- #2 The paving is done. We will stone and oil maybe next week and shortly after that the shoulders will be put down.
- #3 The Pipes for Lamb Rd, Smokey Zimmer, and Russell Rd should be here the week of June 25th. We will put them in the week after July 4th I hope.
- #4 All the Rip Rap on NV-Maine Rd and Chamberlain Rd is completed. I have notified Tioga County Soil and Water to check for hydro seeding. **Note:** this year, they have a State Grant for this and there will be no charge, only supply the driver.
- #5 Now we have the monies for the Sheet Piling for Ketchumville Rd. (just above 365 by Larry Ames) I request to go out to bids for this. I have four Quotes for this (Sheet Piling) for FEMA, now we have to please the State Comptroller's Office. The length of the project: 64' each, the sheets will be 24' long with 16' below the stream bed leaving 8' above. All gravel removal, back fill and old metal removal; traffic control will be responsible of the Town.

There was a discussion concerning Item #5. Superintendent Meade stated he needs a resolution for the bidding.

- #6 A representative from Delta Engineers,(Christopher Maby @ 860 Hooper Rd "Endwell, NY) On Typical Baseline Scope and Fee of Professional Engineering Services for the Establishment and Implementation of a local Road protection Program. **See Attached (On file in the Clerk's Office)**

The Board discussed Item #6 with Superintendent Meade.

- #7 When we oil and Stone the paving projects, I would also like to chip seal Chamberlain Rd 9/10th of a mile 18' wide. The road was re-profiled with Item #4 and calcium then double course; it was surfaced with stone and oil in 2006. It's showing a lot of dryness with holes and surface worn close to the sub-base; this cost will be \$15,000.00, which will come out of Road Repair. **Questions?**

There was a discussion about paving.

- #8 Also on Shirley Road, last year we had it on agreement to spend to re-profile with Item #4 and stabilize the base using calcium and then double course with oil and stone. I figured one mile 18' wide but mixing 20' cost \$55,533.55 to pave

this road. #1's 2's and sand cost \$80,700.00. I recommend not to go a mile, maybe only 5/10th or ½ mile because that will leave me \$24,989.45 left in Road Repair, which I still have black-top repair both FEMA work and regular maintenance, along with the fuel expenses. ½ mile will cost \$27,766.78; we will be starting at the Berkshire line and heading towards Newark Valley. **Questions?** Superintendent Meade will see how things are going with the time he has and talk to the Board about this next month.

#9 I'm still in the process of working with Tioga County Soil and Water and USDA for two projects, Zimmer Rd and Courtright Hill Rd. I'm trying to get a temporary Easement paper to have our Town Attorney look over before I have property owners at both locations sign off to get the work done through the USDA and Tioga County Soil and Water Departments. Town of Newark Valley will only be the sponsor and get the easement. USDA pays for and Tioga County Soil and Water over sees the work.

Superintendent Meade elaborated further on this subject.

#10 I need to get a price from Broom Bituminous to Black-Top the Jenksville Cross Rd. section. Length is .15/ 10th and 16' to 17' wide. Hwy Committee Thomas showed interest in that section.

There was a discussion about this issue.

Councilman Thomas asked about blacktopping the road in front of the highway barn. The Board discussed this for a few minutes.

Superintendent Meade discussed with the Board the FEMA money. FEMA money is good we are doing alright. We have received approximately \$300,000.00.

There was a discussion about Howard Hill Rd.

We have received a check from the Village for the Shared Services.

Resolution #62-2012

Advertising Bids for Sheet Piling from Flooding

On a motion offered by Councilman Cheresnowski and seconded by Councilman Tomazin, the Town Board authorizes Highway Superintendent Meade to advertise for bids for sheet piling for the Ketchumville Flood Project, bids to be opened at 7:30 on July 17, 2012.

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 everything looked good. FEMA revenues to date are \$471,000.00 for flood repairs. The last check received said this includes some of the State amount. Everything is on track.

Superintendent Meade discussed vacation time for one of the employees with the Board.

Councilman Thomas talked to Superintendent Meade about trees on Howard Hill Road growing straight out from the blacktop. Supervisor Yetter said there are several places in town where the trees need trimming and hopes Superintendent Meade gets to this when he has time.

Superintendent Meade said mowing is being done.

There was a discussion about the budget revenues and other line items.

Resolution #63-2012

Supervisor's Financial Report

On a motion offered by Councilman Tomazin and seconded by Councilman Cheresnowski, the Town Board accepts 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

Mobile Home Application – Singlewide, Family Application

There was a discussion about a mobile home and its placement.

Councilman Tomazin said he was under the impression the Town allowed singlewides only for hardship cases. Supervisor Yetter said the local law is also for family members.

There was more discussion about this.

Resolution #64-2012

Mobile Home Permit – Evenson

On a motion offered by Councilman Thomas and seconded by Councilman Graham, the Town Board approves the mobile home placement at 374 Davis Hollow Road as submitted by Paul Evenson.

Councilman Thomas - AYE

Councilman Graham – AYE

Councilman Tomazin, Jr. - AYE

Councilman Cheresnowski - AYE

Supervisor Yetter, Jr. - AYE

Motion Carried

There were a couple of items not on the agenda.

Planning Board Leave Request

Supervisor Yetter said he had received a note from Heidi Mann saying she needs some time to care for two family members. Planning Board Chairman Peeters said he felt they could get along for a couple of months without her but it is up to the Board if they want to replace her. Supervisor Yetter said he didn't see why they needed to replace her. The Board agreed.

Waiving Building Permit Fees

The second item is for waiving the building permit fees for repairs, etc., for low income, disabled, and senior citizens who are having work done by the Group Work Program sponsored by Tioga Opportunities. They did this last year and we did this for them last year.

Resolution #65-2012

Waiving Building Permit Fees

On a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Town Board authorizes building permits without fees to be issued Tioga Opportunities, Inc. for the Group Work Camps program for work done in the Town of Newark Valley.

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

Motion Carried

Old Business

Gas Resolution

The Board decided to table this for a work session.

Time Warner

Karen McMullen, Attorney to the Town, told the Board Time Warner responded with what we wanted in the contract except the internet was not included. However, they are offering it to us for free anyway. Ms. McMullen said she will get the documents and we can set a date for the Public Hearing.

Dangerous Dog

Ms. McMullen gave her summary to Cheryl Jones attorney of what she believed happened at the hearing. Ms. Jones attorney asked for an extension.

Department & Council Reports

Code Enforcement

Mr. Larson told the Board 92 Barber Road was a vacant house. He sent five letters to the owner regarding its condition. He recommends that it be torn down or boarded up. He has not received a response. He sent a certified appearance ticket, but no one showed up. There will be an arraignment for pretrial.

Code is working on 2445 Wilson Creek, vacant building. The next one will be 1380 Lamb Rd. The monthly Code Enforcement report has been submitted and is on file in the Clerk's office.

Dog Control

Mr. Weed did not attend the meeting.

Ms. McMullen received a call from the attorney for the Front Street Shelter. They have changed their minds. We have to enter into a contract with them. Karen is waiting for a copy of the contract.

Council Members & Committees

Councilman Tomazin said he thought the painting job in the Town Hall turned out good. He then discussed a bill received from the Berkshire EMS. The Board discussed the EMS' billing practices. He would like to inform the public on what to do if they receive a bill. Supervisor Yetter said he and Councilman Cheresnowski met with James Tornatore and Clifford Alexander from the Berkshire EMS and discussed some issues as well as expressed some concerns the Town has. They were told the EMS is supposed to be doing some internal housekeeping and looking at some things and want to be at our July meeting. The Board discussed the EMS' finances.

Planning Board

Hans Peeters said only one person showed for last night's meeting. There was no meeting.

Justice Report

Justice John Schaffer reported for the month of May 2012, the following cases were disposed of: 42 Traffic Tickets; 1 Criminal Charge; 1 Dog Case; 0 Civil Cases; 0 Econ Cases and 0 Town Law Cases. A total of \$4,705.00 was sent to the NYS Comptroller's Office.

Justice Todd Smith reported for the month of May 2012, the following cases were disposed of: 21 Traffic Tickets; 0 Criminal Charges; 0 Dog Cases, 4 Civil Cases; 0 Econ Cases, 0 Town Law Cases. A total of \$2,565.00 was sent to the NYS Comptroller's Office.

Town Clerk

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

Executive Session

At 9:07 P.M., Supervisor Yetter requested a motion to enter into Executive Session.

Resolution #66-2012

Enter Executive Session

On a motion offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board went into Executive Session.

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

Motion Carried

Resolution #67-2012

Exit Executive Session

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board exited the Executive Session.

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

Motion Carried

At 9:11 P.M. the Town Board exited the Executive Session.

The purpose of the Executive Session was to discuss an employee issue.

Resolution #68-2012

Highway Bills

On a motion, offered by Councilman Thomas and seconded by Councilman Cheresnowski, the Town Board authorizes the payment of Highway Bill Vouchers #H106 – H126 inclusive in the amount of \$54,311.17.

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

Motion Carried

Resolution #69-2012

General Bills

On a motion, offered by Councilman Graham and seconded by Councilman Tomazin, the Town Board authorizes the payment of General Bill Vouchers 146-186 inclusive in the amount of \$20,553.45.

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 9:14 P.M., offered by Councilman Cheresnowski and seconded by Councilman Graham.

The next scheduled meeting is July 17, 2012.

Respectfully submitted,

Barbara Mock
Town Clerk