

A regular meeting was held March 20, 2012 at Hutchinson Hall, Newark Valley at 7:00 P.M.
The following people were

PRESENT:

Stuart Yetter, Jr., Supervisor
Donald Thomas, Councilman
Ronald Graham, Councilman
Daniel Cheresnowski, Councilman
Joseph Tomazin, Jr., Councilman

Also Present: Karen McMullen, Levene, Gouldin & Thompson; Attorneys to the Town,
Hans Peeters; Planning Board Chairman, Jim Weed; Dog Control Officer, Charlie Morgan, Del Mock,
and Ed Nizalowski.

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 February 21, 2012 and March 6, 2012

There was a correction on the February 21 minutes. The date said February 22, the Clerk asked for it to be amended.

Resolution #32-2012

Approval of Board Meeting Minutes

On a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Board approved the meeting minutes for February 21, 2012 and March 6, 2012 as amended.

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

Motion Carried

Privilege of the Floor

Ed Nizalowski expressed his opinion concerning gas drilling. He does not want to see it in New York State or in Newark Valley. He has attended many informational meetings concerning “fracking” and believes it is the greatest threat to our state. He said he appreciated the opportunity to voice his opinion.

Supervisor Yetter said as a Board, we are trying to stay up to date on this issue. We are aware of the legalities in some of the other towns and we are watching to see how it plays out. We are trying to pay attention to this and we want to know people’s opinions.

Councilman Graham asked Mr. Nizalowski if there are other ways to “frack”. Mr. Nizalowski said there is a way with gel propane, it too, is dangerous, but it is more efficient. There were a few minutes more of discussion.

Privilege of the Floor was closed.

Highway Superintendent's Report

Superintendent Meade was not at the meeting, he is recuperating from surgery. Supervisor Yetter gave the Highway Report.

Highway Report March 20th, 2012

- #1. Gas Price: \$3.166 a gal Diesel Price: \$3.561 a gal
- #2. The totals so far for work to be completed are: **\$271,439.79**
Less for direct administration: **\$5,677.69**
Total for materials: **\$265,762.10**
We have Cameron, Barber Town, Dalton, Lamb, Bailey, Smokey Zimmer, Dodson, Sherry Lipe, Gage, Murphy, Dr. Knapp (N & S), Prentice, Tappan, Tarbox, Pump Hill, Greenwood, Delaney, Brown, Blewer, Tony Meyers, Howard Hill, Markham, Irish Town, Upper Whig, Allison, Shirley, Davis Hollow, Chamberlain, Ketchumville, Ketchumville (N & S), NV-Maine Rd., Miller, Russell, King, Loomis, Marean, Zimmer, Bridge St., Silk St. and Courtright Hill.
The big areas are:
Smokey Zimmer: Pipe and Gravel,
Russell Rd: Pipe/ Black-Top/Concrete blocks/Rip Rap
Bailey Hollow: Pipe and Gravel, (if the 404 program goes through.)
We have to dig out the lower end and pull up the fabric, Re-Gravel and Black-top.
Lamb Rd. Pipe and Gravel
Lawrence: Reset blocks, Gravel and cut trees
Barber Town: Rip Rap and Gravel
Bridge St: Concrete Blocks and Gravel
NV-Maine Rd: Rip Rap, Gravel and Black-top. We need to do a lot of black-top repair and head walls of pipes. We have started to fill with Item #4. From the Rt. 38 west side, that will be done first then branch off to where ever.
- #3. I think I've signed the last PW for the September Flood. We did get Russell Rd. pipe, it will be bigger.
We did not get pipes for Barber Town or Bailey Hollow, but I have submitted a letter with cost to Wendy Walsh for the 404 program. That cost is **\$34,053.32** she is the director of the Tioga County Soil and Water Department. I'll have more information at the next meeting.
- #4. I guess the Village does not want shared services any more. We are now paying for water usage, which was part of the shared services, along with any digs for water breaks, welding, cutting, hose repairs or just working on any Village Equipment when they don't have the tools. I have put together a Bill for the Village for, digging up Howard Hill Rd. so they could get to their water line. Cut it and Cap it cost: **\$884.00** I'm done helping for Free!

We have received close to \$100,000.00 from FEMA. The Board discussed the FEMA money. Councilman Tomazin asked if the grating had been started on the salt barn site. Supervisor Yetter said it had.

New Business

Supervisor's Financial Report

The Board discussed the FEMA money again. Supervisor Yetter said everything is looking okay. Sales tax revenue has exceeded our expectations.

Resolution #33-2012

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 February 2012 as submitted.

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

Motion Carried

Councilman Thomas wondered about the differences in expenditures between last winter season and this winter season and there was discussion about this.

Deputy Clerk/Deputy Tax Collector Compensation

Supervisor Yetter said he came up with a figure of \$400.00 to compensate the Deputy Clerk for the extra forty hours she had put in during January and February because of the Clerk's absence. The Board discussed this for a couple of minutes.

Resolution #34-2012

Compensation for the Deputy Clerk for Extra Hours

On a motion offered by Councilman Thomas and seconded by Councilman Cheresnowski, the Board authorized monetary compensation in the amount of \$400.00 to the Deputy Clerk for extra hours she worked for the months of January 2012 and February 2012.

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

Motion Carried

Old Business

Stray Haven

The Front Street Shelter said they would take our dogs on a regular basis. Supervisor Yetter would like to try them for a year. We usually have between 12 and 15 dogs a year to take to a shelter. The Board discussed Stray Haven.

Resolution #35-2012

Using Front Street Shelter for Stray Dogs

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board agreed to use the Front Street Shelter for the calendar year 2012 to shelter dogs.

Councilman Thomas -AYE

Councilman Graham - AYE

Councilman Cheresnowski - AYE

Councilman Tomazin, Jr. - AYE

Supervisor Yetter, Jr. - AYE

Motion Carried

Code Enforcement – Update

Mr. Larson was not at the meeting.

Supervisor Yetter said Code is busy with permits. Code is looking at one or two abandon buildings at a time. There were a couple of men dumping debris from a demolished mobile home on state land and were caught but have cleaned it up.

Dog Control

Jim Weed says so far it is great. He says he is getting the hang of it.

Council Members and Committees

The Council members had nothing to report from their committees.

Planning Board

Hans Peeters said they met on Monday evening. They are working on the Comprehension Plan.

The Board discussed how to have on premises consumption.

Public Hearing for Time Warner Franchise Agreement

Supervisor Yetter asked for a motion to open the Public Hearing for the Time Warner Franchise Agreement.

Resolution #36-2012

Open Public Hearing for Time Warner Franchise Agreement

At 7:30 P.M. by a motion offered by Councilman Cheresnowski and seconded by Councilman Tomazin, the Supervisor Yetter, Jr. opened the Public Hearing for the Time Warner Franchise Agreement.

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

Motion Carried

Karen McMullen said page five of the agreement is blank. The fact it is blank does not impact the content. The financial part is the same as it has been. There is no mention of the free service to the Town Hall and Highway Department buildings.

After some discussion about the agreement, it was decided Ms. McMullen will contact David Whalen concerning the contract language.

There were no comments from the public.

Closed Public Hearing

Resolution #37-2012

Close Public Hearing

On a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Town Board adjourned the Public Hearing for the Time Warner Franchise Agreement at 7:37 P.M. pending communication with David Whalen concerning the contract language.

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

Motion Carried

Justice Report

Justice John Schaffer reported for the month of February 2012, the following cases were disposed: 52 Traffic tickets; 3 Criminal charges; 0 Dog cases; 1 Civil case; 0 Econ cases and 0 Town law cases. A total of \$5,840.00 was sent to the NYS Comptroller’s Office.

Justice Todd Smith reported for the month of February 2012, the following cases were disposed: 19 Traffic tickets; 1 Criminal charge; 0 Dog cases, 1 Civil case; 0 Econ cases and 0 Town Law cases. A total of \$2,165.00 was sent to the NYS Comptroller’s Office.

Town Clerk

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

The following items were addressed while the Board authorized payment of the vouchers:

- The Board discussed a letter from Superintendent Meade to Mayor Tornatore concerning the charge of water usage at the Highway Barn. (this letter is on file in the Clerk's office).
- Supervisor Yetter said he has received confirmation from James Tornatore that he and Clifford Alexander will be attending the April 3, 2012 Town Board meeting to discuss the Berkshire EMS.
- Supervisor Yetter talked with the Board about a letter Superintendent Meade had received from the Southern Tier East Regional Planning Development Board. The organization is planning to conduct a local road condition survey of the town's roads. The survey is being done to assist us with any road preservation efforts we may have in the future. It is funded through a federal program. The Board discussed this for a few minutes. (a copy of this letter is on file in the Clerk's office).

Resolution #38-2012

General Bills

On a motion, offered by Councilman Graham and seconded by Councilman Cheresnowski, the Town Board authorized the payment of General Bill Vouchers 60-96 inclusive in the amount of \$31,891.87.

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

Motion Carried

Resolution #39-2012

Highway Bills

On a motion, offered by Councilman Tomazin and seconded by Councilman Thomas, the Town Board authorized the payment of Highway Bill Vouchers #H49 – H74 inclusive in the amount of \$35,760.90.

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 7:56 P.M., offered by Councilman Graham and seconded by Councilman Cheresnowski.

The next scheduled meeting is April 3, 2012.

Respectfully submitted,

Barbara S. Mock
Town Clerk