

A regular meeting was held November 15, 2011 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

ABSENT:

Joe Tomazin, Jr., Councilman

Also Present: Karen McMullen, Levene, Gouldin & Thompson, Attorneys to the Town,
Charles Meade; Highway Superintendent, Del Mock; Dog Control Officer; Hans Peeters; Planning
Board Chairman, Thomas Larson; Code Enforcement Officer, Charlie Morgan, and Sue Meade.

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 October 18, 2011, October 26, 2011,
November 1, 2011, and November 9, 2011**

Resolution #103-2011

Approval of Board Meeting Minutes

On a motion offered by Councilman Graham and seconded by Councilman
Cheresnowski, the Board approved the meeting minutes for October 18, 2011, October
26, 2011, November 1, 2011, and November 9, 2011 as submitted.

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

Motion Carried

Privilege of the Floor

No one had any issues to bring before the Board.
Privilege of the Floor was closed.

Appointment of Deputy Clerk

The Town Clerk introduced Alexandra Torra to the Town Board. Jane Locacio resigned
as the Clerk's Deputy and Alexandra Torra had applied and has been training as her
replacement. The Clerk asked that Alexandra be appointed as her Deputy.

All welcomed Alexandra.

Supervisor Yetter said Cheryl Galluzzo has resigned as Public Service Officer and he
would like this position to be part of the Clerk's office because most of the information
that is put on the website comes from the Clerk's office. Alexandra Torra is
knowledgeable and familiar with this job and would be glad to do this.

Resolution #104-2011 Appointment of Deputy Town Clerk, Deputy Tax Collector, Deputy Registrar, Deputy Records Management Officer, and Public Information and Services Officer

On a motion offered by Councilman Thomas and seconded by Councilman Graham, the Town Board of the Town of Newark Valley hereby appoints Alexandra Torra as Deputy Town Clerk, Deputy Tax Collector, Deputy Registrar, Deputy Records Management Officer, and Public Information and Services Officer.

Councilman Cheresnowski - AYE

Councilman Thomas - AYE

Councilman Graham - AYE

Supervisor Yetter - AYE

Motion Carried

Highway Superintendent's Report

November 15, 2011 Highway Report

- #1. Gas Price: \$3.166 Diesel \$3.38
- #2. Road repair is depleted after the concrete on Rock Street Wall and the blocks for the Wall on Lamb Road. We bought some Item #4 gravel to place out on Bailey, Lamb, Dalton, and Sherry-Lipe to smooth up for the Snow Plowing. The Total I am in the hole is **\$13,816.49** the amount is for the Dozer Rental from Goodrich, **\$2,850.00** and the October fuel bill of **\$7,071.33**.
I have only 6 loads of Item #4 left for the winter, if and when the ground freezes, I won't be able to use that. Can I have some money to put back into Road Repair for Item #4 and November fuel?
We are still working the flood work. I also need another load of Cold Patch for the winter months.

At this time, Supervisor Yetter proposed \$15,000.00 from DB Surplus for what was spent in October. He would like to have Superintendent Meade maintain what he needs and the Board will do another transfer in December.

There was a discussion about FEMA money. Superintendent Meade and Councilman Thomas will meet with FEMA tomorrow for signing agreements for the April flood damage to the roads and make copies of the agreements.

Supervisor Yetter said that we have some money in the bank to cover what is needed until the money from FEMA is recovered.

Superintendent Meade discussed with the Board some close calls with digging concerning phone cables and a railroad switch cable.

- #3. Lamb Road is open. We put an old boiler pipe 6 foot, along with the damaged 6 foot that was there into the creek. For the band to hook the original pipe back together we cut off 3 foot of the damaged pipe straightened and welded the Angle Iron to put it together. What a cob job but it's working!

- #4. We're ditching filled areas, filling Big Ditches and patching black tops along with dirt roads.
- #5. All of the equipment is OK - getting Sanders checked over.
Talk about the Loader and Paint!

Superintendent Meade explained how the paint came off the Cat when it was power-washed. He said it is still under warranty and Milton Cat is sending someone out to look it over.

Resolution #105-2011 Purchase of Materials needed by Highway Superintendent

On a motion offered by Councilman Cheresnowski and seconded by Councilman Graham, the Board authorizes the Highway Superintendent to purchase the minimum needed for materials, gravel, fuel, and cold patch with more transfers as needed in December.

Councilman Cheresnowski - AYE

Councilman Thomas - AYE

Councilman Graham - AYE

Supervisor Yetter - AYE

Motion Carried

The Highway Superintendent discussed with the Board the need to do patching and building of the roads twice this year because of the flooding and how the Town will be reimbursed by FEMA.

Superintendent Meade discussed with the Board the charges for water by the Village and the need for an official meter in the Town Barn rather than have one underground. The Highway Department would like to be able to control the water usage.

Supervisor Yetter said he would send a letter to the Mayor addressing this.

There was discussion about payroll.

New Business

Supervisor's Financial Report

Supervisor Yetter said things are pretty good. We had a big bonus because of extraordinary large sales tax over our projections. All revenue lines are in excess of expectations. Expenditures are holding their own except for the flood repairs.

There was discussion about the extra sales tax revenue.

We need to do some budget modifications. We need more money in Dog Control Contractual Expenses to pay Stray Haven for the two dangerous dogs that were boarded, Code Enforcement's over expenditure for mileage, and more money for the last payroll period for the Highway employees, as well as the money needed for the road repairs to cover expenses up to this point.

Resolution #106-2011

Budget Modifications

On a motion offered by Councilman Graham and seconded by Councilman Thomas, the Town Board authorizes the following:

BUDGET MODIFICATIONS

TRANSFERS:

\$4,754.39	FROM	A1990.4	CONTINGENCY	\$4,754.39	TO	A3510.4	DOG CONTROL C.E.
\$43.84	FROM	B1990.4	CONTINGENCY	\$ 43.84	TO	B3620.4	CODE ENFORC C.E.
\$976.00	FROM	DB9010.8	STATE RETIRE.	\$ 976.00	TO	DB5110.1	ROAD REPAIR P.S.
\$3,979.65	FROM	DB9060.8	MEDICAL INS.	\$ 3,979.65	TO	DB5110.1	ROAD REPAIR P.S.
			DB				
\$15,000.00	FROM	SURPLUS		\$15,000.00	TO	DB5110.4	ROAD REPAIR C.E.

Councilman Cheresnowski - AYE

Councilman Thomas - AYE

Councilman Graham - AYE

Supervisor Yetter - AYE

Motion Carried

Resolution #107-2011

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 as submitted.

Councilman Thomas - AYE

Councilman Graham - AYE

Councilman Cheresnowski - AYE

Supervisor Yetter - AYE

Motion Carried

Old Business

Dangerous Dog

Karen McMullen discussed with the Board the dangerous dog case. These are Ms. Jones' options: She can appeal the Judge's decision or sign the \$3,500.00 agreement.

There was more discussion with the Board on this issue. It was agreed that we need to maintain the public's safety. The Board told Ms. McMullen to proceed in whatever way is expedient and to ensure the public's safety.

Public Hearing for Local Laws #1-2011 Outdoor Furnaces and #2-2011 Noise Control Law

Supervisor Yetter asked for a motion to open the Public Hearing for the Outdoor Furnaces and Noise Control Laws.

Resolution #108-2011

Open Public Hearing for Local Laws #1 & #2 of 2011

At 7:34 P.M. by a motion offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board opened the Public Hearing for the Outdoor Furnaces and Noise Control Laws.

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

Motion Carried

Outdoor Furnace Law

There was discussion about changing our local law to say Outdoor Wood Furnaces. The State's Law says wood, ours does not, so this would eliminate any questions concerning coal burning. The Board then discussed the rest of this proposed law. The Board wants the phrasing changed so that each time the law says "outdoor furnace" it will read "outdoor wood furnace". In addition, section 124-6(B)(2) will be changed so that "residentially zoned" reads "residential".

There were no comments from the public.

Noise Control Law

The sample law came from the County for the municipalities.

The Board discussed having to have a measuring device to measure the decibels of noise, the enforcement of this law, and the potential for other laws.

(During this discussion, Councilman Tomazin came in to the meeting at 7:51 P.M.)

There were no comments from the public.

Resolution #109-2011

Close Public Hearing

On a motion offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board closed the Public Hearing for Local Law #1 Outdoor Furnaces and #2-2011 Noise Control Law at 7:56 P.M. and adopted the proposed local laws with the following changes: The outdoor furnace law was passed with two changes, each time the law says "outdoor furnace" it will read "outdoor wood furnace". Also, section 124-6(B) (2) will be changed so that "residentially zoned" reads "residential". The Noise Control law was adopted with no changes.

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

Motion Carried

Closed Public Hearing

Supervisor Yetter thanked Hans Peeters and the Planning Board for all their hard work on these two laws.

Code Enforcement

The Board discussed a mobile home permit application submitted by George Hoffmier.

Resolution #110-2011

Mobile Home Permit - Hoffmier

On a motion offered by Councilman Tomazin and seconded by Councilman Cheresnowski, the Town Board approved the Mobile Home Permit # 11-63 for George Hoffmier for placement of a mobile home at 9639 State Route 38 as submitted by George Hoffmier, contingent upon meeting all Town Ordinances.

Councilman Cheresnowski - AYE

Councilman Thomas - AYE

Councilman Graham - AYE

Councilman Tomazin - AYE

Supervisor Yetter - AYE

Motion Carried

Tom Larson told the Board that they need to approve the new Flood Maps. The Board had a discussion about these maps.

We also need to have a local law for Flood Damage Protection.

The vacant building signs are not ready yet.

The monthly Code Enforcement Report was submitted and is on file in the Clerk's office.

Dog Control

Del Mock told the Board he will keep a check on Brown Road.

Planning Board

Hans Peeters said he went to a meeting on the 2010 Census concerning the comparison of our town to other towns.

Justice Report

Justice John Schaffer reported for the month of October 2011, the following cases were disposed of: 31 Traffic Tickets; 3 Criminal charges; 0 Dog cases; 0 Civil cases; 0 Econ cases and 1 Town law case. A total of \$3,655.00 was sent to the NYS Comptroller's Office.

Justice Todd Smith reported for the month of October 2011, the following cases were disposed of: 13 Traffic Tickets; 3 Criminal Charge; 0 Dog Cases, 1 Civil Case; 0 Econ Cases, 1Town Law Case. A total of \$725.00 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.

Council Members and Committees

The Council members had nothing to report from their committees

Resolution #111-2011

Highway Bills

On a motion, offered by Councilman Cheresnowski and seconded by Councilman Thomas, the Town Board authorized the payment of Highway Bill Vouchers #H194 – H212 inclusive in the amount of \$61,005.83.

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

Motion Carried

Resolution #112-2011

General Bills

On a motion, offered by Councilman Graham and seconded by Councilman Tomazin, the Town Board authorized the payment of General Bill Vouchers 292-315 inclusive in the amount of \$31,823.91.

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 8:18 P.M., offered by Councilman Graham and seconded by Councilman Tomazin.

All Ayes

The next scheduled meeting is December 6, 2011.

Respectfully submitted,

Barbara S. Mock
Town Clerk