

A regular meeting was held August 21, 2012 at the Newark Valley Fire Station, Newark Valley, NY at 7:00 P.M. The following were

**PRESENT:**

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

**ABSENT:**

Dan Cheresnowski, Councilman

**Also Present:** Sarah Nuffer; Levene, Gouldin & Thompson, Attorney's to the Town, and the following lists of people:

Charlie Morgan, Reda Fidurski, Norma Kocian, Lee Kocian, Nick Schoonover, Randy Rudock, Carlton Snapp, Karen Gunther, Frances Gunther, Jeff Bohne, Paula Litzel, Richard Litzel, Tom Evans, Joan Evans, Scott Evans, John Serbaniewicz, Nancy Bolson, Francis Fitzgerald, Todd A. Cawley, George Bolson, Marjorie Keith, Richard Keith, Harv Hurley, Sherry Hurley, Jane Locacio, Robert Guiles, Bobbie Benjamin, Lynne Guiles, Robert Messersmith, Chuck Eddy, Carl D. Brink, Ann Beebe, Ronald L. Smith, Sharon Weed, Pat Liddington, Ed Nizalowski, Donna Mundt, Johnny Neuwerk, Joanne Williams, Diane Golden, Kenny Williams, Fran Snavely, Jerry Duffy, G.F. Curkendall, Eugene M. Scales, Eugene L. Scales, Sarah E. Nuffer, Marcia Kiechle, Fred Kiechle, Gerald Lindsley, Teresa Demara, Tony Demara, Rose Stack, David Stack, Catherine Aingworth, Carol Holden, Claron Holden, Marilyn Jackson, Dale Jackson, Lurenda Houson, Shirley, Houston, Elwyn Berg, John Houston, Karen Gillow, Earl Zimmer, Martin K. Hellmann, Andrew Hellmann, Donald E. Getzke, Aaron Benjamin, Michele Benjamin, Julie Mundt, David Andrews, Betsy Bartz, Harold Bartz, Jerry Marsh, Stephen Hollenbeck, Marty Sailus, Eric Hall, Suzanne Ellis, Kevin Ellis, Julie Holcomb, Rod Holcomb, T. Morrissey, Joel Sherwood, Julia Sherwood, Bob, Aman, Joan Knapp, Paul Knapp, Casey Powell, Caren & Charles Haines, Larry Ames, Mary H. Zimmer, Donald Zimmer, Bill Corson, Tim Fazio, Jill Fazio, Caleb Sweet, Jordan Evans, Tom Darpino, Mark Hoffmier, James Ulrich, and Bob & Jeanne Moore.

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 July 17, 2012 and August 7, 2012**

**Resolution #83-2012**

**Approval of Board Meeting Minutes**

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Board approved the Meeting Minutes for July 17, 2012 and August 7, 2012 as submitted.

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

**Motion Carried**

**Public Hearing for Time Warner Franchise**

**Resolution #84-2012**

**Open Public Hearing for Time Warner Franchise**

On a motion offered by Councilman Thomas and seconded by Councilman Tomazin, the Public Hearing for the Time Warner's Franchise Agreement with the Town of Newark Valley was opened at 7:05 P.M.

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

**Motion Carried**

Supervisor Yetter opened the floor to any comments concerning the Time Warner Franchise Agreement.

There were no comments.

**Resolution #85-2012**

**Closed Public Hearing for Time Warner Franchise**

On a motion offered by Councilman Graham and seconded by Councilman Thomas, the Public Hearing for the Time Warner's Franchise Agreement with the Town of Newark Valley was closed at 7:06 P.M.

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

**Motion Carried**

**Resolution #86-2012**

**Time Warner Franchise Agreement**

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board accepted the agreement with Time Warner for services to the Town of Newark Valley.

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

**Motion Carried**

**Privilege of the Floor**

The following people utilized Privilege of the Floor:

- Nick Schooner presented information to the Board and talked about gas drilling.
- Tom Evans - supports gas drilling
- Joan Evans - supports gas drilling
- Scott Evans - supports gas drilling
- Todd Cawley - supports gas drilling
- Harv Hurley - supports gas drilling

Sherry Hurley – no comment  
Jane Locacio - submitted a letter to the Board supporting gas drilling and voiced the same  
Ed Nizalowski - against gas drilling  
Joanne Williams - supports gas drilling  
Kenneth Williams – supports gas drilling and presented the Board with a petition with over 821 signatures  
Cathryn Aingworth - supports gas drilling  
Karen Gillow – has concerns about roads being torn up and noise from drilling  
Julie Mundt – against gas drilling and gave documentation to the Board  
Donna Mundt – against gas drilling  
Dave Brink - supports gas drilling  
Bob Moore - supports gas drilling  
Tom Darpino - supports gas drilling  
James Ulrich – against gas drilling  
Marty Sailus – against gas drilling  
Bernie O’Doherty – against gas drilling  
Dave Andrews – supports gas drilling  
Larry Ames - supports gas drilling  
Joan Knapp – against gas drilling  
Fred Kiechle - supports gas drilling  
Bob Aman – Candor Planning Board Member spoke to the Board about road ordinances  
Nick Schoonover – again spoke to the Board about gas drilling and LP fracking

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

**Privilege of the Floor was closed**

**New Business**

**Supervisor’s Financial Report**

Supervisor Yetter stated that everything looks good. FEMA is coming in. We have one Budget Modification tonight.

**Resolution #87-2012**

**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 for July 2012 as submitted.

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

**Motion Carried**

**Resolution #88-2012**

**Budget Modification**

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board made the following Budget Modifications:

Increase Revenue DB3960 (FEMA) \$400,000.00

Increase Appropriation DB5110.4 FEMA 9Road Repairs, FEMA) \$200,000.00

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

**Motion Carried**

**Variance Committee**

The Chairman of the Variance Board has resigned and we need a Chairperson. We also need to fill another seat due to a previous resignation. The Board discussed this for a few minutes and decided to appoint Peggy Head as Chairperson if she will accept. Jane Locacio volunteered for the other seat.

**Resolution #89-2012**

**Chairman Appointment of Board of Appeals**

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Board appointed Peggy Head as Chairman of the Board of Appeals with her acceptance.

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

**Motion Carried**

**Resolution #90-2012**

**Appointment of Jane Locacio to Board of Appeals**

On a motion offered by Councilman Thomas and seconded by Councilman Tomazin, the Board appointed Jane Locacio to fill the remainder of Nathan Little’s term on the Board of Appeals.

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

**Motion Carried**

**Records Management**

**Destruction of Records**

There are records that have reached the end of their retention period. A resolution is needed to dispose of them.

**Resolution #91-2012**

**Destruction of Town Records**

On a motion offered by Councilman Graham and seconded by Councilman Tomazin, the Board authorizes the Records Management Officer to dispose of Assessor Records, outdated Handicap Parking Permits, and Poll Books according to the Record Retention Schedule.

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

**Motion Carried**

**Old Business**

**Department & Council Reports**

The Board had a lengthy discussion about gas drilling.

**Highway Report**

The Superintendent of Highways, Charles Meade did not attend the meeting. He submitted his report and a copy is on file in the Clerk’s Office.

**Code Enforcement**

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

**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 July 2012, the following cases disposed of: 35 Traffic Tickets; 2 Criminal charges; 1 Dog cases; 1 Civil cases; 0 Econ case and 0 Town law cases. A total of \$3,125.00 was sent to the NYS Comptroller’s Office.

Justice Todd Smith reported for the month of July 2012, the following cases disposed of: 13 Traffic Tickets; 1 Criminal Charges; 0 Dog Cases, 1 Civil Case; 0 Econ Cases, 0 Town Law Cases. A total of \$1,630.00 was sent to the NYS Comptroller’s Office.

**Resolution #92-2012**

**General Bills**

On a motion, offered by Councilman Graham and seconded by Councilman Tomazin, the Town Board authorizes the payment of General Bill Vouchers, 222-255 inclusive, in the amount of \$15,393.63.

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

**Motion Carried**

**Resolution #93-2012**

**Highway Bills**

On a motion, offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board authorizes the payment of Highway Bill Vouchers #H146 – #H173 inclusive in the amount of \$32,951.10.

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

**Motion Carried**

There was discussion about ad valorem taxes.

There was a motion to adjourn the meeting at 9:49 PM., offered by Councilman Graham and seconded by Councilman Tomazin.

The next scheduled meeting is September 4, 2012.

Respectfully submitted,

Barbara S. Mock  
Town Clerk