

A regular meeting was held September 18, 2012 at Hutchinson Hall, 109 Whig Street 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  
Dan Cheresnowski, Councilman

**Also Present:** Karen McMullen; Levene, Gouldin & Thompson, Attorney to the Town, Charles Meade; Highway Superintendent, Hans Peeters; Planning Board Chairman, Sue Meade, Charlie Morgan, Del Mock, Penny McKay, Jeff Harvey, Randy Rudock, Marjorie Keith, Richard Keith, George Bolson, Nancy Bolson, Todd A. Cawley, Ed Nizalowski, Harv Hurley, Kenny Williams, and Bill Corson.

Supervisor Yetter called the meeting to order at 7:00 P.M.  
Supervisor Yetter led all in the Pledge of Allegiance.

**Approval of Town Board Meeting Minutes for August 21, 2012 and September 4, 2012**

**Resolution #96-2012**

**Approval of Town Board Meeting Minutes**

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board approved the Meeting Minutes for August 21, 2012 and September 4, 2012 as submitted.

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

**Motion Carried**

**Privilege of the Floor**

Penny McKay and other residents, who live on Bailey Hollow Road, came to discuss the lack of black top on their road. Pictures were presented to the Board to show the amount of dust that is present when a car travels the road.

There was discussion about the lack of time the Highway Department has had because of the time needed to repair roads after the flooding and the roads that have to be done because of the floods. The repairs from the flooding need to be done by March.

There was discussion about part time and full time workers and the prevailing wage.

There was discussion about maintenance on existing roads and the FEMA work.

Fred Signs wants Smokey Zimmer Road blacktopped as well.

There was discussion and comparison to how Maine has worked and paid for their road repairs.

The Board asked these residents to come back to the Board Meeting in April.

Supervisor Yetter called out the rest of the names on the sign in sheets and the following people made comments to the Board about gas drilling:

Todd Cawley said he was there to listen to Ed Nizalowski's comments about farmers. Ed Nizalowski talked about a letter he had written to the Owego Pennysaver the amount of chemicals used for fracking, parts of an article about gas pipes deteriorating and he talked about civil disobedience being a possibility by the anti-frackers.

Harv Hurley thinks the Board should get a firsthand visual of the gas drilling in Pennsylvania and discuss with some of the people there about gas drilling. He said he would be glad to facilitate a meeting with some of these residents.

There was discussion about the pluses and minuses of drilling.

There was discussion about the lack of a ban on drilling.

Mr. Hurley is concerned that the DEC will issue permits only to towns that are pro-gas.

Supervisor Yetter believes if there is no opposition by the Town when the gas companies ask, there will be drilling.

There was discussion about climate change and the earth warming in relation to reduction of carbon.

There was discussion about road usage.

Kenny Williams would also like the Board to visit PA and talk with some business owners. He would like the Board to subscribe to the Northeast Driller. He said there is a lot of information in there. He asked what decision the Board is going to make if the DEC says go ahead and drill. He wants the Board to do a formal resolution backing gas drilling and the DEC.

There was discussion about where the gas will be used after drilling.

Bill Corson said the small family farms are failing. We need to take care of the people here.

Supervisor Yetter said the Board understands the risk and will back the DEC when they make their decision. If the DEC says the overall process is safe, that is the way we will go.

**Privilege of the Floor was closed**

**Highway Superintendent's Report**  
**Highway Report September 18<sup>th</sup> 2012**

1. Diesel Price: \$3.06 Gas Price: \$3.17
2. Finishing up the black-top portion of FEMA
3. We are starting to work on the gravel roads:
  - Smokey Zimmer
  - Bailey Hollow
  - Lamb Road
  - Dalton Hill
  - Chamberlain
  - Markham
  - Waterman
  - Stage Coach
  - Cameron
  - Snapp
  - Sherry Lipe
  - Blewer
  - Allison Hill
  - Prentice

Barbertown  
Courtright Hill

4. We are going to get the money for the Rip Rap on Lamb Road. I will be waiting before we order and install it. Also we have 2-3 loads to place on Smokey Zimmer Pipe and Barbertown Road.
5. I received a quote from Elderlee Inc. from Oaks Corners N.Y. for installing the guide rail posts and hanging the W-Beam to the post. The Town Highway will install the end sections along with the concrete tie-downs. This is for Russell Rd pipe, Smokey Zimmer Rd. pipe, and Lamb Rd. pipe. We have the W-Beam and posts but don't have the curve sections, bolts, nuts, and concrete tie-downs. Total cost \$10,680.00 Chemung Supply did not get back to me. I heard they were busy in Tioga, Broome, and Chemung Counties. For these roads FEMA is paying us \$13,800.00
6. Ketchumville Roads sheet pilings are in place. I still want to hang W-Beam guide rail along them as a bumper because the creek is so close to the road. Also take down the signs.
7. This will be Gregory's last year. We are still getting Item #4 from them, but when it's gone it's all done.

After Highway Superintendent Meade read his Highway Report, there was discussion about the bid from Elderlee, Inc. (#5 above) for guide rails and posts for Russell Road, Smokey Zimmer Road, and Lamb Road. (A copy of this bid is on file in the Clerk's Office). After the discussion, the bid was accepted.

**Resolution #97-2012**

**Approval of Contract with Elderlee, Inc.**

On a motion offered by Councilman Graham and seconded by Councilman Cheresnowski, the Town Board authorizes Highway Superintendent Meade to enter into a contract with Elderlee Inc. for guide rails and posts in the amount of \$10,680.00.

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

**Motion Carried**

There was discussion concerning #4 gravel price increases.  
There was discussion concerning road usage.

Karen McMullen said all the easements have been signed and filed with the County Clerk.  
Supervisor Yetter said that everything is on track with Wendy Welsh.

Superintendent Meade discussed having to change the bands on the highway radio per FCC regulations.

Supervisor Yetter said he had two complaints from people concerning the roads.

The first one, a woman wrecked her car on the bridge on Brown Road. She claims the signs are obstructed by trees and there should be a sign saying the road is slippery when wet.

The second complaint was about the shoulder of the road on Howard Hill Road.

There was discussion about these two items.

Councilman Thomas mentioned to Highway Superintendent Meade that a telephone cable is still hanging down near the Lewis property. Superintendent Meade said he would call Frontier in the morning.

**New Business**  
**Supervisor's Financial Report**

Supervisor Yetter said we are on track for revenues. We need to make a couple of Budget Modifications.

**Resolution #98-2012**

**Budget Modification**

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

Transfer:

\$ 400.00 From A1990.4 Contingency \$ 400.00 TO A1330.11 Deputy Tax Collector PS  
\$ 500.00 From B1990.4 Contingency \$ 500.00 TO B3620.4 Code Enforcement CE

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

**Motion Carried**

**Resolution #99-2012**

**Amending Budget Modification**

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

Correct Budget Modification from August 21, 2012 Resolution #88-2012

WAS            Increase Revenue DB3960 (FEMA) \$400,000  
                  Increase Appropriation DB5110.4 FEMA (Road Repairs, FEMA) \$200,00

CORRECT    Increase Revenue DB3960 (FEMA) \$300,000  
                  Increase Appropriation DB5110.4 FEMA (Road Repairs, FEMA) \$300,00

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

**Motion Carried**

**Resolution #100-2012**

**Supervisor's Financial Report**

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

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

**Motion Carried**

**Old Business**

**Road Use Agreement**

Hans Peeters said the Planning Board looked at the Road Use Agreements and Road Laws from Tioga and Berkshire. The Planning Board will be meeting every other week. They are also looking at contracts from Candor and Maine.

There was discussion about the difference between laws and agreements.

The Planning Board has lots of questions and would like the attorney to attend the October 1<sup>st</sup> meeting.

There was discussion about Road Use Laws.

There was discussion about LP gas fracking.

**Department & Council Reports**

**Code Enforcement**

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

There is a manufactured double-wide mobile home permit. All the requirements have been met.

**Resolution #101-2012**

**Manufactured Mobile Home Permit - Carpenter**

On a motion offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board approved the Manufactured Mobile Home Permit 12-63 submitted by Darlene Carpenter.

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

**Motion Carried**

**Dog Control**

There is a case pending and the Board decided the Dog Control Officer could handle it instead of having the attorney do it.

Judge Schaffer has to make a decision about the Jump/Jones dangerous dog case.

### **EMS Liaison**

Councilman Tomazin went to the Berkshire EMS meeting. They are looking to increase their budget because they want more paid staff. They also want 100% billing and it will cost them around \$10,000.00 more for the billing.

There was more discussion about Berkshire EMS.

### **Planning Board**

Hans Peeters said there is Local Government Training for the Planning Board at no cost to the Town. The Town Board encouraged them all to attend.

### **Justice Report**

Justice John Schaffer reported for the month of August 2012, the following cases disposed of: 39 Traffic Tickets; 4 Criminal charges; 4 Dog cases; 1 Civil cases; 0 Econ case and 0 Town law cases. A total of \$6,590.00 was sent to the NYS Comptroller's Office.

Justice Todd Smith reported for the month of August 2012, the following cases disposed of: 16 Traffic Tickets; 5 Criminal Charges; 0 Dog Cases, 1 Civil Case; 0 Econ Cases, 0 Town Law Cases. A total of \$2,440.00 was sent to the NYS Comptroller's Office.

### **Resolution #102-2012**

### **Highway Bills**

On a motion, offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board authorizes the payment of Highway Bill Vouchers #H174 – #H197 inclusive in the amount of \$94,158.13.

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

### **Motion Carried**

### **Resolution #103-2012**

### **General Bills**

On a motion, offered by Councilman Tomazin and seconded by Councilman Graham, the Town Board authorizes the payment of General Bill Vouchers, 256-280 inclusive, in the amount of \$16,218.10.

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

### **Motion Carried**

There was a motion to adjourn the meeting at 9:05 PM., offered by Councilman Graham and seconded by Councilman Cheresnowski.

The next scheduled meeting is October 2, 2012.

Respectfully submitted,

Barbara S. Mock  
Town Clerk