

A regular meeting was held October 16, 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, Dominica Creeley; Planning Board Member, Charlie Morgan, Del Mock, Carl Brink, and Ann Beebe.

Supervisor Yetter called the meeting to order at 7:02 P.M.
Supervisor Yetter led all in the Pledge of Allegiance.

Approval of Board Meeting Minutes for September 18, 2012 and October 2, 2012

Resolution #104-2012

Approval of Town Board Meeting Minutes

On a motion offered by Councilman Graham and seconded by Councilman Thomas, the Town Board approved the Meeting Minutes for September 18, 2012 and October 2, 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

Carl Brink addressed the Board concerning why the State turned the decision of a ban or a moratorium over to the towns. He is concerned about a law suit from the gas companies if they cannot drill in the towns and he is seeking answers to what the gas companies intend on doing if they are not allowed to drill in the towns.

There was a lengthy discussion about this as well as banning under the home rule, indemnification clause, and the legalities of extended gas leases.

Highway Superintendent's Report

Highway Report October 16, 2012

- #1. Diesel Price: \$3.57 Gas Price: Unknown We just went back to the School NO Bill Yet.
- #2. We have been working on the gravel roads. Roads left to do yet are:
Tarbox Rd., Tony Meyers Rd., and the seasonal end of Lawrence Rd. We're using creek gravel for that.

- #3. We still have to set anchors for the guardrail that was put on Smokey Zimmer Rd., Lamb Rd., and Russell Rd.
- #4. I have to order Rip Rap yet for Smokey Zimmer, Davis Hollow, Lamb Rd., and Barbertown Rd.
I received the blue book for Lamb Road, but I haven't heard if the money was received for the Rip Rap.
NOTICE: I am requesting another \$80,000 for FEMA work, this should do it, I hope!
- #5. I have to get 10 more concrete blocks for Smokey Zimmer pipe along the road behind the guardrail.
- #6. Milton Cat was here for the loader, which had a safety recall on the brake accumulator. It would not detect low reverse braking capability. They fixed it.
- #7. I talked with Supervisor Yetter, about going on line to bid for a used flow and dump box for truck #82. Last week it was at \$420.00. Closing was at 6:02 PM yesterday.
No we did not get it, I stopped at \$990.00, and it went for \$1,475.00.
- #8. If you didn't notice, our first section of the drive-way was re-done. Base gravel 12" binder black-top 6" and top 2". This was done because of the water line improvements of the village.
- #9. I have received a State Bid price from Kenwood Radio's. By January 2013 all radios have to have the capabilities to narrow the band frequency that we use. This is an FCC requirement, which is enforcing this. All of our radios are too old.
"See Attached" (A copy of this bid is on file in the Clerk's office).

There was discussion about #9, the quote from Wirsig Electronics.
There is a need for a budget modification.

Resolution #105-2012

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) \$80,000.00
Increase Appropriation DB5110.4 FEMA (Road Repairs, FEMA) \$80,000.00

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

Motion Carried

New Business

Supervisor's Financial Report

Supervisor Yetter said things are looking good, budget lines are doing well, sales tax revenue is going well, and CHIPS came in. There are no budget transfers tonight.

Resolution #106-2012

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 September 2012 as submitted.

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

Motion Carried

Historian Budget Request

The Historian Building needs shelving. They went over their budget amount by \$72.00 because their copier broke and they needed to have it cleaned. The Board agreed to the shelving.

Old Business

EMS Contract

There are concerns about the wording of the Berkshire EMS contract. They could have a draft contract with an addendum for how they recover their money from patients who have a co-pay or deductible.

There was discussion about how the EMS can collect their money. Karen McMullen will look over the contract.

There was discussion about the fees and the contract.

Road Use Agreement

Karen McMullen handed out copies of the draft for the Local Law for Road Preservation. (A copy is on file in the Clerk's office).

There was discussion about the draft law. Supervisor Yetter said he would send a copy to the insurance company for their input.

Department & Council Reports

Code Enforcement

Tom Larson submitted the monthly Code Enforcement Report. (A copy is on file in the Clerk's office). Earlier in the evening, he told Supervisor Yetter that everything is caught up and mobile home parks are getting better. He is catching up with building permits.

Dog Control

Jim Weed, DCO told Supervisor Yetter that everything is going well.

Planning Board

Hans Peeters said the Planning Board has been working on the Local Law for Road Preservation.

Council Members & Committees

There was discussion about the discrepancies between information the Assessor gave the Board last meeting and the information that was obtained from Tioga County Real Property. The Board said they would need to talk to the Assessor again for clarification.

Justice Report

Justice John Schaffer reported for the month of September 2012, the following cases disposed of: 38 Traffic Tickets; 12 Criminal charges; 2 Dog cases; 2 Civil cases; 0 Econ case and 0 Town law cases. A total of \$5,040.00 was sent to the NYS Comptroller's Office.

Justice Todd Smith reported for the month of September 2012, the following cases disposed of: 12 Traffic Tickets; 3 Criminal Charges; 0 Dog Cases, 1 Civil Case; 0 Econ Cases, 0 Town Law Cases. A total of \$1,100.00 was sent to the NYS Comptroller's Office.

2013 Budget Discussion

The Board discussed line items in the budget. They decided to have a Special Work Session for discussing the 2013 Budget in detail on October 30, 2012 at 7:00 P.M. The regular Work Session for November will also have to be changed to November 7, 2012 because of the election and we will have a Public Hearing on the Preliminary Budget that evening at 7:30 P.M.

Resolution #107-2012

Advertise Special Budget Work Session, Change of Date for November Work Session, and Public Hearing for the 2013 Preliminary Budget

On a motion offered by Councilman Tomazin and seconded by Councilman Thomas, the Board authorizes the Town Clerk to advertise the following: a Special Work Session for October 30, 2012 at 7:00 P.M., a change of the date for the November Work Session from November 6, 2012 to November 7, 2012 and a Public Hearing on the 2013 Preliminary Budget for November 7, 2012 at 7:30 P.M.

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

Motion Carried

Resolution #108-2012

General Bills

On a motion, offered by Councilman Cheresnowski and seconded by Councilman Graham, the Town Board authorizes the payment of General Bill Vouchers, 281-306 inclusive, in the amount of \$10,107.76.

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

Motion Carried

Resolution #109-2012

Highway Bills

On a motion, offered by Councilman Thomas and seconded by Councilman Tomazin, the Town Board authorizes the payment of Highway Bill Vouchers #H198 – #H224 inclusive in the amount of \$57,745.95.

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 8:26 P.M., offered by Councilman Thomas and seconded by Councilman Cheresnowski.

There is a Special Budget Work Session scheduled for October 30, 2012.

The next scheduled meeting is November 7, 2012 at 7:00 P.M. with a Public Hearing for the 2013 Budget.

Respectfully submitted,

Barbara S. Mock
Town Clerk