

Regular meeting of the Board of Trustees of the Village of Newark Valley was held Tuesday evening, **March 22, 2023**, at 6:30 PM in the Noble Room of the Municipal Building at 9 Park Street, Newark Valley.

| | | |
|------------------------|-----------------|-----------------|
| <u>PRESENT:</u> | Mayor | James Tornatore |
| | Deputy Mayor | Scott Kasmarcik |
| | Trustees | John Tomazin |
| | | Joe Mooney |
| | | Ted Hardenstine |
| | Attorney | Nick Cortese |
| | Clerk/Treasurer | Pam Benthin |
| | DPW Supervisor | Matt Seamans |
| | Code Officer | Max Chandler |

MINUTES: Approved as presented for the months of November & December with a motion by Hardenstine, seconded by Kasmarcik. Trustee Mooney & Tomazin, abstain.

FINANCIAL REPORT: Approved as presented for the month of February 2023.

BILLS: Presented. Approved in the amount of \$29,477.14 from abstract number 01-24 and 02-24, with a Motion by *Trustee Mooney*, seconded by *Trustee Tomazin*.

GUESTS: Residents in attendance: Michael Kasmarcik, David Chamberlin, Jared Martin, Kathy and Jim Wurtenberg, Phil Nedlik, John & Janet Frieman and Mark Lott.

WORK IN PROGRESS:

- **Trout Ponds Tree Planting** – Heather Scott from Tioga County Soil & Water, created a planting plan for the Trout Ponds Park, to restore and establish native trees and shrubs to improve biodiversity and wildlife habitat. The proposed plan of 200 stems consists of a variety of trees and shrubbery, ranging from established 6'+ trees to 2' saplings and will be spread over approximately 1 acre. Planting could also help with bank erosion and the constant battle against the Japanese Knot weed. No cost to the village for the planting, only maintenance required by the DPW will be mowing, planting to be conducted by TC S&W and volunteers.

MOTION - To sign and move forward with the proposed Planting Plan from Tioga County Soil & Water for the Trout Ponds Park. Motion by Deputy Mayor Kasmarcik, seconded by Trustee Hardenstine.

- **Lowes Hometown Grant** – Actively pursuing funds. Application submitted, awaiting notice from Lowes of the next steps in their application process.
- **AED in MB** – Working with Maine EMS, once received Maine will train any employee interested in learning correct use of the AED, as well as general CPR.
- **Current Court Case** – Next court date scheduled for April 13th; fines will be issued. Attorney Cortese reviews the options for moving forward, deeming the structure unsafe according to established building codes and requiring repair or demolition or commencing action against the property owner at the Supreme Court level. General consensus of the board is to move forward according to building codes and require the structure to be corrected or demolished at owner expense.

- **Petition to Dissolve Village** – On March 14th the clerks office received a petition in which a group of individuals seeks dissolution of the Village. Clerk has 10 days to validate the signatures present on the petition, verify that they equal 10% or more of the registered voting population of the Village and notify the contact person, in writing, of the determination. If found to be sufficient, a resolution accepting the petition and calling for a public referendum must be passed within 30 days. The special election must be held between 60 & 90 days after the resolution. Upon further review of the petition by Village legal counsel, it was determined the petition submitted is for consolidation of the Village with the Town and not dissolution. Consolidation would require a second petition submitted to the Town, signed by 10% of the Towns registered voting population and require the same resolution and referendum process as the village. If both Village and Town residents vote to consolidate, the municipalities would need to hire a consulting firm to perform studies and create a plan, following with public hearings for resident input. A very costly process. Intense and passionate discussion follows between residents in attendance and Village Board/Attorney Cortese. Topics include questions regarding the petition requirements for the Town, the ability to start another petition, are village residents also considered town residents as the village is encompassed by the town. Heated and vehement exchange between M. Kasmarcik and Mayor Tornatore, resulting in a call to the sheriff's department.

GUESTS:

- **Walter 'Woody' Herman, owner 8 S. Main St. – Water Bill Grievance** – incurred a substantial water bill (\$3000+) due to multiple leaks and tenants hindering the repair process. Present tonight to ask the board if they would allow any concessions to this incurred bill. The board discusses, declines request under the rational of 'if we do for one, we must do for all', as there have been past requests by property owners that were also declined.

NEW BUSINESS:

RESOLUTION #01-24 Authorize Fee Schedule Update (Copy attached) – adopted with a motion by *Tomazin*, seconded by *Mooney*. Roll call vote. Hardenstine, Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No.

RESOLUTION #02-24 Adoption of Personnel Policy – Reimbursement of Village-Funded Training Costs (Copy attached) – adopted with a motion by *Kasmarcik*, seconded by *Hardenstine*. Roll call vote. Hardenstine, Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No.

Tioga County Sherriff Department Deputies arrive. Request to speak with M. Kasmarcik and Mayor Tornatore separately, outside of the meeting room, regarding the earlier disruption.

RESOLUTION #03-24 Authorization to Sign – Trustee Mooney, Lowes Hometown Grant Documents (Copy attached) – adopted with a motion by *Tomazin*, seconded by *Hardenstine*. Roll call vote. Hardenstine, Kasmarcik, Tomazin - Yes. Mooney - Abstained. Tornatore - Excused. 0 - No.

RESOLUTION #04-24 Authorize Purchase of AED Equipment. (Copy attached) – adopted with a motion by *Scott*, seconded by *Mooney*. Roll call vote. Hardenstine, Kasmarcik, Mooney, Tomazin - Yes. Tornatore - Excused. 0 - No.

RESOLUTION #05-24 Authorize Clerk-Treasurer to transfer funds to Water Capital Improvement Reserves and Debt. (Copy attached) – adopted with a motion by *Tomazin*, seconded by *Mooney*. Roll call vote. Hardenstine, Kasmarcik, Mooney, Tomazin - Yes. Tornatore - Excused. 0 - No.

REPORTS:

- **Code** – Completed 3 annual fire safety inspections. Issued 1 property maintenance complaint, approved one building permit for a garage. Code classes begin Monday March 27th and will continue on for 1 week per month until September 1st.
- **Public Works** – see attached report; With assistance from Trustee Mooney, DPW tasks spreadsheet created Board to refer to spreadsheet for DPW regular tasks, non-common tasks/projects will be presented on monthly board meeting report. Compliments from Deputy Mayor Kasmarcik for moving the pipes and cleaning up around the barn. Inquiry as to if cold patch could be used to repair the Village office entrance, Supervisor Seamans feels it would end up being a very short-term band-aid, states he has a plan to address and rectify the entrance issues. Discussion of security cameras at park and reservoir.
- **Clerk** – Petition for dissolution validation, annual liability insurance renewal, fiscal year-end reports, and preparing for the Joint Youth summer program. Attending AUD webinars for the new submittal process and portal. Working with IT to transition emails from the @stny.rr.com platform to our new @newarkvalleyvillage.com platform.
- **Planning** – No update. Hopeful to have a new candidate for the next board meeting. S. Kasmarcik to come to office to take oath for new term as Planning Board Chair.
- **Parks** – John Haney of NTYL, has reached out to ask for continued assistance from the DPW with regards to mowing at the ball fields. Will get ball field schedule to Supervisor Seamans. Chance Spoonhower would like to install an electronic score board at the ball fields, DM Kasmarcik ask that a plan/picture/drawing be brought to the board prior to installation.
- **Youth** – Kick-off meeting for the Summer Program to be scheduled in the next month or so.
- **Library** – Received bulk of monies from the school tax collection, waiting on county processing for balance.
- **School Districts** – Trustee Hardenstine informs that the search for School Superintendent has been reopened. The class that maintains the Community Garden on Main St. is requesting to put up a small 6x8 shed to be used as a free take veggie stand and storage for tools. Opposing comments from residents M. Kasmarcik and J. Wurtenburg. Suggestion of partnering with the Project Neighbor Food pantry as a location for the free produce to be obtained.

COMMENTS/CONCERNS:

Various discussions from residents in attendance, topics include rumors of Trustee Tomazin moving outside of the village in the near future, hiring staff for the office, and when to do so related to Deputy Clerk Moore relocating out of the area. Compliments and recognition by J. Martin to the DPW for the work they did fixing Whig St. and to Trustees Tomazin & Mooney for attending a town board meeting. More of the Village should be attending Town board meetings. K. Wurtenburg expresses gratitude to DM Kasmarcik for 'being for the people' and watching out for the residents.

Motion by *Trustee Hardenstine*, seconded by *Trustee Mooney* to adjourn at 8:43pm. Carried

Jessica Moore
Deputy Clerk/Treasurer