

Regular meeting of the Board of Trustees of the Village of Newark Valley was held Tuesday evening, **April 11, 2023**, at 6:30 PM in the Noble Room of the Municipal Building at 9 Park Street, Newark Valley.

**PRESENT:** Mayor James Tornatore  
Deputy Mayor Scott Kasmarcik  
Trustees John Tomazin  
Joe Mooney  
Attorney Nick Cortese  
DPW Supervisor Matt Seamans  
Tioga County Sheriffs Deputy

**EXCUSED:** Trustee Ted Hardenstine  
Clerk/Treasurer Pam Benthin  
Code Officer Max Chandler

**MINUTES:** Not available at this time. **FINANCIAL REPORT:** Not available at this time.

**BILLS:** Presented. Approved in the amount of \$16,937.93 from abstract number 03-24 and 04-24, with a Motion by *Deputy Mayor Kasmarcik*, seconded by *Trustee Mooney*.

**PUBLIC IN**

**ATTENDANCE:** David Chamberlin, Jared Martin, John Schaffer, Mer Barrett, Janet & John Frieman, Jakob & Zoe Pepper, Matt Tomazin, Kathy and Jim Wurtenberg, Phil Nedlik, Sue Hills, Mark Lott, Alex Torra, Michael Kasmarcik, and Jeffrey Czebiniak.

**PUBLIC HEARINGS:**

- Local Law #02-2023: Amending Chapter 79-7 of Village Code – Penalties for Late Payments (copy attached)
  - Public Hearing opens at 6:31pm.
  - MOTION to declare LL2-2023 a Type II action under SEQRA, specifically 6 NYCRR 617.5(c)(26), as such law represents routine Village Board, management of existing programs/policies. Motion by *Trustee Tomazin*, seconded by *Trustee Mooney*.
  - No public comment, no further discussion by the Board needed.
  - Resolution #12-24, passed with a motion by *Trustee Tomazin*, seconded by *Deputy Mayor Kasmarcik*.
  - Public Hearing closes at 6:33pm
  
- Local Law #03-2023: Amending Chapter 25-12 of Village Code – Personnel Policies (copy attached)
  - Public Hearing opens at 6:33pm.
  - MOTION to declare LL3-2023 a Type II action under SEQRA, specifically 6 NYCRR 617.5(c)(26), as such law represents routine Village Board, management of existing programs/policies. Motion by *Deputy Mayor Kasmarcik*, seconded by *Trustee Mooney*.
  - Public comments included naming of businesses that contribute less to employee HSA accounts, inquiring as to when this goes into effect (next plan year, November 2023) and who the change to 80%/20% contribution rate affects (all employees, current and any future hires).
  - Resolution #13-24, passed with a motion by *Deputy Mayor Kasmarcik*, seconded by *Trustee Mooney*.
  - Public Hearing closes at 6:45pm

**GUESTS:**

- Jakob & Zoe Pepper, Business Permit Application #01-23: Peyper Fields. Creation of a ‘Glamping’ venue at the property of 73 Whig St. along the Owego Creek that borders the east side of the property. Tentative plan of 20 tent sites, a shower/bath house as a separate building on its own water and septic services, and a camp supply/bait & tackle store for guests, located on the first floor of the current house. Currently in the planning phase, working with engineer Brian Doak for site plan drawings, have been in contact with Martin’s Plumbing

& Heating for guidance with the septic and water lines. If approved and once work is complete, they would plan to have a reservation season of May – September. No campers/RV's would be allowed, and they will not be creating any paved driveways, just widening the already established dirt/stone paths on the property. They hope to build an amiable relationship with property neighbors and will work with them through any concerns. Village Board welcomes the business venture, will require a site plan review before final approval can be granted. Office staff to provide all necessary forms/requirements and deadlines in the coming days.

#### **WORK IN PROGRESS:**

- **Trout Ponds Tree Planting** – Planting tentative for early May and will be completed by volunteers under the supervision of Tioga County Soil & Water. Newark Valley's FFA students will be participating, thanks in part to Trustee Hardenstine.
- **Lowes Hometown Grant** – Application submitted, awaiting decision from Lowes.
- **AED in MB** – Waiting on arrival of AED unit, signage and housing cabinet have arrived.
- **ARPA Funds** – Plan for use of \$93,000 must be made by 12/31/2024 and the funds must be spent by 12/31/2027. Public input meetings will be scheduled.

#### **NEW BUSINESS:**

- RESOLUTION #06-24** Mileage Allowance – IRS rate at time of use (Copy attached) – adopted with a motion by *Tomazin*, seconded by *Mooney*. Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused
- RESOLUTION #07-24** Village Board Meetings – 2<sup>nd</sup> Tuesday & 4<sup>th</sup> Wednesday (Copy attached) – adopted with a motion by *Kasmarcik*, seconded by *Mooney*. Roll call vote. Hardenstine, Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No.
- RESOLUTION #08-24** Authorization of Advance Payments (Copy attached) – adopted with a motion by *Mooney*, seconded by *Tomazin*. Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused
- RESOLUTION #09-24** Designation of Depository - NBT (Copy attached) – adopted with a motion by *Tomazin*, seconded by *Mooney*. Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused
- RESOLUTION #10-24** Authorization to Attend Schools and Conferences (Copy attached) – adopted with a motion by *Kasmarcik*, seconded by *Tomazin*. Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused
- RESOLUTION #11-24** Designation of Official Newspapers & Radio Stations – Courier & WEBO (Copy attached) – adopted with a motion by *Kasmarcik*, seconded by *Mooney*. Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused
- RESOLUTION #12-24** Local Law 02-2023 – Amending Penalties for Late Payments (Copy attached) – adopted with a motion by *Tomazin*, seconded by *Kasmarcik* Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused
- RESOLUTION #13-24** Local Law 03-2023 – Amending Employee Insurance Benefits (Copy attached) – adopted with a motion by *Kasmarcik*, seconded by *Mooney*. Roll call vote. Kasmarcik, Mooney, Tomazin, Tornatore - Yes. 0 - No. Hardenstine - Excused

## REPORTS:

- **Code** – Nothing to report, CEO not present.
- **Public Works** – Assist with Lowes grant; flushed hydrants; repaired plowed up sod, cleaned/organized pipe yard and surrounding area; Road shoulder repair and filled potholes; repaired curb stop at 2 Whig; started spring cleanup around the Trout Ponds; started Tuesday morning brush and leaves pick up for residents.
- **Clerk** – Budget has been submitted to State Comptroller; two trustees are needed for the annual audit of receipts, Trustee Mooney & Deputy Mayor Kasmarcik volunteer; MB Tenants have been billed their annual rents; have currently received more tax payments than at this time last year; clerk attending webinars for ARPA funds and the new AUD portal; fiscal year-end transactions and filing have been delayed due to workload.
- **Mayor** – COG has a shared services meeting coming up; Mayor, Deputy Mayor and DPW Supervisor visited Village of Owego about equipment use.
- **Planning** – still looking to fill vacancy; Planning Board Chair Sandy Kasmarcik not in attendance for any further updates.
- **Parks** – Baseball group is looking to install fencing along the side of the field and install lighting for evening games; DPW working to clear over hanging trees around the ball fields.
- **Youth** – Kickoff Meeting to be scheduled in the next month or two.
- **Library** – Director Chapman doing a great job with events for the kids and engaging with the community, currently working in conjunction with the NV Historical Society to organize more events for the public to enjoy.
- **School Districts** – NV FFA will be working with Tioga County Soil & Water on the tree planting at the Trout Ponds project.

## COMMENTS/CONCERNS:

- Mer Barrett, President of Northern Tioga County Chamber of Commerce, wished to thank the Board of Trustees, Village Office staff and DPW for all their assistance and support of Chamber events in the community, and a particular thank you to the DPW for their assistance with a few maintenance items in the Chamber office. Update on Summerfest: will be held entirely at the Trout Ponds, in addition to the evening's fireworks, there will be a cornhole tournament, Ax throwing, music throughout the day, many vendors and the parade will be back on Main Street this year!
- Lengthy and at times heated discussion between community members and Mayor Tornatore, regarding the petition being posted to the Village Facebook page for approximately 3hrs before being removed. Community members feel this act was in poor taste, a violation of privacy, hurtful, and a scare-tactic towards future petitions. Some in attendance felt that the mayor needs to publicly apologize, and some suggested he should resign. Mayor Tornatore stated that if another petition is presented in the future, he will seek legal counsel and board member opinions before posting again. Mayor Tornatore apologized to those in attendance for posting the petition.
- Brief discussion regarding 'Unsafe Structures' and the legal proceedings for condemning and then demolishing, related to matters on Rewey Ave and Bridge Street.
- Other topics discussed included suggestions for use of ARPA funds; Board members status and how long they would be serving on the village board; holding a public referendum concerning dissolution of the village.

Motion by *Trustee Tomazin*, seconded by *Trustee Mooney* to adjourn at 8:58pm. Carried

Jessica Moore  
Deputy Clerk/Treasurer