

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – JUNE 10, 2024 @ 6:30 PM

Via In-Person

Board Members Present: Supervisor Donald Foster, Councilperson Michael Rice, Councilperson Jeffrey Coleman, Councilperson David Shipman

Board Members Absent: Councilperson Kevin Everly

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk; Rebekah Peck, Deputy Clerk

Guests:

Charles Annabel, Norris Road
Rose Eiklor, Circle Drive
Bob Murphy, Norris Road
Andy Aronstam, Waverly

Dawn Volpe, Norris Road
Wayne Volpe, Norris Road
Pat Burnell, Norris Road

The meeting was called to order at 6:30 pm by Supervisor Donald Foster.

Pledge of Allegiance

Privilege of the Floor

Mr. Volpe asked the board if anyone has had the opportunity to see the Norris Road site. Supervisor Foster and Councilperson Coleman both stated they have been out there. Mr. Volpe continued said the residents moved trash to the backside of the property. There are wild animals that are coming around the area.

Mr. Annabel, who lives next door, has captured two skunks. He has also had bear in the back yard and a couple raccoons and opossums.

Ms. Burnell takes a walk around the neighborhood with her friend and noticed the neighbors rigged something up from Elena's house to 313 Norris Road. They also saw them hooking up a hose to the pump for the water.

Approval of Minutes: A **motion** to approve last month's regular board meeting minutes as submitted by the Town Clerk made by Councilperson Dave Shipman, seconded by Councilperson Mike Rice.

4-Ayes, 0-Noes

Vouchers: A **motion** to approve the vouchers made by Councilperson Jeff Coleman, seconded by Councilperson Dave Shipman.

- General Fund \$14,488.26
- Highway \$399,723.10
- Water/Sewer..... \$32,021.93

4-Ayes, 0-Noes

Personnel:

Town Clerk Arrah Richards-McCarty

Facebook is now live. For anyone who has a Facebook profile, please look out for our page. There are two "Town of Barton" pages out there; one is our official page and the other is by a personal profile. Click the page which has a picture of an old Barton map.

Penelec –I spoke to Village of Waverly Trustee Keith Correll as he had done some research on converting lights to LED and found the tariff to be higher than the savings. I have a phone call into my representative to get more info on this as there was nothing in the paperwork regarding a tariff.

Highway Superintendent Fred Schweiger

- The department completed 13 miles of oil and stone surface treatments with shared service trucking with the Towns of Tioga and Nichols.
- Flipped over to helping the Town of Tioga with their oil and stone work. Town of Tioga is currently stockpiling sand and stone in our pit for their pug mill (cold paving) project next week. Our pit is closer to their project so we are helping them keep their trucking cost down and we will be helping them haul for the paving project.
- This Wednesday and Thursday, the Town of Spencer will be doing an FDR on Owl Creek Road. We'll be sending a truck to help them out.
- Broome Bituminous completed roughly five miles of paving last Friday (June 7).
- Thank you to Mayor Andy Aronstam as the Village of Waverly loaned us their milling head as usual to cut our rebates for the paving.
- Had a little vandalism over the last weekend on Ridge Road after the rebates were cut. We put cones on the edge of the rebates and bump signs to warn the residents of the 1 ½" deep cut across the road. All the cones were relocated across Golden Road as well as a stop sign that was removed (post and all) from the corner of Acme and Drake. Removing a stop sign is a federal offense due to the danger to the public. We were told who the perpetrators were but cannot prove it.
- Currently installing some driveway culverts and cleaning ditches and rebuilding some retaining walls along Steinburg, Hollenbeck and Old Route 34.
- Oil and stone roads have been swept of loose stone and will be rechecked in a month.

- Roadside mowing started at the beginning of May (as usual). He has made roadside passes on the west and north sections of the township and is currently in the southeast part. He should be in the hamlet of Barton in another week which will finish out the first round and then he will start making the circuit again and include mowing both sides of the ditches.
- After rebuilding the retaining walls, we'll move onto shimming driveways and mailbox approaches along the newly paved sections of the road. We'll then work on ditching and prepping roads for next year's paving and surface treatment projects along with widening out the containment pond off from Wilcox Estates.

Supervisor Foster added that David Dwyer pled guilty to the garbage dumping and received a \$350 fine. As for the cutting of the trees, the Tioga County Sheriff's Office has three individuals they are interviewing as potential suspects.

Highway Superintendent Schweiger added the truck that was previously approved, the plow package and the box are going to be held up longer because Tenco received a big contract from the state of Connecticut so they are now backlogged. The chassis will come at the end of this year, maybe first quarter of next year. Because of this, we will only need to pay for half of the truck this year and finish paying in the new budget year. Whatever price increase we'd incur on the plow package, it'd be compensated by how the truck is now a year-and-a half older. So it will be one more budget year before we have to pay for it. Tracey Road Company did agree that the 10-year warranty on the chassis won't start until the plow package is on and being used.

New Business

1. Resolution 25-2024_Adopt the Tioga County Multi-Jurisdictional Hazard Mitigation Plan Update 2024

Supervisor Foster had this statement to make, "This is a countywide plan that includes the Town of Barton's annex and it identifies ways to minimize damage by natural and human-made disasters. As a living document, it forms the foundation for the Town of Barton's long-term strategy to reduce disaster losses, as well as identify natural disaster risks and vulnerabilities that are common in the Town of Barton. The multi-jurisdictional hazard mitigation plan has been on the town of Barton books for many years but it is set to expire. This has to be renewed every five years. If we fail to renew this plan, the people living in the flood plain areas of the Town of Barton could lose their FEMA flood insurance."

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 06/10/2024

RESOLUTION NO 25-2024

ADOPT THE TIOGA COUNTY MULTI-JURISDICTIONAL
HAZARD MITIGATION PLAN UPDATE 2024

WHEREAS, The Town of Barton Town Board recognizes the threat that natural hazards pose to people and property within the Town of Barton; and

WHEREAS, The Town of Barton has prepared a multi-hazard mitigation plan, hereby known as the Tioga County Multi-Jurisdictional Hazard Mitigation Plan Update 2024, in accordance with the disaster mitigation act of 2000; and

WHEREAS, The Tioga County Multi-Jurisdictional Hazard Mitigation Plan Update 2024 identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in the Town of Barton from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Town of Barton Town Board demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Tioga County Multi-Jurisdictional Hazard Mitigation Plan Update 2024; and

NOW THEREFORE upon a motion by Councilperson Mike Rice, seconded by Councilperson Dave Shipman and carried; therefore, be it

RESOLVED, that the Town of Barton Town Board adopts the Tioga County Multi-Jurisdictional Hazard Mitigation Plan Update 2024. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in five years.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

2. Resolution 26-2024_Notice of Public Hearing to Determine Whether Properties of 311 and 313 Norris Rd, Waverly, NY 14892 Constitutes a Public Nuisance Requiring Abatement by the Town of Barton

It is of the opinion of Supervisor Foster and Building and Fire Code Enforcement Officer Chris Robinson that the above properties have not been cleaned up to their satisfaction and constitute a public nuisance requiring abatement by the Town of Barton. In order to move forward, a public hearing must be scheduled on violation of the Town of Barton's Junk Storage Law by Elena Cella. The public hearing cannot be held any sooner than fifteen days exclusive of the date she is served and this is prior to the date of the public hearing.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 06/10/2024

RESOLUTION NO 26-2024

NOTICE OF PUBLIC HEARING TO DETERMINE WHETHER PROPERTIES OF 311 AND 313 NORRIS ROAD, WAVERLY, NY 14892 CONSTITUTES A PUBLIC NUISANCE REQUIRING ABATEMENT BY THE TOWN OF BARTON

WHEREAS, the Town of Barton tax assessment records show Elena Cella as the owner of real property at 311 and 313 Norris Road, Waverly, NY 14892, and;

WHEREAS, on multiple occasions, Town of Barton officials have attempted to compel real property owner Elena Cella to remedy the substandard condition of the two properties in question, and;

WHEREAS, the Town of Barton Code Enforcement Officer, Chris Robinson, has issued numerous appearance tickets to Elena Cella to appear before the Town of Barton Town Justice regarding this issue, and;

WHEREAS, on May 13, 2024, numerous residents and home owners from Norris Road, Waverly, NY turned in a petition containing ten signatures requesting immediate action to clear and remove accumulated trash and unregistered motor vehicles by the Town of Barton Town Board and Town of Barton Code Enforcement Officer, Chris Robinson, and;

WHEREAS, the Town Board of the Town of Barton deems it necessary to hold a public hearing to determine whether these violations constitute a public nuisance requiring abatement by the Town and;

NOW THEREFORE upon a motion by Councilperson Jeff Coleman, seconded by Councilperson Dave Shipman and carried; be it

RESOLVED, that on this day, June 10, 2024, the Town Board of the Town of Barton, County of Tioga, State of New York hereby schedule a public hearing to be held at the 304 State Route 17C Waverly, NY 14892 municipal building on June 26, 2024 at 6:30pm to determine whether the properties of 311 and 313 Norris Road Waverly, NY 14892 constitutes a public nuisance requiring abatement by the Town of Barton, and be it;

FURTHER RESOLVED, that notice of time, place, and date of public hearing shall be posted conspicuously on Elena Cella's 311 and 313 Norris Road Waverly, NY 14892 properties and be it;

FURTHER RESOLVED, that notice of time, place, and date of public hearing shall be sent to Elena Cella by certified mail return receipt requested or served on her by personal services.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

Mr. Volpe asked what the public hearing for; it feels like it's just kicking the can down the road. Supervisor Foster said, according the US Constitution, no one shall be deprived of their life, liberty or property without due process of the law. Therefore, we have to have a public hearing before taking any action.

Supervisor Foster read aloud the letter that will be sent to Elena Cella and explained the notice will be served on her at 8 am tomorrow morning by himself and the Code Officer Chris Robinson.

Mr. Murphy stood up and said he had been speaking to Justice Myers and Justice Myers cannot find that lady because Mr. Robinson is citing her on the wrong name. Supervisor Foster said she had already been cited once and we are good to go.

Ms. Burnell said she smells something burning at the property. What happens if she [Ms. Cella] gets this notice and they start burning all the stuff they have there? Supervisor Foster said to get in contact with Code Officer Chris Robinson and he will alert the DEC.

3. Resolution 27-2024_ Signing the Amended NYS DEC License Issuing Agent Agreement

Town Clerk Richards-McCarty explained NYS DEC and the town entered into an agreement years ago and in that agreement whenever anything changes, an amendment must be done. In this case, NYS DEC has decided to print licenses on regular copy paper rather than the waxy valeron they supply. Now that the licenses will be printed on regular paper, they no longer need to supply us with valeron or a printer. Because of this, we must sign the amended agreement.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 06/10/2024

RESOLUTION NO 27-2024

SIGNING THE AMENDMENT TO LICENSE ISSUING
AGENT AGREEMENT

WHEREAS, Town of Barton and NYS Department of Environmental Conservation (hereinafter referred to as the "Department") entered into a prior License Issuing Agent Agreement which is now desired to be amended; and

WHEREAS, a change in Department laws, rules, or regulations is anticipated that will change the format and delivery of sporting licenses that will prevent the need for the Department provided license issuing equipment and the associated support and supplies; and

WHEREAS, the License Issuing Agent Agreement provides for amending the License Issuing Agent Agreement in Article 14. Contract Amendment; and

WHEREAS, the Town of Barton Board has read the agreement and has given the License Issuing Agent the authority to sign said amendment with the NYS Department of Environmental Conservation; and

NOW THEREFORE upon a motion by Councilperson Dave Shipman, seconded by Councilperson Jeff Coleman and carried; it is hereby

RESOLVED that the Town of Barton Board does hereby authorize the Town Clerk to sign the amendment with NYS Department of Environmental Conservation.

Roll Call Vote:

Mike Rice Aye

Donald Foster Aye

Jeffrey Coleman Aye

Dave Shipman Aye

4. Resolution 28-2024_Approve 2024 Electronic Waste Agreement with Tioga County, New York

Town Clerk Richards-McCarty stated the town's current insurance policy covers what the county is requiring with the exception of the Fire Damage Legal Liability. The premium for that is \$43/year. I am unable to increase the Fire Damage Legal Liability for one day only so it must be paid for the entire year. I will find volunteers for the event.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 06/10/2024

RESOLUTION NO 28-2024

APPROVE 2024 ELECTRONIC WASTE

AGREEMENT WITH TIOGA COUNTY, NEW YORK

WHEREAS, the Town of Barton wishes to sign the agreement with Tioga County, NY regarding the 2024 Electronic Waste Agreement; and

NOW THEREFORE upon a motion by Councilperson Mike Rice, seconded by Jeff Coleman and carried; therefore, be it

RESOLVED, that on this day of June 10, 2024, the Town Board of the Town of Barton approves the 2024 Electronic Waste Agreement between the Town of Barton and Tioga County, New York; and be it

FURTHER RESOLVED, that the Barton Town Board grants the Town Supervisor the authority to sign any documentation necessary relating to the agreement.

Roll Call Vote:

Mike Rice	Aye
Donald Foster	Aye
Jeffrey Coleman	Aye
Dave Shipman	Aye

Old Business

a. Norris Road properties – *Discussed earlier.*

Motion to adjourn meeting at 7:06 PM made by Councilperson Jeff Coleman, seconded by Councilperson David Shipman. All in favor.

Respectfully submitted,

Arrah Richards-McCarty

Town of Barton Town Clerk