

Berkshire Planning Board

Meeting Minutes

January 8, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Joe Palmeri	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Wayne Antal	Alternate Member	2013

A) Call Meeting to Order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – Antal excused.
- 3) Pollard moved to accept the Secretary's minutes of the December meeting. Palmeri seconded. Carried.
- 4) Privilege of the Floor – Marty Mattrazzo attending with interest as Alternate Member.

B) Meetings & Committee Update

- 1) Summary of Town Board meeting (Ceurter) – The Planning Board annual actions (bylaws, training, appointments, priorities for 2013) were discussed and all approved. The new town lawyer, Nick Canizio, is currently working 4 cases referred by the Code Enforcement Officer. He will work closely with the CEO and report on those activities to the Town Board. The Town Board had their annual January 2 kickoff meeting and reappointed Ceurter as Chair of the Planning Board among other items. Howland's Mill is in the process of being torn down. The company that owns it wants to use the area for gas drilling pipe, which Pollard remarked may require a 239 review due to the railroad siding, change of use, etc. The town Board has signed a renewal contract with Stray Haven for \$415.55 per year, with the dog seizure fee at \$80.
- 2) County Planning Board issues – Pollard reported that there was just one 239 review on the agenda for their meeting—a renewal of the permit for the motocross track in Campville. Pollard did not attend the meeting due to a conflict, so he was unaware of the outcome.

C) Unfinished business:

- 1) New alternate member – Marty Mattrazzo indicated definite interest in being an Alternate Member. Pollard moved to request Town Board appoint Mattrazzo through the end of 2013. Palmeri seconded. Carried. Pollard suggested that a retired farmer would be good to have on the Board and suggested Bill Leonard. Ceurter had recently thought of Bill as a possibility also and will contact him to see if he would be interested.
- 2) Tioga Hardwoods Kiln 239 review – Ceurter asked Supervisor McEwen to look into that per Pollard's request at the last meeting, which McEwen did do. He reported that the county determined that a 239 review did not apply.
- 3) Update of Local Law list and book – Ceurter will make a final review and then meet with the Town Clerk to make sure her copy is also up to date.

- 4) Manufactured Home (Mobile Home) Law review – Due to the apparent lack of heat in our meeting room and the Secretary’s laptop not being cooperative this evening, further review of the mobile home law was postponed until the next meeting. Ceurter did request that everyone look at it between now and then, however, so that we can try to finish the review at our February meeting. Albrecht will send the draft to Matrazzo via email.
- 5) Other local law draft comments - Road Use (Tioga and Steuben Co. drafts), Noise (Windsor?), Lights. Road Use will be addressed as soon as we finish the Mobile Home law. Albrecht will contact the Tioga Center Town Board to see if we can get an electronic copy of their Road Preservation Law to work with as a draft for Berkshire.

D) New Business

- 1) Lacey Resignation – Term ends 12/31/2016; Antal has expressed interest to Ceurter in completing that term as a regular member. Albrecht moved to request Town Board appoint Antal to complete Lacey’s term. Pollard seconded. Carried.
- 2) February newsletter article – Albrecht shared via email prior to the meeting a draft newsletter article. The primary topic of the article was an announcement of Lacey’s resignation and recognition of his 22 years of service. It was reviewed and approved for submission with an addition of notation of Lacey’s service as Chair and Vice Chair while on the Board.

Next Planning Board meeting is scheduled for Tuesday, February 5, 2013.

Next Town Board meeting is scheduled for Mon., January 21 and workshop is Tues. the 15th.

Ceurter moved to adjourn. Pollard seconded. Carried at 8:00 p.m.

Respectfully submitted,
Sarah Albrecht, Secretary

Berkshire Planning Board

Minutes

February 5, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Wayne Antal		2016
Joe Palmeri	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member	2013

A) Call Meeting to Order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – all present.
- 3) Secretary's minutes. Palmeri moved to accept. Pollard seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to Planning Board – Appointments to Planning Board approved (Antal and Mattrazzo). Ceurter asked Town Board to look into the trains not blowing the whistle at the East Berkshire Road crossing and the empty railroad cars on the siding. In addition to the immediate concern, there is a concern that increased traffic on this road due to gas drilling may mean that the crossing should be gated and/or alarmed. Town Attorney Canizzio did not get any response to any of the letters he sent in support of code enforcement issues.
- 2) County Planning Board issues pertaining to Berkshire – Pollard reported that the County Planning Board did not meet in January. Elaine Jardine is expected back to work in February.

C) Unfinished business:

- 1) Local Law Book – Comparison to Town Clerk's records not yet done.
- 2) Manufactured Home (Mobile Home) Law review and updates - Completed initial review through document, but there are outstanding questions regarding penalties and forms, so will hope to complete final review at next meeting.
- 3) Other local law draft comments - Road Use (our format), Noise, Lights, Off- Road. Albrecht to contact Town of Tioga for possible electronic copy of their recently-adopted Road Use Local Law as it appears to be a good starting point for Berkshire.

D) New Business

- 1) Oath of Office – Mattrazzo needs to sign at Clerk's office.
- 2) Meeting with other local Planning Board group – Fraser Williams attended a TING meeting. They would like to get Richford, Berkshire, and Newark Valley together to discuss Road Use. Fraser Williams will talk to NV Supervisor Stu Yetter and get back to Ken on a meeting.
- 3) Lacey appreciation: In addition to what the Town Board does, the Planning Board voted to give Jim a gift card in appreciation of his 22 years of service. Sarah made a

- card for him that everyone signed.
- 4) Antal asked that we request as a group that the Town Board force immediate action at the brick house on Jewett Hill road where the exterior wall is about to fall off the house. Wayne Antal is very concerned about the safety of the family living there, particularly the children. Ceurter will send a note to Supervisor Ron McEwen.

Next Planning Board meeting is scheduled for Tuesday, March 5, 2013.

Next monthly Town Board meeting is scheduled for Mon., February 18th and workshop is Tues. the 12th.

Pollard moved to adjourn. Palmeri seconded. Carried at 9:11 p.m.

Respectfully submitted,
Sarah Albrecht, Secretary

Berkshire Planning Board
Meeting Minutes
March 5, 2013 – 7:00 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Wayne Antal		2016
Joe Palmeri	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member	2013

A) Call Meeting to Order at 7:03 p.m.

- 1) Pledge of Allegiance
- 2) Role Call/status of membership: Antal excused, Mattrazzo absent.
- 3) Secretary's minutes Palmeri moved to accept. Pollard second. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Town Board meeting summary – Ceurter did not attend the meeting but did talk to Supervisor McEwen for a summary. There are 4 code enforcement cases that have been sent to the Town Justice. Resolution #4 was passed in Support of NYS Contact Information for Vacant Structures. It was apparently a very short meeting.
- 2) County Planning Board Report–Pollard reported that there were two 239 reviews—one for Guthrie to build a new office in Apalachin, which was approved and one for a hotel/ restaurant at rt. 17 & rt. 220 intersection in Waverly (previously reviewed). That came back because the State of New York would not pass title for some of the property, and they have altered their plans to be for a restaurant and a strip mall rather than a hotel. That was approved. Elaine Jardine is back from disability leave. Officers were elected, and the new president is the representative from Tioga. Nichols and Newark Valley are working on updating their comprehensive plans.

C) Unfinished business:

- 1) Jim Lacey was recognized for his service in the newsletter. Everyone on the Planning Board received a thank you note from him for the gift certificate we gave him.
- 2) Jewett Hill brick house – safety issue. CEO Virtue has inspected and it is sound on the inside, but he was going to rope off the area on the outside so no one would get hurt if bricks fell.
- 3) Manufactured Home Law - Enforcement Procedures was rewritten using primarily Junkyard and Site Plan laws. Also rewrote Section IX Penalties. Albrecht will send out current draft to everyone electronically for review as a full draft.
- 4) Other local law draft comments - Road Use (our format), Noise, Lights, Off- Road. Ceurter has done some additional research on the Road Use, and finding that most laws have similar clauses regarding a bond agreement. All present agreed that we are not sure how that would be administered here in the Town of Berkshire. Ceurter will contact Supervisor McEwen regarding that question. We cannot write something like that into a law if we don't understand how it would be administered and upheld.

D) New Business

- 1) Oath of Office – Mattrazzo not present to report.
- 2) Training – Ceurter and Pollard attended February 13, 2013, training regarding local impacts of gas drilling. Ceurter sent a summary of the training out to everyone via email. The powerpoint is available at: <http://www.planning.org/audioconference/FrackingRE>
- 3) County signed resolution in opposition to the enactment and certain provisions of the Safe Act, which was published in the Tioga County Courier February 20, 2013.
- 4) Ceurter shared an article from the Town and Country Pennysaver re: town of Freetown Variance Board of Appeals meeting schedule. Ceurter thought that was interesting given that the town only has 800 people. All present agree that maybe Berkshire should have something more concrete in place for this as well.

Next Planning Board meeting is scheduled for Tuesday, April 2, 2013.

Next monthly Town Board meeting is scheduled for Mon., March 18th (Ceurter will not be here and asked Palmeri to attend) and workshop is Tues. the 12th.

Albrecht moved to adjourn. Pollard seconded. Carried at 9:26 p.m.

Respectfully submitted,
Sarah Albrecht, Secretary

Berkshire Planning Board
Minutes
April 2, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Wayne Antal		2016
Joe Palmeri	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member	2013

A) Call Meeting to Order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Role Call/status of membership – All present.
- 3) Secretary's minutes – Pollard moved to accept. Antal seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB –Summary of TB meeting – Palmeri reported that the sale of the property behind 15 Depot Street was approved to move forward. Justice Brundza reported receipt of \$695 in fines, of which \$495 went to the state, so the town got remainder of \$200. They will be repairing the roof on the town barn. SNAP (Supplemental Nutrition Assistance Program) outreach program will be investigated. Fraser looking for input on improvements to the newsletter. New furniture for town hall purchased for \$1448. McEwen mentioned to Virtue that he needs to come up with some information for the Planning Board regarding the Manufactured Home law (which Lee did provide).
- 2) County Planning Board issues pertaining to Berkshire–Summary/minutes - Pollard reported two 239 reviews. One to convert a home to a doggie day care facility in Waverly (approved); one for Barton for Park Outdoor to move a billboard from the Westbound lane of Route 17/I86 to the Eastbound lane (approved). Spencer is working on a comprehensive plan. Nichols is working on a codification of their local laws. Ceurter asked if Pollard could ask the other members of the County Planning Board for samples of their fee schedules, but Pollard felt we might have better results contacting the towns directly because so few of the county representatives are on their town planning boards.

C) Unfinished business:

- 1) Manufactured Home Law - Review Section VI, VII, IX – completed review; Albrecht will make a final formatting review and send out to Planning Board for their final approval. Once approved, it will be forwarded to the Town Board for their review and, if approved, for the scheduling of a public hearing.
- 2) Road Use – we have not received any specific direction from Town Board. Some discussion about who would administer the funds for escrow or bond, etc. Antal suggested that the bank could manage it. We are concerned about writing a law that would incorporate

- something we could not enforce; however we can move forward with drafting a law.
- 3) Other local law draft comments - Noise, Lights (Ceurter has found few other towns that have laws regarding noise, and has found none regarding lights); Off- Road...

D) New Business

- 1) Oath of Office – Mattrazzo has not yet signed.
- 2) Article for newsletter (due April 20). Ideas to include: Status of manufactured home law, announce new members.
- 3) Training – no one has heard anything about any upcoming training.
- 4) Towns and Topics had some interesting articles. Ceurter found some copies in the trash and shared them with others on the Planning Board.

Next Planning Board meeting is scheduled for Tuesday, May 7, 2013.

Next monthly Town Board meeting is scheduled for Mon. April 15th and workshop is Tues. the 9th.

Albrecht moved to adjourn. Mattrazzo seconded. Carried at 8:10.

Berkshire Planning Board
Meeting Minutes
May 7, 2013

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Wayne Antal		2016
Joe Palmeri	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member	2013

A) Call Meeting to Order at 6:38 p.m.

- 1) Pledge of Allegiance
- 2) Role Call/status of membership - Mattrazzo excused; Palmeri & Antal absent.
- 3) Secretary's minutes - Pollard moved to accept minutes of April meeting. Ceurter seconded. Carried.
- 4) Privilege of the Floor – none.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB –Summary of TB meeting – Ceurter reported that B.A.S.E. (Berkshire Alliance for Sustainable Energy) was discussed. There is a meeting of that group May 21 7:00-9:00 p.m. Virtue (CEO) reported some cases pending and fined. Fraser Williams is working with Virtue on software for tracking code enforcement issues. A public hearing is scheduled for May 20 regarding the sale of land adjacent to the ball field and 15 Depot Street.
- 2) County Planning Board issues pertaining to Berkshire–Pollard reported that a land management group that owns property between 434 and W. Main Street in Apalachin wishes to put in fill to raise the low spots (in a special flood hazard zone); this was approved. There was also discussion regarding a taxidermy shop out of the owners home in Spencer. That application was not received in time for full consideration, but was discussed, dismissed as not relevant, and referred back to the Town of Spencer. The Town of Nichols codification of laws took 10 years to do. However, they now feel that their laws are now enforceable and that the pain was worth the process. Pollard pointed out that there can be lawsuits on towns that do not enforce the 239 review process: the motocross track in Campville originally had a special use permit, and the town approved a change of conditions to the special use permit without referring it to the county for 239 review; a resident sued the town for not following the law and won. The process has started back at the beginning now.

C) Unfinished business:

- 1) Newsletter article was printed; however, Ceurter has not gotten any calls of interested parties for the alternate position.

- 2) Manufactured Home Law: Albrecht moved to consider this now final with the changes discussed at this meeting. Pollard seconded. Approved. Albrecht will send the revised copy electronically to all members of the planning board and to the Town Supervisor.
- 3) Road Use – We agreed to start with Tioga’s law given that it is so recently passed and the similarity between roads and use in Berkshire. Ceurter feels we should discuss the pros and cons of Road Use Agreement vs. Road Use Local Law. There was a brief discussion about who we might talk to regarding that, but we did not think that anyone local would have experience with the value of one over the other given that there has been no actual hydrofracking in New York. Our stance is to provide a document that best protects the Town of Berkshire roads, whichever that may be.
- 4) Other local law draft comments - Noise, Lights, Off- Road. No further information.

D) New Business

- 1) Oath of Office – Marty Mattrazzo has completed this.
- 2) Other - Ceurter received a survey regarding land use from a Cornell student working on a project, which he responded to and summarized. Newsletter noted that the Town Board will be working on a consolidated plan. We’re not quite sure what that involves. Albrecht will contact Supervisor McEwen to see if this is something that the Planning Board can assist with. Pollard had requested via email recently on behalf of Carol Kania that the Planning Board consider support of a grant application being made by the Library. This was briefly discussed, and the majority opinion was that we could not write such a letter as the Planning Board unless we knew that the Town Board was in support given our reporting nature to the Town Board. Pollard did not know if the Town Board was asked to support it.

Next Planning Board meeting is scheduled for Tuesday, June 4, 2013.

Next monthly Town Board meeting is scheduled for Mon. May 20th and workshop is Tues. the 14th.

Ceurter moved to adjourn. Pollard seconded. Carried at 8:41.

Respectfully submitted,
Sarah Albrecht, Secretary

Berkshire Planning Board
Meeting Minutes
June 4, 2013

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Vacant		2016
Joe Palmeri	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member	2013

A) Call Meeting to Order at 6:40

- 1) Pledge of Allegiance
- 2) Role Call/status of membership: Antal has resigned effective June 1, 2013; Palmeri absent
- 3) Secretary's minutes - Pollard moved to accept May minutes. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor - None

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB –Summary of TB meeting – Albrecht reported that there was a public hearing prior to the meeting regarding the potential sale of the property behind 15 Depot Street. Most of those who provide reports were not present to give them, so the meeting breezed along pretty quickly. Albrecht reported that the Planning Board had submitted the Manufactured Housing local law and that we intended to begin working on Road Use next. Albrecht noted to the Town Board that we were debating the benefits of a Road Use Agreement vs. a Road Use Local Law, and regarding hydrofracking, all present were in agreement that a RUA was the most effective and legally enforceable. (Albrecht noted also that she asked this of the Cortland County Dir. of Planning at the training, and he agreed.) The sale of the property off Depot St. was approved for the solicitation of bids.
- 2) County Planning Board issues pertaining to Berkshire–Summary/minutes - Pollard reported that there was a 239 review for the sale of a former doctor's office for the purpose of a natural and local foods store. That was approved. Candor is going to put up a salt storage barn, and their critical environmental area status designation for the wells has not yet been finalized by the town; it will be sent to DEC when finalized. Candor is also looking at noise and lights ordinances. They did hire a contractor to do noise measurements when the race track was put in on Anderson Hill Road. Doug Barton is retiring, and the Board expects to have a decision for his replacement by the June meeting.

C) Old Business:

- 1) Manufactured Housing Law final draft sent to Town Supervisor on May 8, 2013. No activity on that yet that we are aware of.
- 2) Road Use –where to start? We agreed to read through each of the three samples that we now have (Tioga, Cortland, and our current law) and be prepared to discuss the merits of each at our July meeting.

D) New Business

- 1) Wayne Antal Resignation. Pollard moved that we recommend to Town Board that Marty Mattrazzo be appointed to fill the remainder of Wayne Antal's term. Ceurter seconded. Carried. Albrecht will contact Bill Leonard to see if he is interested in filling the vacant Alternate position. Albrecht will also try to contact Trudy Bentley to see if she might be interested. Ceurter approached Joe Budney but is not sure if he is interested or not; Ceurter will follow up with him.
- 2) July meeting on 2nd okay? Yes, but we tentatively agreed to move the August meeting to the 13th due to vacation plans and other conflicts.
- 3) Training: Albrecht made a brief report of the training she attended the previous evening.
Consolidated Plan: Ceurter shared via email the previous plan submitted by BRAG based on the newsletter article stating that the Town Board will be working on a Consolidated Plan. Ceurter spoke with Fraser Williams also, and the Town Board thinks that the Planning Board would not be involved in the Consolidated Plan at this point in the process, but possibly when they get to a more detailed stage of the planning.
BASE meeting was attended by Ceurter and Pollard. They reported that it was pretty well attended with over 80 people present. Fraser Williams was also in attendance. The group is circulating a petition for a moratorium on gas drilling in Berkshire. Albrecht wondered why no one from that group was present at the public hearing held for that purpose by the Town Board some months ago.

Next Planning Board meeting is scheduled for Tuesday, July 2, 2013.

Next monthly Town Board meeting is scheduled for Mon. June 17th and workshop is Tues. the 11th.

Albrecht moved to adjourn. Mattrazzo seconded. Carried at 8:38 p.m.

Berkshire Planning Board
Meeting Minutes
July 2, 2013

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Secretary	2013
Vacant		2016
Vacant	Vice Chair	2017
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member	2013

A) Call Meeting to Order at 6:36

- 1) Pledge of Allegiance
- 2) Role Call/status of membership
- 3) Secretary's minutes. Pollard moved to accept. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor – Jim Lacey encouraged us to attend the meetings regarding sustainable energy being held at the Community Hall.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to Planning Board – Albrecht reported on Land sale (resubmitted resolution worded correctly and properly advertised – resolution passed), consolidated plan (see more about that below), repairs to ball field which Karl reported on (Sarah suggested contacting Boy Scouts for Eagle Project), and Planning Board membership issues (Palmeri resignation, Mattrazzo recommendation).
- 2) County Planning Board issues pertaining to Berkshire–Summary/minutes - Pollard reported 239 review for property in Waverly that pre-dated zoning containing a 3-stall garage and office, issues with setbacks, road access, and new owner wants it to be a used clothing store. They didn't have good paperwork, but it was approved because it was grandfathered. They asked for a new rep to the STERP which he thinks someone from the Town of Owego will be doing. Nichols comprehensive plan is done (about 140 pages) and hopes to have draft to Town Board by September and in place by the end of the year. Pollard got a hard copy of the plan. It was noted that there cannot be setback requirements in a local law unless you have zoning except if there is a specific state statute that allows it.

C) Unfinished business:

- 1) Manufactured Housing law was approved and Connie was to submit to DOS.
- 2) Membership updates – Joe Budney has expressed some interest, but was not present at this meeting. Pollard approached Carol Kania, but got no reply. Albrecht has not had a chance to see Trudy Bentley. With regret, Ceurter notified Mattrazzo of Town Board decision not to approve the appointment to a regular position; Mattrazzo was disappointed, but is willing to stay on as an alternate member. We will again put a plug for members in the next newsletter. Our last call for members that went to the town-wide email list elicited no

responses, so it's probably not worth doing that again right away (we'll wait until the newsletter goes out).

- 3) August meeting date – Second Tuesday, Aug. 13, (same date as Town Board workshop) due to vacation plans. We'll have to meet in the Courtroom.
- 4) Road Use – Ceurter has multiple samples of Road Use Agreements and will review with the intent of recommending one for us to use as a starting point. The Town Board has made clear that they wish us to have a Road Use Agreement (RUA) in addition to the updated law, so we will prioritize the RUA over the local law, but will plan to do both.

D) New Business

- 1) Palmeri Resignation – memo to TB; recognition for about 8 years of service. We will ask them to recognize him in the next newsletter.
- 2) Consolidated Plan survey (other towns like Nichols, NV) Sarah will Check with planning faculty at Cornell regarding the possibility of a class assisting with the process. Sarah will draft something for the town newsletter to solicit volunteers. Pollard suggested an article also in the Courier and/or Pennysaver.

Next Planning Board meeting is scheduled for Tuesday, August 13, 2013. We will meet in the town courtroom.

Next monthly Town Board meeting is scheduled for Mon. July 15th and workshop is Tues. the 9th.

Albrecht moved for Adjournment. Pollard second. Carried at 9:06 p.m.

Berkshire Planning Board
Meeting Minutes
August 13, 2013

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2013
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member (w/voting rights until regular positions filled)	2013
Vacant		2016
Vacant		2017

Special session with the Town Board was informal and started around 6:00 p.m. with Albrecht, Ceurter, Pollard, and Mattrazzo all present. Attending for the Town Board were Hoffmier, Sharp, Stoughton, and Williams (McEwen was ill). See separate documentation for notes from that meeting.

A) Regular Meeting called to order at 7:08 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership - All present
- 3) Secretary's minutes for July 2, 2013: Pollard moved to accept. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Summary of TB meeting – Albrecht attended and reported the following via email July 16, 2013: Spoonhower had nothing to report. Ron Raab has been AWOL for a couple months, and Ron McEwen was wondering if he's still working. They renewed the appointment of Mike Maxwell, the tax assessor, for a term of 6 years (the legislated length of a term); officially sold the little square of land behind 15 Depot Street to Scott and Sarah Albrecht (the only bid); and voted to have the town highway crew remove the dirt used as a handicapped "ramp" at the community hall to accommodate the new fire station landscape. Frank Kunik was there representing the BCA, Don Liddington was there representing the Fire District, and all 3 entities are happy with the agreement. The construction fence around the fire station comes down Wednesday, so the work will commence shortly thereafter. Ron McEwen reported that all towns in the county were rated on their financial solvency. He didn't give detail on how the rating is derived, but a lower number is better than a higher one, and Berkshire scored the lowest of any town in the county with just over 3 and the highest score being over 19. It was noted that Richford hadn't submitted a report in 3 years, so they didn't even get rated, but it is assumed that they would not score well. Also reported that Planning Board is starting on a RUA and the consolidated plan project and requested that we get some time with them at the workshop on Aug. 13 to discuss that.

- 2) County Planning Board issues pertaining to Berkshire–Pollard reported a 239 Review for Taylor Garbage for a new building for secondary recycling on Rt. 434 (approved) and a requested review/recommendation for the Village of Owego extension of moratorium on natural gas drilling (did not have majority vote, so no official recommendation made). The extension was subsequently passed by the Village of Owego.

C) Unfinished business:

- 1) Manu Home Law was filed with the state effective July 1, 2013. A copy is posted on the web site and filed in the Planning Board binder of Local Laws.
- 2) Membership updates – None to report.
- 3) Newsletter article – newsletter went out; all were happy with our article.
- 4) Townwide Planning Survey update and coordination – We received an electronic copy of the newsletter address list from Fraser Williams. Albrecht planned to attend the Pie & Ice Cream Social this week to try to canvas for members on the survey committee.
- 5) Local law Reviews or drafts – Road Use will be addressed after Agreement finalized. All agreed that the law should reference the use of the Agreement.

D) New Business

- 1) Draft of RUA to review – There was some discussion of the various draft laws we have available and what to use from each. There was some agreement that laws from other states may not be the best place to start given that state laws may differ, though there was also acknowledgement that the laws from some other states may have successful use or challenge history, which cannot be said of most NYS laws to date in regard to hydraulic fracturing. It was agreed that everyone needs to review the TING, Cortland and Berkshire Draft RUA for our next meeting (September 3).
- 2) New members: we have tried townwide email and newsletter as well as a couple personal invitations; no success so far, and no other suggestions. (Note: Albrecht has since heard from Trudy Bentley that she is interested and will call her back with an invitation to our next meeting.)
- 3) Work request form use & updates – no updates were made, but Ceurter will forward a copy to the Town Board again in hopes that it will be utilized when appropriate.
- 4) Local Law procedure update – needs to be updated to reflect removal of lawyer review. Albrecht will draft that change and circulate.
- 5) It was acknowledged that we need to re-assign the role of Vice Chair since Joe's departure. Matrazzo was willing to take on the role since he has no other official role, but after consulting the bylaws, it was determined that an Alternate Member is not able to hold a position other than Secretary. We agreed to revisit that when it comes time to revise our bylaws in December. Matrazzo nominated Albrecht as Vice Chair. Pollard seconded. Carried.

Next Planning Board meeting is scheduled for Tuesday, September 3, 2013.

Next monthly Town Board meeting is scheduled for Mon. August 19th and workshop is Thurs. Sept. 12.

Pollard moved to adjourn. Matrazzo seconded. Carried at 8:40 p.m.

Berkshire Planning Board
Meeting Minutes
September 3, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2013
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Mattrazzo	Alternate Member (w/voting rights until regular positions filled)	2013
Vacant		2016
Vacant		2017

A) Call Meeting to Order at 6:52 p.m.

- 1) Pledge of Allegiance
- 2) Role Call/status of membership. Mattrazzo absent.
- 3) Secretary's minutes Pollard moved to accept, Ceurter seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB – Frank Kunik asked Town Board if it would be considered a conflict of interest for him to be on the Planning Board in addition to his position on the Grievance Board. The Town Board unanimously agreed that there would be no conflict. Highway department reported a lot of damage from the recent storm for which they may get some FEMA aid. CEO reported that he and attorney met with Justice Brundza before the meeting and re-fined three individuals. If necessary, the trailers in question will be condemned and the fine added to the tax bill. The town attorney had the paperwork ready for the sale of the land off Depot Street. Some discussion about equalization rates for 2013. Berkshire is at 96.5%, NV 66.5%, Owego 80%, Nichols 26%. The only towns in the county still at 100% are Richford and Tioga. Town Board will start working on budget again starting in Sept. Motion to thank Joe Palmeri officially for his service on the Planning Board was unanimously approved. Sept. workshop will be on the 12th to eliminate conflict with primary elections.
- 2) County Planning Board issues pertaining to Berkshire–Pollard reported that he did not attend the meeting in August. There was a 239 Review to increase the size of the gravel pit between Flemingville and Weltonville, but he does not know the result.

C) Unfinished business:

- 1) Membership updates – Frank Kunik still interested, but not feeling well enough to attend this evening. Do not know a status on Trudy Bentley. Joe Budney has considered but declined the offer to participate.
- 2) Townwide Planning Survey update and coordination – We discussed some more possibilities of people who may be willing to help develop the questionnaire (request for volunteers via the newsletter did not generate any interest). Albrecht will contact people suggested. She is also waiting to hear back from faculty in Cornell's City and Regional Planning department and the Town Board regarding a partnership with them in some way.
- 3) Work Request Form use – Ceurter has reiterated our preference for the use of this form with the Town Board. Hopefully they will utilize it in the future.
- 4) Local Law Procedure updates – updated at this meeting to reflect the elimination of the need for attorney review. Further discussion still needed.

- 5) RUA reviews – The merits of each of the Cortland, TING and Berkshire Drafts were discussed, and it was decided that the Cortland draft is probably closest to what we would want to use to start with. Albrecht will try to get the pdf of that document converted to Word so that we don't have to retype everything.

D) New Business

- 1) We discussed briefly the need for maintenance of the landscaping around the Welcome signs at each end of town and the infield of the baseball field. Ceurter agreed to email the Town Board to request inclusion of funds in the budget for that if possible.

Next Planning Board meeting is scheduled for Tuesday, October 1, 2013.

Next monthly Town Board meeting is scheduled for Mon. Sept. 16th and workshop is Thurs. the 12th.

Pollard moved for adjournment. Albrecht seconded, and the motion carried at 8:38.

Berkshire Planning Board
Meeting Minutes
October 1, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2013
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Marty Matrazzo	Alternate Member (w/voting rights until regular positions filled)	2013
Vacant		2016
Vacant		2017

A) Call Meeting to Order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Role Call/status of membership - Matrazzo arrived late, Frank Kunik in attendance
- 3) Secretary's minutes Ceurter moved to accept minutes of Sept. meeting. Pollard seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB –Summary of TB meeting – Albrecht reported that Code Enforcement is still pursuing 3 court cases, status of which will have to be obtained from the Town Justice. Virtue had very recently finally obtained the contact information for the real owner of the trailer abandoned on Phillips road and is sending a certified letter. Supervisor McEwen expressed great concern in the length of time it is taking to get definitive action on these issues. He requested a monthly report from the CEO on each open case, submitted prior to the monthly meetings, and indicated that the town needs someone who is going to follow through. The trailers on Dimon Hill have been fined twice now and are still an open item, so arrest for criminal contempt may be the next step. Albrecht reported the Planning Board is working on the Road Use Agreement, the possibility of a graduate student to aid with the town survey, and that we have two individuals who have expressed interest in joining the Planning Board. Highway crew is very frustrated with the constant reworking of the same roads due to flooding and that we will not be receiving FEMA aid for damage from the most recent storm. Supervisor reported that sales tax is down, as it is across the county. He had thought we were financially sound, but is more concerned now that we will not be getting FEMA aid. Brett Welch reported a huge swath of rocks washed through the Rawson Hollow Cemetery on Brummage Road, making it impossible for him to mow. The town will look into having the Sheriff's Office use a community service crew to clean that up as it will require a significant amount of labor as well as some equipment. The Board also asked Brett to submit an estimate by their next meeting for maintaining the town signs at either end of town on Route 38.
- 2) County Planning Board issues pertaining to Berkshire–Pollard was on vacation and unable to attend the last meeting.

C) Unfinished business:

- 1) Membership news – Frank Kunik is in attendance tonight and is interested in filling one of our vacancies. (Email is fpksr@aol.com) Albrecht will send him copies of the minutes from the last few meetings. Albrecht moved to appoint Frank as an Alternate through 2013. Ceurter seconded. Carried. We will consider his appointment to one of the two vacant regular positions at our December meeting.
- 2) Townwide Planning Survey update and coordination – Albrecht reported that the assistance offered by George Franz in CRP is not going to work out. The student is looking for a number of credits that is lower than the work required to help us develop our survey. He offered to have her develop a GIS map, but that is already available through the County Planning Department. There have been no additional volunteers. Albrecht will ask Skip Hartwig to forward a plea for volunteers to the town-wide email list.
- 3) Local Law Procedure updates – Reviewed full procedure document. Ceurter moved to accept the revised copy. Pollard seconded and carried. Albrecht will forward revised copy to all members as well as the town board.
- 4) RUA reviews – Cortland draft conversion; Albrecht will check more with Dan Dineen re: the road classifications. Maybe someone at Suit Kote could help us on the definitions if Dineen is not able to provide the information we are looking for. Ceurter made hard copies for everyone present that didn't have one, and we will all look at his revisions individually in preparation for the next meeting. Albrecht will send that draft to Kunik.

D) New Business

- 1) 1st Tuesday is elections. All were in agreement to move meeting to the Courtroom on Tuesday, November 12. Albrecht will send in a legal notice of the change.
- 2) October newsletter article (due to Fraser by Oct. 20?): working on RUA, membership, survey committee participants.
- 3) Fee Schedule review and recommendation for December. Ceurter has researched the fees charged by some other smaller towns, but did not find any large discrepancies that would warrant any changes. Ceurter will send to Town Board with our recommendation that there be no changes unless they feel there should be.
- 4) Appointments for January to consider: Sarah for 5 year term and Tim for County (3-year appointment).
- 5) Other: Frank Kunik told us about an on-line training available for small town planning boards. Albrecht will remind him to send us the link when she send the minutes to everyone.

Next Planning Board meeting is scheduled for Tuesday, November 12, 2013, *in Court Room*.

Next monthly Town Board meeting is scheduled for Mon. Oct. 21st and workshop is Tues. the 15th.

Ceurter moved for adjournment. Pollard seconded. Carried at 8:37 p.m.

Berkshire Planning Board
Meeting Minutes
November 12, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2013
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Kunik, Frank	Alternate Member	2013
Marty Matrazzo	Alternate Member (w/voting rights until regular positions filled)	2013
Vacant		2016
Vacant		2017

- A) Meeting Called to Order at 6:35 p.m. in the Town Courtroom due to Town Board meeting in progress in the usual meeting room.
- 1) Pledge of Allegiance (using a flag on Albrecht’s iPhone; why is there no flag in the courtroom?)
 - 2) Roll Call/status of membership - Kunik excused.
 - 3) Secretary’s minutes – Pollard moved to accept. Matrazzo second. Carried.
 - 4) Privilege of the Floor - None
- B) Meetings & Committee Update
- 1) Summary of TB meeting – Ceurter reported CEO is now providing a monthly report. Town Board is now looking into using Unsafe Building law to get the trailer on Phillips Road removed (Cannizzio looking into this). Ceurter complained about the trailer just across the bridge, and they reported that there was already a court case pending on that. Kunik’s appointment to the Planning Board as Alternate was approved. Budget to be discussed at the workshop this month.
 - 2) County Planning Board Summary - Pollard reported that there were no 239 reviews, so they did not meet in October.
- C) Unfinished business:
- 1) Membership news – Trudy Bentley did come to the meeting tonight (arrived just as we were discussing membership!) and, after a brief explanation by Ceurter of the role and duties of the Planning Board, she expressed interest in Alternate Membership. Kunik will go to Clerk to sign Oath of Office.
 - 2) October Newsletter article – Trudy didn’t get the newsletter; Sarah will forward to her so she can update her email with Skip Hartwig. There is some curiosity about the newsletter administration strategy, but we are grateful that Skip is willing to do it.
 - 3) Townwide Planning Survey update and coordination – Albrecht reported that there are 3 confirmed volunteers, with a fourth that she hopes to make contact with this weekend. A final plea for help in the newsletter this week has not yet produced any additional volunteers. She will try to hold an initial meeting in the next few weeks. Ceurter provided an additional resource, an article titled “Engaging the Community” that he found in the September/October 2013 issue of “Association of Towns” magazine.
 - 4) RUA review –Ceurter awaiting input from highway superintendent regarding road classifications. Reviewed purpose and some definitions of Road Preservation Law. There

was a lot of discussion about how to incorporate the requirement to sign the Road Use Agreement while not negatively impacting things like milk trucks, fuel oil delivery, etc. There is consensus that the law must protect all use of the roads, and the provision for signing a Road Use Agreement will pertain to only certain uses that expect may be damaging.

D) New Business

- 1) Training in Chenango – Ceurter, Mattrazzo, and Pollard attended. John Rusnica, Esq. (NYS Ag. and Markets) said that ag operations should not be exempted from any of our local laws. Action against junk can even be taken on an active farm. Reasonableness test applies.
- 2) County Rep Appointment – Albrecht nominated Pollard to continue as the representative to the County Planning Board. Mattrazzo seconded. Carried. Pollard gave a brief explanation for Bentley’s benefit regarding the work of the county planning board and the situations that need a 239 review.
- 3) December or special meeting Organizational meeting preparation
 - a) Elections
 - b) Open position in 2013 – Alternate to regular and reappointment of Albrecht.
 - c) Alternate members for 2013 – If not regular approval.
 - d) Bylaw Review – changes necessary? – Albrecht will send current document to everyone (including Trudy).
 - e) Fee Schedule review – Town Board had no changes to request. Ceurter has also sent to Virtue (CEO) for comments as well.
 - f) Submit materials to Town Board by their workshop of Dec. 15
 - Cover letter 2014 appointments,
 - Cover letter and fee schedule (finalize & approve),
 - Share revised Bylaws or recommend no change
 - Cover letter with training worksheet
 - Local Law Review priorities for 2014
- 4) Other. Town will need to post roads downtown for snowmobile use if the store re-opens, to prevent traffic for gas and food going through private property or down the sidewalks. Ceurter will send a note to Ron McEwen to make them aware.

Next Planning Board meeting is scheduled for Tuesday, December 3, 2013.

Next monthly Town Board meeting is scheduled for Mon. Nov. 18th and workshop is Tues. the 12th.

Albrecht moved for adjournment. Pollard seconded. Carried at 8:41.

Berkshire Planning Board
Meeting Minutes
December 3, 2013 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2013
Tim Pollard	County Planning Board Rep. (through 2013)	2014
Frank Kunik	Alternate Member (w/voting rights until regular positions filled)	2013
Marty Mattrazzo	Alternate Member (w/voting rights until regular positions filled)	2013
Vacant		2016
Vacant		2017

A) Meeting Called to Order at 6:33 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – All members present. (Bentley, who had attended last month and expressed interest in Alternate membership, did not attend.)
- 3) Secretary's minutes – After providing some detail we were waiting for regarding the training attended in October, Pollard moved to accept minutes of November meeting. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor – Pastor Jerry Platz attended. The Congregational Church believes that God cares for communities and would like to be praying for the concerns of our community, so he is visiting various groups to ask for specific items that the church can be praying about. Albrecht suggested the town-wide survey be kept in prayer. Ceurter suggested a general prayer for people to care about their neighbors and an increased sense of community. He asked that we send info. to bccpastorjerry@gmail.com.

Pollard moved to suspend regular meeting to conduct organizational business. Mattrazzo seconded. Carried.

B) Organizational meeting:

- 1) Open positions:
 - a) Ceurter moved to reappoint Albrecht for 5-year term ending December 31, 2018. Pollard seconded. Carried.
 - b) Pollard moved to appoint Kunik to complete the regular term ending December 31, 2016. Ceurter seconded. Carried.
 - c) Albrecht moved to appoint Mattrazzo to complete the regular term ending December 31, 2017. Pollard seconded. Carried.
 - d) Alternate positions will remain vacant at this time.
- 2) Elections:

Pollard nominated Ceurter to continue as Chair. Mattrazzo seconded. Carried.
Mattrazzo nominated Albrecht to continue as Vice Chair. Pollard seconded. Carried.
Ceurter nominated Albrecht to continue as Secretary. Pollard seconded. Carried.
Pollard's appointment as representative to the County Planning Board has been

approved by the Town Board and forwarded to Elaine Jardine for action at their January meeting.

- 3) Bylaw Review. The address for the town website was updated to reflect the current address (.net rather than .com). There were no other changes.
- 4) Fee Schedule review – No changes recommended. Fees will remain as effective January 2012.
- 5) Secretary will submit the following materials to Town Board by their workshop of Dec. 10:
 - 2014 appointments
 - Fee schedule recommendation
 - Revised Bylaws
 - Training worksheet (this will be sent after Dec. 16 to allow the inclusion of that information for those who are able to attend)
 - Local Law Review priorities for 2014: The full list of local laws was reviewed in order of age. We will continue Road Use/Preservation, then work on the Snowmobile/ATV law, which is most out of date (1971).

Pollard moved to close organizational meeting and return to regular agenda. Matrazzo seconded. Carried.

C) Meetings & Committee Update

- 1) Town Board activities that pertain to Planning Board – Don Liddington voiced concerns regarding CEO during Privilege of the Floor. A written complaint will need to be filed before any further action can be taken. CEO provided a report (three cases are pending in court). The dog warden was present and provided a report. Tax assessor has reported that STAR exemption information has been sent out. McEwen has received approval for a subscription to Adobe Forms Central so that common forms can be accessible there (such as building permit). Ceurter reported that Trudy Bentley had attended our meeting and expressed interest in alternate membership. He also reported status of the survey committee and our work on the Road Use Agreement and law.
- 2) County Planning Board issues pertaining to Berkshire–Pollard reported that there were no 239 reviews so there was no meeting in November.

D) Old Business:

- 1) Townwide Planning Survey update and coordination – Albrecht reported the following members of the committee are tentatively scheduled for their first meeting on Thursday, December 12, 2013, at 7:00 p.m.: Jerry Acton, Carol Kania, Bill Leonard, and Tara Mackenzie. Albrecht solicited topics to cover, and Pollard suggested a direct question regarding gas drilling. Ceurter will try to also attend the meeting.
- 2) Snowmobile routing discussions. Planning Board does not have a specific solution to the potential snowmobile traffic on sidewalks or through yards. However, all agreed that a friendly note in the newsletter and to the three local clubs requesting that snowmobilers respect private property and pedestrian walkways would be a good start.

- 3) RUA review – Will continue review at next meeting. Ceurter contacted Cornell Rural Roads program, but the contact there is on vacation, so he has not heard back with answers yet. Ceurter has not yet talked to DOT because he is waiting for additional feedback from Karl Spoonhower.

E) New Business:

- 1) Training – Pollard and Matrazzo hoping to attend training on flood plain issues offered Dec. 16.
- 2) Other – Marty Matrazzo has a new email account: Matrazzo@gmail.com
- 3) Kunik completed the Oath of Office with the Town Clerk today (Dec. 3, 2013).

Next Planning Board meeting is scheduled for Tuesday, January 7, 2014.

Next regular Town Board meeting is scheduled for Monday, Dec. 16' and workshop is Tuesday, Dec. 10.

Pollard moved for adjournment. Matrazzo seconded. Carried at 8:34 p.m.