

January 4, 2012

January 4th Organizational Meeting called to order at 6:00PM by Supervisor McEwen with the Pledge of Allegiance.

Members Present: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

RESOLUTION NO 1-2012

Organizational Meeting Town of Berkshire

Adoption moved by Board Member Hoffmier
Seconded by Board Member Williams

WHEREAS: The Town Board must meet annually for the purpose of setting the rules of operation and other such actions and appointments as required by Town Law; and

WHEREAS: This meeting has been duly advertised and called for this purpose; and

WHEREAS: The Town Board has discussed and wishes to take the following actions; therefore be it

RESOLVED: The rules of Procedure for the conduct of Board Meetings for the Town of Berkshire shall remain as they were in 2011; and be it further

RESOLVED: Each member of the Town Board and all elected officials currently serving their respective terms of office remain electors of the Town of Berkshire; and be it further

RESOLVED: All elected town officers reaffirm their oaths of office. The Official Undertaking requirements of State Law shall be fulfilled by existing insurance portfolio; and be it further

RESOLVED: The following appointments are made:

Constance Liddington	Tax Collector Records Management Officer Registrar of Vital Statistics
Ronald Raab	Dog Control Officer
Gary Brigham	Deputy Highway Superintendent
Michael Simmons	Deputy Supervisor
Donald Liddington	Deputy Town Clerk
Denise Liddington	Deputy Town Clerk
Nancy G. Hunt	Town Historian
Leon Virtue	Code Enforcement Officer
Sue Bierl	Bookkeeper
Tim Pollard	County Planning Board Representative
Kenneth Ceurter	Planning Board Chair
Michael Maxwell	Assessor
Mahlon Perkins	Attorney for the Town

; And be it further

RESOLVED: That these appointments be for a term of no longer than 1 year and serve at the pleasure of the Board with the exception of the Deputy Supervisor that serves at the pleasure of the Supervisor; and be it further

RESOLVED: Town officers, appointed and elected, shall be compensated in the same manner as in 2011, in the amounts specified in the approved Town budget for 2012, as follows:

Position	Annual Salary	Pay Frequency
Supervisor	3,500	quarterly
Deputy Supervisor	100	quarterly
Town Board	1,200	quarterly
Highway Superintendent	38,000	biweekly
Highway workers	Per contract	biweekly
Town Clerk	4,200	monthly
Bookkeeper	3,300	quarterly
Town Justice	3,200	monthly
Assessor	6,000	monthly
Code Enforcement	4,000	monthly
Dog Control	2,200	monthly
Historian	100	annually
Registrar of Vital Stat	35	annually
Attorney	As billed	As billed

; and be it further

RESOLVED: The regular Berkshire Town Board Meetings for 2012 will be held on the 3rd Monday each month at 7:00pm at the Town Hall; and be it further

RESOLVED: Town Board Workshop Meetings will be held on the Thursday preceding the monthly Board meeting at 5:30pm in the Town Hall; and be it further

RESOLVED: The Official Newspaper for the Town of Berkshire shall be the "Tioga County Courier."; and be it further

RESOLVED: The official depository of the Town of Berkshire shall be the National Bank and Trust Co. of Norwich at the Newark Valley branch; and be it further

RESOLVED: The Supervisor is authorized to file the NYS Comptrollers Annual Update Document with the Town Clerk in lieu of an Annual Report; and be it further

RESOLVED: The Berkshire Town Clerk may impose a fine of \$15.00 for any check returned by reason of insufficient funds; and be it further

RESOLVED: The Town Supervisor is authorized to purchase insurance commensurate with the Town's needs for 2012. Such costs are not to exceed appropriated amounts designated in the Adopted Budget for 2012; and be it further

RESOLVED: The Town Board reaffirms its support for all existing Town Laws, Ordinances, Policies and Codes; and be it further

RESOLVED: 2012 travel policies for Town Officials shall be as defined in the BERKSHIRE TOWN BOARD RESOLUTION DATED Jan 19, 2009 defining travel reimbursement.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

On a motion by Ron McEwen and seconded by Ron Sharp the Board adjourned at 6:30PM

Respectfully submitted

Connie Liddington

Town Clerk

January 16, 2012

The Town of Berkshire held their regular meeting on January 16, 2012 in the Town Hall.

Members present were: Supervisor Ron McEwen, Lillian Hoffmier, Fraser Williams, Ronald Sharp, and John Stoughton.

Meeting called to order at 7:00 PM by Supervisor Ronald McEwen with the Pledge of Allegiance.

Ronald Sharp moved approval of the Minutes for December 30th and January 4th.

Seconded by John Stoughton

Roll Call Vote: Hoffmier-aye, Williams-aye, Sharp- aye, Stoughton-aye, McEwen-aye. 5 ayes 0 nays Carried.

Privilege of the Floor: None.

Reports:

County Planning Board-absent

Highway Department-Karl Called about excavator will hold until we make up our mind, same price. Someone else is also looking for excavator. All paper work signed and ready for FEMA

Planning Board-Ken Ceurter Inventory was done on snowmobile and ATV signs; some signs missing and need to be replaced. New dog law was filed with DOS on January 6th. The Planning Board is working on the junkyard law by revising the previously approved copy the attorney rejected.

Town Clerk -Passed report to Supervisor

Dog Control- absent

Justice Court-report turned in.

Assessor-Town assessments are in good shape.

Supervisor – Town has very small amount of funds remaining from last year and as of this meeting have not received any tax money or expected FEMA funding

Code Enforcement- hearing in Syracuse on January 19th for Swartwood variance. Virtue is looking for guidance and is talking to Charlie Bliss from DOS and will let board know outcome. Swartwood has right to appeal it to the state which he did and

also provided data and info on new boundary maps.

Old Business:

Ambulance Contract: Same billing as last year—no letter same amount. Calls went down less than last year making changes on existing contract. Virtue said he will give Ron a new contract with adjustments for fewer calls.

Newsletter: Fraser did what he was asked and submitted a report on tasks involved to produce newsletter. He also submitted an alternative plan. It was decided to discuss the newsletter options at the February workshop.

New Business:

RESOLUTION 2-2012

Appoint Ad-hoc Planning Board Member

Adoption moved by Board Member John Stoughton

Seconded by Board Member Fraser Williams

WHEREAS: Board approval is required in order to authorize filling positions on the Planning Board for the Town; and

WHEREAS: The Planning Board has reviewed the qualifications of a candidate to fill the vacant ad-hoc member position and is requesting the Town Board to approve their recommendation; therefore be it

RESOLVED: That since the Town Board has reviewed and agrees on the candidate, that Wayne Antal be appointed as an ad-hoc member of the Town Planning Board for the term of January 1, 2012 to December 31, 2012

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 3-2012

Authorize Transfer of Funds

Adoption moved by Board Member Ron Sharp

Seconded by Board Member Fraser Williams

WHEREAS: Board approval is required in order to modify the adopted Town Budget; and

WHEREAS: The Town has received a penalty assessment from the IRS for the period of

June 2010 in the amount of \$563.09 that was not budgeted for; therefore be it

RESOLVED: That the sum of \$564.00 be transferred from General Fund A1990.40 Contingencies to General Fund A1930.4 Judgments and Claims

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 4-2012

Authorize Pay Increase Highway Department

Adoption moved by Board Member Lillian Hoffmier

Seconded by Board Member Fraser Williams

WHEREAS: The Highway Superintendent has requested a pay increase for an employee that is not covered under the Teamsters Contract; and

WHEREAS: This employee, Steve Rozelle, has worked for the Town for the past 5 years without an increase and there are sufficient funds in the Highway budget; therefore be it

RESOLVED: That Steve Rozelle's hourly rate of pay is increased from \$10.00 to \$12.00 retroactive to January 1, 2012.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 5-2012

Authorize Contract with Stray Haven

Adoption moved by Board Member Lillian Hoffmier

Seconded by Board Member John Stoughton

WHEREAS: The Town is responsible for enforcement of Dog Control and had a contract with Stray Haven that expired December 31, 2011; and

WHEREAS: The new contract has been received with the annual service fee the same as 2011 at \$415.55 with a dog seizure fee \$80.00. Stray Haven will attempt to collect \$40.00 per seizure from the owner and refund to the Town; therefore be it

RESOLVED: That the Supervisor be authorized to sign a contract with Stray Haven for the period of January 1, 2012 to December 31, 2012

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 6-2012

Authorize Additional Signature for Banking

Adoption moved by Board Member Fraser Williams

Seconded by Board Member John Stoughton

WHEREAS: The Supervisor has requested that the Town Board authorize a 3rd member to have the ability to sign checks and other documents; and

WHEREAS: The Town Board has no objection to adding a 3rd person; therefore be it

RESOLVED: That Ronald Sharp be added to the accounts at NBT as an authorized signor of checks and bank documents.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Board Concerns: – Would like to see the building on the new property taken down and buried Ronald Sharp and Karl Spoonhower will take charge of it.

Approval of Warrants-

General Fund #1- #13 \$20,482.67 Lillian Hoffmier makes the motion to pay as audited, seconded by Ronald McEwen.

Highway Fund #1- #13 \$5,311.95 John Stoughton makes the motion to pay as audited. Seconded by Ronald McEwen Roll Call Vote Hoffmier-aye, William-aye McEwen-aye, Sharp-aye, and Stoughton -aye

5 ayes 0 nays

Carried

Adjourn at 8:51PM Moved by Lillian Hoffmier seconded by John Stoughton

5 ayes 0 nays

Carried

Respectively Submitted, Constance M. Liddington, Town Clerk

February 20, 2012

Town of Berkshire
Regular Meeting
February 20, 2012
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The Town of Berkshire Town Board held their regular meeting on Feb, 20, 2012 in the Town Hall.

Members present were: Supervisor Ron McEwen, Lillian Hoffmier, Fraser Williams, Ronald Sharp, and John Stoughton.

Meeting called to order at 7:00 PM by Supervisor McEwen with the Pledge of Allegiance.

Approval of Minutes January 16, 2012—with the following corrections: The members present are added. And a correction to Warrants Highway and General each had voucher #13 added (dental coverage of \$24.92 was added to each).

Lillian Hoffmier made the motion to approve the minutes with these corrections.

Seconded by Ronald Sharp

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Privilege of Floor: None

Reports:

Co. Planning Board-absent

Highway Dept. – Karl had nothing to report, and that there was nothing from FEMA (money) yet. Excavator needs to be advertised to buy with money to come from the Capital Reserve subject to permissive referendum.

Code Enforcement- absent

Planning Board-Ken Ceurter John Gehm resigned and they wish to appoint Sara Albrecht to this position. We are asking Board to approve advertising on Town wide E Mail for an Ad Hoc member. I attended the Hazard Mitigation Meeting –looking for national hazard— have a plan—need to up date it. The County is looking for items to avoid disasters in the town. Mitigation work highway also. Supervisor McEwen appointed Lee Virtue, Karl Spoonhower and Ken Ceurter to be contacts for the town on the new plan. Lee primary contact, Karl Highway, and Ken a go between. We are also working on 3 local laws.

WHEREAS: The Planning Board has received a letter of resignation from John Gehm and wishes to fill this position; and

WHEREAS: Sarah Albrecht presently serves as an Ad-hoc member and is willing to take the position; therefore be it

RESOLVED: That Sarah Albrecht be appointed to fill the remainder of the John Gehm term through December 31, 2013.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 9-2012

Authorize Payment to NTNN for 2012

Adoption moved by Board Member Lillian Hoffmier

Seconded by Board Member Fraser Williams

WHEREAS: A request has been received from Northern Tioga Neighbors Network (NTNN) for \$250.00 for 2012; and

WHEREAS: There are sufficient funds in the 2012 budget to cover this request; therefore be it

RESOLVED: That the Town Board approve the request and authorize payment of \$250.00 to NTNN

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

RESOLUTION 10-2012

Set Assessment Grievance Day for 2012

Adoption moved by Board Member John Stoughton

Seconded by Board Member Fraser Williams

WHEREAS: The Town Assessor, Michael Maxwell, has requested that the date for the 2012 Grievance Day be set as the 4th Thursday in May; and

WHEREAS: This date would be beneficial to the residents by eliminating it from being held on a holiday, therefore be it

WHEREAS: The Town is required to enact a new local law with regard to Flood Plain Development within the Town of Berkshire prior to April 17, 2012; and

WHEREAS: This Board has proposed Local Law # 1 of 2012 which requires a Public Hearing prior to adoption, therefore be it

RESOLVED: That the Public Hearing on Local Law #1 of 2012 Flood Plain Development be scheduled for March 19, 2012 at 6:45 PM in the Town Hall and that the Town Clerk Publish such notices as required by law

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 13-2012 PURCHASE EXCAVATOR FROM HIGHWAY CAPITAL RESERVE

Motion Moved By Board Member Fraser Williams

Seconded By Board Member John Stoughton

WHEREAS: the Town of Berkshire Highway Superintendent wishes to purchase a 1995 Samsung SE210W Excavator, VIN# GAY0695, with 2861 hours from the Town of Montour Falls, NY at a total cost of up to \$40,000.00 and

WHEREAS: an appropriation of up to \$40,000.00 from the Highway Capital Reserve Fund is necessary to pay for said loader;

NOW, THEREFORE, BE IT

RESOLVED: that payment be made to Town of Montour Falls, New York from the Highway Capital Reserve, Account No. DA 5130.20 in the amount of no more than \$40,000.00; and be it further

RESOLVED: that this resolution is adopted subject to permissive referendum as provided in Town Law Article 7; and it is further

RESOLVED: that within ten days of the adoption of this resolution the Town Clerk shall post and publish a notice setting forth the date of the adoption of the resolution and an abstract of the resolution stating the purpose and the effect thereof and that such resolution was adopted subject to permissive referendum.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton
Nays: None
Absent: None
Carried

Board Concerns: None

Warrants:

John Stoughton makes the motion to pay Highway bills as audited #14-29 \$22,133.66 Seconded by Ron McEwen.

Ron McEwen makes the motion to pay General Bills as audited #14-31 \$138,123.27 Seconded by Fraser Williams

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton
Nays: None
Absent: None
Carried

Motion to adjourn at 8:38 PM was made by Fraser Williams, Seconded by Ronald Sharp.
5 ayes 0 nays Carried.

Respectively submitted

Constance M. Liddington
Town Clerk
Feb. 26 2012

March 19, 2012

Town of Berkshire
Public hearing on Local Law 31-2012 Flood Plain Development
March 19th, 2012
Page #1

The public hearing on local law #1 for flood plain development was opened by Supervisor McEwen at 6:50 pm beginning with the pledge of allegiance.

Ronald McEwen explained the changes to the law on the flood plain as submitted by the county and also explained that this law replaces the previous flood plain law. This change needed to be made in order for the Town of Berkshire to eligible for FEMA money and other help if in fact we have another flood. Mr. McEwen asked if there were any question or comments on the new law. There were none.
Mr. McEwen closed the public hearing at 6:55

The regular Town meeting was called to order at 6:55.

Members present: Supervisor Ronald McEwen, John Stoughton, Fraser Williams, Lillian Hoffmier, Ronald Sharp. Also present was Highway Superintendent Karl Spoonhower.

A motion to approve the February minutes was mad by Fraser Williams seconded by Ronald Sharp.

Roll Call

Ayes: Lillian Hoffmier, John Stoughton, Fraser Williams, Ron Sharp and Ron McEwen.

Nays: None

Absent: None

Carried

Privilege of the floor:

Ed Nizalowski- Mr. Nizalowski is opposed to gas drilling. He does not believe it is ever safe and just wanted the town board to know his opinion.

Jim Lacey- After the last flood a big stump caught under the east Berkshire road bridge. Someone should call the County to have it removed before another big rain should come and have it block the water.

Reports:

Co planning board-Tim Pollard-absent

Highway-Karl Spoonhower- FEMA money has been coming in and more to come. Will be starting ditch work when the new excavator comes in. The county will truck it for the town when needed.

Code enforcement-Lee Virtue- Still out of town some concerns have been expressed about Lee being gone and some thought that we should have some one to cover for him

when he is out of town. Ron McEwen is going to check into consolidating with Richford or Newark Valley or both.

Town Planning board- James Lacey (covering for Ken) Code officer does not do his job!

The county had 6-239's. The town of Nichols lawyer is writing a road use law.

Clerk- Constance Liddington- none

Dog control-Ron Raab-none

Justice-Charles Brunza- none

Assessor-Mike Maxwell- Star exemptions are done for the year.

Supervisor-Ronald McEwen- All tax moneys have been received. We received two checks from FEMA \$66,000.00 and \$25,000.00 more to come as work progresses. A total of about 300,000.00 expected.

The permissive referendum to purchase the excavator for 40,000.00 has passed.

Old Business:

RESOLUTION 14-2012

Adopt Local Law #1-2012 Flood Plain
Development

Motion Moved By Board Member: John Stoughton

Seconded By Board Member: Fraser Williams

WHEREAS: the Town of Berkshire held a Public Hearing on Local Law # 1-2012 and

WHEREAS: it has been determined to be in the best interest of the residents of the town to adopt this revised local law;

NOW, THEREFORE, BE IT

RESOLVED: Local Law #1-2012 hereby be adopted as of March 19, 2012; and be it further

RESOLVED: that this resolution is submitted by the Town Clerk to the Department of State; and it is further

RESOLVED: that the filing with the Department of State and the letter from the Department of State be submitted to NYSDEC, Division of Water, Bureau of Flood Protection and Dam Safety 4th Floor, 625 Broadway, Albany, NY 12233-3504

Ayes: Lillian Hoffmier, Ron McEwen, Ron Sharp, John Stoughton and Fraser Williams

Nays: None

Absent: None

Carried

New Business:

A motion to approve a request from Sarah Albrecht for the Congregational and Methodist Churches to use the Berkshire ball dimon for their Easter Sunday sunrise service was made by Fraser Williams seconded by John Stoughton

Roll Call

Ayes: Lillian Hoffmier, John Stoughton, Fraser Williams, Ron McEwen and Ron Sharp.

Nays: None

Absent: None

Carried

A motion to order the port-a-potty for the Ball Field as of April 1st, 2012 was made by Ronald Sharp seconded by Fraser Williams

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Supervisor McEwen will call and request it to be delivered.

Town Hall siding- Karl Spoonhower says the guys will put the siding on in April. He will hire 2 or 3 extra men to help at 20.00 per hour. Cost not to exceed \$4,500.00.

A motion as to do this was made by Fraser Williams seconded by Ronald Sharp.

Roll Call

Ayes: Lillian Hoffmier, John Stoughton, Fraser Williams, Ron Sharp and Ron McEwen.

Nays: None.

Absent: None

Carried

Warrants:

A motion to pay the Highway warrant as audited by the town board vouchers #29-#42 totaling \$51,399.11 was made by John Stoughton seconded by Fraser Williams

Roll Call

Ayes: Lillian Hoffmier, John Stoughton, Fraser Williams, Ron Sharp and Ron McEwen.

Nays: None.

Absent: None

Carried

A motion to pay the General warrant as audited by the town board vouchers # 32-#42 totaling \$6,960.11 was made by John Stoughton seconded by Ronald Sharp

Roll Call

Ayes: Lillian Hoffmier, John Stoughton, Fraser Williams, Ron Sharp and Ron McEwen.

Nays: None.

Absent: None

Carried

Board concerns:

All of the old files have been removed from the old computer and it will be taken to the highway dept for their use.

During the week of spring clean up there will be bins at the highway barn to recycle old computers and electronics. Clean-up will be the last week of April the 23rd to the 28th. Connie will advertise same as last year.

A motion to adjourn at 8:10 pm by Lillian Hoffmier and seconded by Fraser Williams and carried.

Respectfully submitted

Lillian Hoffmier (Constance Liddington was absent due to illness)

April 16, 2012

The Town of Berkshire held their regular meeting in the Town Hall on April 6, 2012 at 18 Railroad Ave.

Members present were: Ron McEwen, Lillian Hoffmier, Fraser Williams, Ron Sharp and John Stoughton

Meeting called to order at 7:00PM by Supervisor McEwen with the Pledge of Allegiance.

Approval of March Minutes was made by John Stoughton seconded by Fraser Williams

Roll Call

Ayes: Lillian Hoffmier, Ron McEwen, Ron Sharp, Fraser Williams and John Stoughton

Nays: None.

Absent: None

Carried

Privilege of the Floor: None.

Reports:

County Planning Board-absent

Highway Dept.-absent.

Code Enforcement-absent

Planning Board-Ken Ceurter Worked on Creation of Planning Board Law, Junk Yard is next on list.

Town Clerk -passed report

Dog Control-- report read but was absent.

Justice Court-absent

Assessor Report-absent

Supervisor report: Matt Marsh sent in another video of "Barking Dogs". FEMA money \$40,388 received for flood damage from tropical storm Irene.

Old Business:

Ron McEwen introduced the Local Law #2-2012 To Establish the Town Planning Board.

RESOLUTION 15-2012 Set Public Hearing of Local Law #2 of 2012 Establish Town Planning Board

Adoption moved by Board Member John Stoughton

Seconded by Board Member Lillian Hoffmier

WHEREAS: The Town is required to enact a local law to establish a Town Planning Board pursuant to the provisions of section 271 of the Town Law; and

WHEREAS: This Board has proposed Local Law # 2 of 2012 which requires a Public Hearing prior to adoption, therefore be it

RESOLVED: That the Public Hearing on Local Law #2 of 2012 to establish a Town Planning Board be scheduled for May 21, 2012 at 6:45 PM in the Town Hall and that the Town Clerk Publish such notices as required by law

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

New Business:

Resolution #16 Establish Full time Temporary Position Highway presented by Supervisor McEwen. This position is temporary until the retirement of Gary Brigham in the spring of 2013.

RESOLUTION 16-2012 Create Full Time Temporary Position Highway Department

Adoption moved by Board Member Fraser Williams

Seconded by Board Member John Stoughton

WHEREAS: The Highway Superintendent has been informed that Gary Brigham will be retiring in the spring; and

WHEREAS: The Town has been awarded FEMA Federal and State funds for the tropical storms Lee and Irene infrastructure repairs; and

WHEREAS: Steve Rozelle, has worked for the Town for the past 5 years as a Part Time employee and the Highway Superintendent would like to use this employee on a full time basis to complete the infrastructure repairs and have him replace the retiring employee; and

WHEREAS: Steve has agreed to assume the extra work and the full time temporary position at a rate of \$14.00 per hour, without benefits until the retirement of Gary Brigham, and that with the extra funding from FEMA this will be without an increase in local cost; therefore be it

RESOLVED: That Steve Rozelle's hourly rate of pay is increased to \$14.00 in this newly established position of Full Time Temporary effective with the pay period beginning after the adoption of this resolution.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Warrants:

General Fund moved by Ron McEwen #43-54 \$8,565.91 seconded by L Hoffmier
Highway Fund moved by John Stoughton #43-61 414,297.16 seconded by Fraser
Williams.

Roll Call

Ayes: Lillian Hoffmier, Ron McEwen, Fraser Williams, Ron Sharp and John Stoughton.

Nays: None

Absent: None

Carried

Adjournment at 7:43PM moved by John Stoughton seconded by Ronald Sharp

Carried

Respectively submitted:

Constance M. Liddington

Town Clerk

April 17, 2012

May 21, 2012

Town of Berkshire
Public Hearing May 21, 2012
Page 1

The Town of Berkshire held a public hearing covering the adoption of Local Law 2-2012, formally establishing a Town Planning Board on May 21, 2012 in the Town Hall. Meeting started at 6:45PM.

Board Members present were Supervisor Ronald McEwen, Lillian Hoffmier, Fraser Williams, Ronald Sharp, and John Stoughton.

The Local Law was discussed. There being no opposition or comment on the law. Meeting adjourned at 7 PM on a motion by Ronald Sharp, seconded by John Stoughton. Carried

Regular Meeting
May 21, 2012

The Meeting called to order at 7PM by Supervisor McEwen. All members were present. Supervisor McEwen led the pledge of allegiance.

Approval of April Minutes was made by Fraser Williams seconded by Ronald Sharp

Privilege of Floor

Hours of assessor- not in newsletter and he should have regular hours. Supervisor will talk to the Assessor and see if that can be resolved.

Michaela Nelson presented her 4-H youth leadership project to the Board. She showed pictures of the trash they collected on East Berkshire Hill and suggested that maybe No Littering signs be put up in the Town to help with the problem.

Lots of garbage on Eastman Rd. with some dumped on Leonard pasture.

Reports

County Planning Board-No County Planning meeting this month

Highway Dept.-absent

Code Enforcement-Lee has sent registered letters to various people waiting for answers.

Regarding the Trailer on Brown Rd. Church doesn't own it another person took it across property but didn't get it to correct spot but left it there. Letters are now on their way to him.

Mr. Charlie Bliss, NY State DCEA, attended the workshop meeting to discuss the Swartwood-Brame case Lee is offering to work with Dave Brame and Swartwood to try to get it resolved.

Town Clerk-Report given to Supervisor

Dog Control-report read by Lillian Hoffmier.

Town Planning Board-Junkyard law almost ready, Ad Hoc vacancy

Justice Court--\$1,652.00 April fines local and state use

Assessor-absent

Supervisor-Sales Tax revenue is up in the county, unfortunately most of it is from people making repairs from the fall flooding. In general, the budget for the Town is looking good.

**Town of Berkshire
Regular Meeting
May 21, 2012
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Old Business:

RESOLUTION 17-2012

Adopt Local Law #2-2012
Establish Town Planning Board Pursuant
to the provisions of section 271 of the Town Law

Motion Moved By Board Member Fraser Williams
Seconded By Board Member John Stoughton

WHEREAS: the Town of Berkshire held a Public Hearing on Local Law # 2-2012; and

WHEREAS: it has been determined to be in the best interest of the residents of the town to adopt this local law;

NOW, THEREFORE, BE IT

RESOLVED: Local Law #2-2012 hereby be adopted as of May 21, 2012; and be it further

RESOLVED: that this resolution be submitted by the Town Clerk to the Department of State; and it is further

RESOLVED: that this Local Law #2-2012 be effective upon the official filing with the Department of State

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 18-2012

Purchase Trees and Shrubs to Landscape
Front of Town Hall

Adoption moved by Board Member Ron Sharp
Seconded by Board Member Ron McEwen

WHEREAS: The new siding has been installed on the building and it would enhance the appearance of the building by adding trees and shrubs; and

WHEREAS: The Town already has top soil to be put in place;

Now, therefore, be it

RESOLVED: That trees and shrubs be purchased and planted in front of the Town Hall

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

New Business:

Supervisor McEwen reported that based on the Public input from the meeting on the 17th regarding gas exploration in our Town, the following resolution takes the stand that the Board is not going to ban or support, but allow the State to make the decision as to a safe manner in which to proceed. The residents seemed vocal that they wish to use their land as they see fit as long as it is safe for those around them.

RESOLUTION 19-2012

ACCEPT DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL
IMPACT STATEMENT TO DEVELOP STANDARDS TO ENSURE
THE SAFE DEVELOPMENT OF NATURAL GAS RESOURCES
BASED ON THE EXPERTISE OF THE DEC

Motion Moved By Board Member Fraser Williams

Seconded By Board Member Lillian Hoffmier

WHEREAS, the state has dedicated more than three years and more than 10,250 man hours creating a 900-page comprehensive plan for the safe development of natural gas through its draft Supplemental Generic Environmental Impact Statement (sGEIS) under the leadership of the Department of Environmental Conservation (DEC) and Commissioner Joe Martens as well as Governor Andrew Cuomo: and

WHEREAS, promoting economic activity and creating jobs to support families is a top priority: and

WHEREAS, state officials are developing standards to ensure safe development of our natural gas resources based on the expertise of DEC employees and advisors, such as:

- Requiring DEC staff to visit every well pad before permits are issued; and
- Requiring preapproval of wastewater treatment plans for every proposed well pad; and
- Requiring natural gas operators to provide a plan for assessing and repairing any load wear before permits are issued; and
- Requiring multiple layers of cement and steel casings around each underground well extending at least 75 feet below New-York State's deepest drinking water tables; and

- Requiring operators to provide dual failsafe protections for wastewater from hydraulic fracturing, mandating it be sealed in watertight, covered tanks enclosed in a secondary containment system; and
- Requiring disclosure of all additives used in the hydraulic fracturing process: and

WHEREAS, the role of municipal governments in New York State's natural gas development still remains under review by the DEC as a part of the ongoing sGEIS process: and

WHEREAS, local municipalities will have a designated role under the state guidelines once released: and

WHEREAS, development of our natural gas resources is currently prohibited pending the DEC's plan and final approval by Governor Cuomo: and

WHEREAS, premature local action in our municipality could negatively impact the competitive environment of all of New York State for natural gas development, and jeopardize the potential \$11.4 billion in statewide economic impact of development: and

WHEREAS, preserving a competitive environment for development in New York as compared to neighboring states will be critical to the economic future of our region: and

NOW, THEREFORE, BE IT

RESOLVED, that we, the undersigned, find pursuit of a ban or moratorium to be an irresponsible and premature misallocation of town resources pending the release of the state's final sGEIS: and

BE IT FURTHER RESOLVED that we commend the state's leadership in developing a comprehensive statewide program to address the potential resource development holds for New York; and

BE IT FURTHER RESOLVED that we have confidence the state will develop a program that allows development of our natural gas resources to proceed in a safe, responsible, and competitive manner.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Board Concerns:

Still need to get a roof over the front steps to help eliminate water, ice and snow. Price on new roof with extending contract with Mike Hunt would be \$1,500.00 complete.

Accept the price given by Mike Hunt for the work as long as an original proof of Workers' Compensation insurance is provided prior to beginning the work. Motion made by Ron McEwen, seconded by Ronald Sharp.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp, and John Stoughton.

Nays: None

Absent: None

Carried

Warrants:

General Fund #30-48 \$5,586.82

Motion to approve as audited was made by Ron McEwen, seconded by Ronald Sharp.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp, and John Stoughton

Nays: None

Absent: None

Carried

Highway Fund #62-81 \$19,397.04

Motion to approve as audited was made by John Stoughton, seconded by Lillian Hoffmier

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp, and John Stoughton

Nays: None

Absent: None

Carried

Motion to adjourn at 8:43 PM Made by John Stoughton seconded by Ron McEwen. Carried

Respectively submitted, Constance M. Liddington, Town Clerk

June 18, 2012

Town of Berkshire Regular Meeting

June 18, 2012

Page 1

The Town of Berkshire Town Board held their regular meeting in the Town Hall on June 18, 2012 at 7:00PM

Members present were: Supervisor McEwen, Lillian Hoffmier, Fraser Williams (Came in late), Ronald Sharp, and John Stoughton.

Supervisor McEwen led pledge of Allegiance.

Motion made by Ronald Sharp, seconded by Lillian Hoffmier, for the approval of the Minutes for May 21, 2012 meeting.

Roll Call

Ayes: Lillian Hoffmier. Ron Sharp. Ron McEwen, John Stoughton.

Nays: none

Absent: Fraser Williams

Carried

Reports:

County Planning Board: Very brief meeting. Zoning request was reviewed from Business to Residential in Owego done after the fact. Newark Valley's new store everything in order but builder did it different than was approved. Richford and Spencer filled spots in Planning Board, however, County rejected Richford candidate.

Town Planning Board: Reviewed Junkyard law.

Highway Dept.: FEMA work is being completed on schedule. Concrete bill for Town Office received after warrants done will be added to warrant next month. One quote for painting trim submitted for review more quotes to be requested.

Code Enforcement: Was late in coming to meeting but, A Letter came from the residences of the Brown Rd. concerning the way a neighbor takes care of his lawn and having garbage strung around. Could the board have it cleaned up and kept cleaned up? Lee Virtue will clean it up as a private citizen this one time and then if not kept in acceptable condition will be a code violation.

Clerk: report turned in to the Supervisor.

Dog Control: was there and told about 3 dog bites.

Justice Court: None

Assessor report: none.

Supervisor report: Assessment will be at 100% for 2013-tax roll. Finances remain in good shape.

Old Business:

Town Hall Renovations: Siding work resolution was for \$4,500.00 and because of additional concrete work for the oil tank and foundation the bill was higher. Supervisor Ron McEwen asked that a resolution be adopted for the additional cost.

John Stoughton made the resolution to approve the \$1,400.00 extra cost to finish the job, which was seconded by Ronald Sharp

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton.

Nays: None

Absent: None

Carried

New Business:

Bob Anderson, Linda Adams and Lincoln Adams all from the Town of Caroline addressed the board about residents from Town of Caroline with a Berkshire address wishing to be annexed as part the Town of Berkshire. They wish to join the Town of Berkshire. If we would agree to accept them then the process could begin to work toward that end. Petitions would have to be being circulated and presented to the boards of our town and Caroline. A joint public hearing would have to be held and then The Board of each town votes on this. If one board is for and one against it, it would go appellant division of Supreme Court. There is a lot to do and questions that need answering before it is over. The Board agreed that we would be willing to accept these residents, but the process to see it through is theirs. We do not want to expend any funds from current resident's tax dollars for this process. It would not be fair to spend our taxpayer's dollars if this falls through. At this point in time there is no formal action being taken by our town.

Board Concerns:

Brame/Swartwood letter of agreement needs to be done by them on their own. If they do not reach a corrective action, then the Town will decide how to proceed with the violation of code. Lee is working to get them to settle the dispute on their own.

Warrants:

Supervisor McEwen moved for approval of the General warrant #'s 55 through #74 in the amount of \$31,916.70 motion seconded by Fraser Williams.

John Stoughton moved for approval of the Highway warrant #'s 82 through #97 in the amount of \$19,345.69 and voiding #89 which was already paid motion seconded by Lillian Hoffmier.

Roll Call

Ayes: Hoffmier, Williams McEwen, Sharp and Stoughton

Nays: None

Absent: None

Carried

Motion to adjourn at 8:13 PM Made by John Stoughton, seconded by Ronald Sharp to adjourn at 8:13PM Carried 5 ayes 0 nays.

Respectively Submitted: Constance M Liddington

Town Clerk

June 24, 2012

July 16, 2012

Town of Berkshire
Regular Meeting
July 16, 2012
Page 1

The Town of Berkshire Town Board held their regular meeting in the Town Hall on July 16, 2012 at 7:00PM

Members present were: Ronald McEwen, Lillian Hoffmier, Fraser Williams (Came in late), Ronald Sharp and John Stoughton.

Supervisor McEwen led the pledge of allegiance.

Motion was made by Lillian Hoffmier, seconded by John Stoughton for the approval of the Minutes for June 18, 2012 meeting.

Roll Call

Ayes: Lillian Hoffmier, Ron Sharp, John Stoughton and Ron McEwen

Nays: None

Absent: Fraser Williams

Carried

Privilege of the Floor:

James Lacey-spoke on fracking in the town we need a Law regarding these issues including concerns about water safety. He was informed that the Board had passed a resolution in May concerning fracking issues. He also asked that equipment be removed from parking lot before next election.

Reports:

Co Planning Board - absent

Highway Department – absent

Code Enforcement - Tioga Opportunity is doing work on Brown Rd. painting etc.

Complete inspection on store done and placing of sign waiting for research by Lee. 5 letters were sent concerning clean-up of properties in the Town

Planning board – Junk Yard law is being reviewed one more time before submitting to Town.

Town Clerk – report submitted to Supervisor

Justice Court - absent

Assessor - absent

Dog Control - absent

Supervisor – FEMA and SEMO money being covered completely for storm damages.

Finances are in good shape at the present time.

Town Court is seeking another grant hoping to buy a good copier and other items for the Court.

Old Business:

Town Hall Renovations -- Painting, Fraser Williams has talked with a Gary Dowd concerning painting, he has no Workers' Comp., but works with another contractor that has it and will get us a price.

New Business:

Update on request for possible annexation -- Maps are being drawn up for area to be covered and petitions are being circulated concerning changes to the sale of alcohol within the Town

Board Concerns:

Fraser Williams would like to see that Karl Spoonhower gets lots of credit for making the Town Hall look like it did in the past.

Warrants:

Highway warrants #98-111 \$32,611.69 motion made by John Stoughton Seconded by Ronald Sharp to pay bills as audited.

General warrants #75-86 \$11,539.92 motion made by Ron McEwen seconded by Ronald Sharp to pay bills as audited.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Motion was made to adjourn at 7:54PM Carried

Respectively Submitted

Constance M. Liddington

Town Clerk

August 20, 2012

The Town of Berkshire held their regular meeting on August 20, 2012 at 7:00PM in the Town Hall.

Members present: Fraser Williams, Ron Sharp, John Stoughton, Lillian Hoffmier (Came in late) and Ron McEwen

Supervisor McEwen with the Pledge of Allegiance called the meeting to order at 7:00.

Ronald Sharp moved to accept July minutes seconded by Fraser Williams

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron Sharp, Ron McEwen and John Stoughton

Nays: None.

Absent: None

Carried

REPORTS:

County Planning Board-No meeting

Highway Dept.- FEMA work almost done CHIPS funding applied for as work has been done

Planning Board-Jim Lacey Working on Mobile Home Law and road use law

Town Clerk-Report passed.

Dog Control-Report passed

Justice Court-no grant in until next month. Hours are third Monday of month at 5:00PM

Assessor Report-Nothing

Supervisor-Will check on assessor hours. Financially in good shape both in General and Highway. All FEMA money has been received.

Old Business:

RESOLUTION 20-2012

Budget Modification

Adoption moved by Board Member John Stoughton

Seconded by Board Member Fraser Williams

WHEREAS: The town is collecting sales tax in excess of the adopted budget; and

WHEREAS: The Town Office Capital account needs to be increased to complete the work on the building;

Now, therefore, be it

RESOLVED: That the following budget modification be approved and the Supervisor directed to make the necessary change to the Town Budget.

From:

Revenue A 1120 Sales Tax \$15,000.00

To:

Expense A 1620.2 Building Capital \$15,000.00

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Town Hall Renovations-Painting all wood areas of building will be done by Mike Hilliar first or second week of September. Necessary repairs will be done prior to painting. He has provided insurance certificate and proof of Workers' Compensation to Supervisor McEwen.

Fraser Williams moved to award contract to Mike Hilliar for an amount not to exceed \$7,475.00.

Seconded by Lillian Hoffmier

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None.

Absent: None

Carried

New Business:

John Stoughton Introduced the Local Law #3-2012 Junk Yard Law.

Motion made by John Stoughton Seconded by Ron McEwen to schedule a Public Hearing on Local Law #3-2012 on 9-17-12 at 6:45PM with the Clerk to advertised as such.

Roll Call

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton.

Nays: None.

Absent: None

Carried

Town of Berkshire

Local Law # 4-2012

Highway Superintendent Town of Berkshire Elected Office Term Change

SECTION 1 TITLE

This Local Law shall be known as Local Law # 4 of the year 2012, a Local Law introducing a referendum item on the November 6, 2012, General Election Ballot to change the term of office of the Highway Superintendent for the Town from 2 years to 4 years.

SECTION 2 AUTHORITY

Authority for enactment of this Local Law is pursuant to provisions of Section 27 of the Municipal Home Rule Law.

SECTION 3 PURPOSE AND INTENT

The Town Board of the Town of Berkshire hereby finds and determines that to insure consistent and experienced town government in the Town of Berkshire, that the Town's best interest are better served by providing a four-year term of office of the elective Town Highway Superintendent.

SECTION 4 TERM OF OFFICE

The term of office of elective Town Highway Superintendent shall be four years. Such four-year term shall commence on the first day of January following the first biennial town election after the effective date of this local law, and every four years thereafter.

SECTION 5 MANDATORY REFERENDUM

This Local Law shall be submitted for approval to the qualified electors of the Town of Berkshire at the next general election to be held on November 6, 2012, which is being held at least 150 days prior to the next biennial town election for this position.

SECTION 6 REPEAL OF PRIOR LOCAL LAW

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed.

SECTION 7 SEPARABILITY

Should any section, paragraph, sentence, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of the Local Law shall not be affected thereby.

SECTION 8 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the office of the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

RESOLUTION 21-2012

Adopted Local Law #4-2012 subject to Mandatory Referendum November 6, 2012

Adoption moved by Board Member Fraser William

Seconded by Board Member John Stoughton

WHEREAS: It is the intent of this Board to place Local Law #4-2012 on the November 6, 2012 General Election Ballot; and

WHEREAS: The Town Board feels it is in the best interests of the residents of the Town to change the Term of Office of the Highway Superintendent from 2 years to 4 years for the next elected Superintendent taking office January 1, 2014;

Now, therefore, be it

RESOLVED: That Local Law #4-2012 is hereby approved subject to Mandatory Referendum on the November 6, 2012 General Election ballot.

Roll Call

Ayes: Lillian Hoffmier, Ronald McEwen, Ronald Sharp, John Stoughton and Fraser Williams

Nays: None

Absent: None

Carried

Town of Berkshire

Local Law # 5-2012

Town Supervisor Town of Berkshire Elected Office Term Change

SECTION 1 TITLE

This Local Law shall be known as Local Law # 5 of the year 2012, a Local Law introducing a referendum item on the November 6, 2012, General Election Ballot to change the term of office of the Town Supervisor for the Town from 2 years to 4 years.

SECTION 2 AUTHORITY

Authority for enactment of this Local Law is pursuant to provisions of Section 27 of the Municipal Home Rule Law.

SECTION 3 PURPOSE AND INTENT

The Town Board of the Town of Berkshire hereby finds and determines that to insure consistent and experienced town government in the Town of Berkshire, that the Town's best interest are better served by providing a four-year term of office of the elective Town Supervisor.

SECTION 4 TERM OF OFFICE

The term of office of elective Town Supervisor shall be four years. Such four-year term shall commence on the first day of January following the first biennial town election after the effective date of this local law, and every four years thereafter.

SECTION 5 MANDATORY REFERENDUM

This Local Law shall be submitted for approval to the qualified electors of the Town of Berkshire at the next general election to be held on November 6, 2012, which is being held at least 150 days prior to the next biennial town election for this position.

SECTION 6 REPEAL OF PRIOR LOCAL LAW

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed.

SECTION 7 SEPARABILITY

Should any section, paragraph, sentence, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction, the remainder of the Local Law shall not be affected thereby.

SECTION 8 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the office of the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

RESOLUTION 22-2012

Adopted Local Law #5-2012 subject to Mandatory
Referendum November 6, 2012

Adoption moved by Board Member Lillian Hoffmier

Seconded by Board Member Ronald Sharp

WHEREAS: It is the intent of this Board to place Local Law #5-2012 on the November 6, 2012 General Election Ballot; and

WHEREAS: The Town Board feels it is in the best interests of the residents of the Town to change the Term of Office of the Town Supervisor from 2 years to 4 years for the next elected Supervisor taking office January 1, 2014;

Now, therefore, be it

RESOLVED: That Local Law #5-2012 is hereby approved subject to Mandatory Referendum on the November 6, 2012 General Election ballot.

Roll Call

Ayes: Lillian Hoffmier, Ronald McEwen, Ronald Sharp, John Stoughton and Fraser Williams

Nays: None

Absent: None

Carried

Board Concerns:

Harold Swartwood and David Brame regarding Variance – removal of Swartwood’s addition from property of David Brame is a civil matter. Brame’s don’t want Swartwood on his property. Can't remove the building without being on the property.

McEwen moved to close the regular meeting to go to an executive meeting at 7:55 concerning the legality of the variance issue. Seconded by Lillian Hoffmier Carried

Regular Meeting resumed at 8:05PM.

The formal request for a Variance must be followed, but will not resolve the issue of getting on David Brame’s property which is now a civil matter.

Motion made by Lillian Hoffmier to adjourn at 8:15PM, seconded by Fraser Williams and carried.

Respectively Submitted: Constance M. Liddington
Town Clerk

September 17, 2012

**Town of Berkshire
Public Hearing on
Local Law #3-2012
Junk Yard Law
September 17, 2012
Page 1**

The Town of Berkshire held a public hearing on September 17, 2012 in the Town Hall at 6:45 PM.

Members present were: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ronald Sharp, and John Stoughton.

Ron McEwen led the Pledge of Allegiance.

No interested persons had any question for or against the new Law.

Motion to adjourn the public hearing was made by Ron McEwen seconded by Lillian Hoffmier at 7:00PM.

Carried

**Regular Meeting
Sept 17, 2012
Page 1**

The Regular meeting was called to order at 7:00PM by Ron McEwen. All Members present.

Motion made by Ron McEwen, seconded by Lillian Hoffmier, for approval of Minutes of August 20, 2012, as corrected.

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton.

Nays: None

Carried

The Corrections are: Highway Department: FEMA work almost done CHIPS money applied for and work completed

Town Hall Renovations: Painting of all wood trim and necessary repairs.

Privilege of Floor:

Richard Bierl, Town REAP representative, on the REAP meetings. There are benchmarks in the town - Town Hall, Community Hall and Fire Station to measure progress in the Town. Farm Bill in on the table in Washington is great bill and Eric Miller of Southern Tier East has a lot of contacts to help. There is

still no Bio Fuel maker in Berkshire. Golden Rod going to waste and makes great bio fuel. REAP is going to Tioga County for funding and also will be asking towns for support.

Reports:

1. County Planning Board -Absent
2. Highway Department - Stone and oiling done last week Shaff Road is last on FEMA list for money. Scott Smith put in a tank to hook up the furnace but someone stole the copper feed in line, will fix it next week. Will bury old building out back. I believe that the Railroad owns 30' from main track on both sides.
3. Planning Board-Absent.
4. Town Clerk-report passed to Supervisor. Jim Lacey requested to get copies of March, June, July and August Minutes as well as Resolution # 19 for Planning Board.
5. Dog Control-report submitted and will start getting people to relicense their dogs.
6. Justice Court- no report. Will invite to next meeting to see what is happening with Code Violations?
7. Assessor-No report.
8. Supervisor - Firemen will meet in the Town Hall until the New Station is completed. Finances are in good shape. Budget talks will begin soon.

Old Business:

Motion made by Fraser Williams, seconded by John Stoughton to approve Junkyard License Local Law #3-2012

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Carried

New Business:

None

Board Concerns:

Lee Virtue would like to have a liaison from the Town Board to attend their meeting to see what is going on with the EMS squad. Maintain same cost as of 2011. Workers' Compensation carried on paid employees and we have laid off all paid persons.

Approval of Warrants as audited:

General Fund #140-116 for \$6,482.11 Moved by Ron McEwen, Seconded by Lillian Hoffmier
Highway Fund #108-118 for \$16,280.70 Moved by John Stoughton, Seconded by Fraser Williams

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Carried

Motion to adjourn at 8:45 PM made by Ron McEwen, seconded by Fraser Williams and Carried

Respectively Submitted:

Constance M. Liddington

Town Clerk

Sept 23, 2012

October 15, 2012

Town of Berkshire
Regular Meeting
October 15, 2012

The Town Board of the Town of Berkshire held their regular meeting on October 15, 2012 in the boardroom. Meeting called to order at 7:00P.M.

Members present were: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ronald Sharp, and John Stoughton.

Supervisor McEwen led the Pledge of Allegiance.

Approval of Minutes for Sept. 17, 2012:

Fraser Williams makes the motion to approve the minutes with the correction of typo on this sentence. The Regular Meeting was called to order at 7:00PM by Ron McEwen. Need to make correction of the Railroad right-of-way being 30 feet. The Overhang of this building is the limit of right-of-way. Motion seconded by Lillian Hoffmier.

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp, and John Stoughton.

Nays: None.

Carried

Privilege of floor:

Haefele TV Inc. representative asked for support for their application for a Broadband Connection Grant with no cost to the Town.

Reports:

County Planning Board: Absent

Highway Department: Karl reported that two of FEMA projects are in larger jobs, Letter "S" and McMahon Rd. More Paper work makes for more money.

Parking Lot is ours not on the Railroad's property.

Well is on the Railroad property.

Code Enforcement: Lee reported nothing new, doing inspections. I am looking at computer program for code enforcement to better track enforcing the code. New local program more streamlined. Lawn Mowing issues – Need to Amend local law to set a limit (10-20 feet around a home) to prevent a fire

Town Clerk: Report given to Supervisor

Dog Control: No report. He will be canvassing the town for dog licenses not being renewed.

Justice Court: Report given to Supervisor. Justice Brundza explained the process for court on code enforcement – 1st Code Enforcement “Lee” sends out notices; 2nd Town Attorney decides to prosecute; 3rd Court; Court date may be any day or night not just on regular Court schedule. 4th Warrant issued for no shows.

Town is considering changing attorney from Marlon Perkins to maybe Irene Gavin or Nick Canizio.

Supervisor: Finances are in good shape. Received a letter from Mrs. Cathy Hartwig stating no longer will be flower tending on entrances signs. Health not good and has been doing for 10 years.

We received a check from Auction on the Gradall for \$5,500.00 less \$378.00 in costs and has been deposited in Highway Department saving. budget. Work on Budget 10-29-12 at 5:30.

Planning Board: Article being sent to Fraser Williams for the Newsletter; Junk law approved; Mobile Home Law--working on another. Road Usage on drilling-Nichols has a good one. Replace (Road Usage)

Old Business:

EMS Contract: Jim Tornatore or 2 reps. will come and talk on another contract at workshop on 11-13-2012 at 5:30pm

New Business:

RESOLUTION 22-2012 Resolution of Support for Haefele TV Inc.’s Connect NY Broadband Grant Application

Adoption moved by Board Member Lillian Hoffmier

Seconded by Board Member Fraser Williams

WHEREAS: Governor Andrew Cuomo of the State of New York has committed \$25 million to increase broadband deployment and adoption in New York State; and

WHEREAS: The program, entitled the Connect NY Broadband Grant, would provide up to eighty percent of installation and construction costs, but requires a local contribution of no less than twenty percent; and

WHEREAS: the Town of Berkshire believes that portions of the Town of Berkshire are, with regard to High Speed Internet access, currently under served or un-served; and

WHEREAS: Haefele TV Inc. has expressed its intent to the Berkshire Town Board to seek a portion of the aforementioned funds to increase its coverage network to include approximately 100 new home connections in the Town of Berkshire; and

WHEREAS: Haefele TV Inc. has expressed its intention to provide all of the matching funds required by the Connect Broadband Grant; and

WHEREAS: the State of New York has requested applicants for a Connect NY Broadband Grant provide proof of public-private partnerships in the implementation of said grants

Now, therefore, be it

RESOLVED: That the Town of Berkshire endorses and supports Haeefe TV Inc. and its application to receive broadband development funds from the Connect NY Broadband Grant program

Roll Call

Ayes: Lillian Hoffmier, Ronald McEwen, Fraser Williams, Ronald Sharp and John Stoughton

Nays: None

Absent: None

Carried

Discussion held on having a Town Credit or Debit Card--Make It a Credit Card Allow 3 signing members signatures to have one card. This would save having to wait until next meeting for reimbursement since several vendors require payment at time of order.

RESOLUTION 23-2012 Resolution Authorizing Application and Acceptance of Credit Card in the name of the Town of Berkshire at NBT Newark Valley

Adoption moved by Board Member Lillian Hoffmier

Seconded by Board Member John Stoughton

WHEREAS: It has been determined that a credit card in the name of the Town of Berkshire would improve efficiency; and

WHEREAS: The Town Board wishes to authorize Ronald N McEwen, Supervisor to make application with NBT Newark Valley for a credit card with a credit limit maximum of \$2,500.00 ; and

WHEREAS: the Town of Berkshire currently does all of their banking with NBT Newark Valley; and

WHEREAS: There are currently authorized signers on the accounts of the Town of Berkshire, Ronald N McEwen, Ronald Sharp and John Stoughton; and

WHEREAS: The Town Board has authorized these same individuals as authorized credit card users;

Now, therefore, be it

RESOLVED: That the Town of Berkshire hereby approves the application and use of a credit card in the name of the Town of Berkshire with NBT Bank

Roll Call

Ayes: Lillian Hoffmier, Ronald McEwen, Fraser Williams, Ronald Sharp and John Stoughton

Nays: None

Absent: None

Carried

Ron McEwen makes the motion to have a public hearing on the budget on 11-19-12 at 6:30PM. Seconded by Lillian Hoffmier and carried.

Warrants: Highway Dept. #119-128 \$64,962.83 Motion to pay as audited by John Stoughton, Seconded by Fraser Williams. General Fund 119-113 \$7025.39 Motion to pay as audited was made by Ron McEwen Seconded by Lillian Hoffmier.

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Carried

Need someone to clean up office, sweep and dust mop also. Supervisor will get some cost proposals.

Adjourns at 8:10 PM by Lillian Hoffmier, Seconded by John Stoughton Carried

Respectively Submitted,

Constance M. Liddington Town Clerk

November 19, 2012

Town of Berkshire
Public Hearing
November 19, 2012

Page 1

The Town Board of the Town of Berkshire held their public hearing at 6:30PM on November 19, 2012 in the Board Room at 18 Railroad Ave, Berkshire, NY 13736.

Members present were: Supervisor Ron McEwen, Lillian Hoffmier, Fraser Williams, Ronald Sharp and John Stoughton.

Supervisor McEwen led the pledge of Allegiance.

Interested persons made comments about the 2013 Budget. Skip Hartwig was concerned about the FEMA monies and their use and asked several other questions that Supervisor McEwen answered. He also spoke about keeping the budget as low as possible which he appreciated. The raise in the budget was 1.77% for 2013. There being no further comments a motion to adjourn the public hearing was made by Lillian Hoffmier, Seconded by John Stoughton at 6:50P.M.

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton.

Nays: None

Carried

Regular Meeting

Called to Order at 7:00PM with all members present.

Privilege of the Floor

Concern was expressed by Skip Hartwig about Gary Brigham using all benefits before his retirement. Supervisor McEwen stated he has been notified of this.

Charles Stieglitz has a concern about Jewett Hill Rd., next to the pond. Many accidents have happened along with the loss of a 17 year old recently. What can be done, the curve is sharp and downhill. The road cannot be changed without a large cost. Karl stated Highway Dept. can put up reflective signs around the curve to help. Engineering analysis on road can be done to make it safer. Karl will check with the County Highway Department on this.

Approval of October 15, 2012 minutes with one correction, was made by Lillian Hoffmier, Seconded by Fraser Williams.

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton.

Nays: None

Carried

Reports:

County Planning Board -- absent

Highway Department -- Karl, all FEMA work is complete and waiting for inspection.

Code Enforcement -- Lee, four court cases pending 27 permits issued 14 complete. He is presently looking at a new computer program to use for tracking code and permits issues.

Planning Board -- Ken, Mobile Home law is being worked on for board meeting, fee schedule and by-laws. Election of officers is set for December and there is 1 opening. Road use agreement (Nichols is likely usable)

Town Clerk -- report passed to Supervisor.

Dog Control Officer -- no report attached to voucher.

Justice Court -- Reelected for 4 more years. \$550.00 collected in fees to NY State

Assessor Report -- none.

Supervisor-Ron stated he appreciated the time to go over the 2013 budget, finances fairly good shape.

Election Day-people lurking around at door way. Karl has been asked to put up light on the north end of building. Karl will also complete the work on the interior of the Town Office prior to year end 2012 and reinstall the smoke detector.

Old Business: None

New Business:

RESOLUTION 24-2012

Adopt 2013 Town Budget

Adoption moved by Board Member Fraser Williams

Seconded by Board Member John Stoughton

WHEREAS: The town has held a Public Hearing on the 2013 Town Budget; and

WHEREAS: The Town Board wishes to use this spending plan as submitted by the Town Supervisor for the year 2013;

Now, therefore, be it

RESOLVED: That the Tentative Town Budget as submitted by the Supervisor be hereby adopted by this resolution; and be it further

RESOLVED: That a duplicate copy of annual Budget as adopted along with its estimate pursuant to Sec 202, Sub 2 of the Town Law be delivered to Tioga County Legislature

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None
Carried

RESOLUTION 25-2012

Hire Town Attorney

Adoption moved by Board Member Ron McEwen
Seconded by Board Member Fraser Williams

WHEREAS: The town wishes to place a local Attorney on retainer for the balance of 2012 and 2013;
and

WHEREAS: The Town Board has talked with Attorney Nick Canizio from Newark Valley, and feel that he would be an appropriate choice for legal counsel; and

WHEREAS: Attorney Nicholas R. Canizio has agreed to accept the position;

Now, therefore, be it

RESOLVED: That the Town of Berkshire hereby agrees to place Attorney Canizio on retainer for legal advice, Code Enforcement, attendance at meetings of the Board and other issues as requested by the Town Supervisor at the annual rate of \$7,000.00 to be paid in monthly payments

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION NO 26-2012

**A RESOLUTION OF THE Town Board OF THE Town of Berkshire
AUTHORIZING THE ADOPTION OF THE
TIOGA COUNTY MULTI-JURISDICTIONAL
ALL-HAZARD MITIGATION PLAN**

Adoption moved by Board Member Lillian Hoffmier
Seconded by Board Member Ron Sharp

WHEREAS, all of Tioga County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Tioga County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Tioga County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the **Town of Berkshire**:

- 1) Adopts in its entirety, the Tioga County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Roll Call:

AYES: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

NAYS: None

ABSENT: None

Carried

Board Concerns:

Fraser Williams Toured Pennsylvania gas drilling sites with Delegates from Newark Valley, Richford & Berkshire and was very impressed with what they saw. He also picked up a sample of a road use law which could be used.

Warrants: Highway #145 thru #167 \$45,100.77 A motion was made by John Stoughton seconded by Ronald Sharp for approval as audited.

General Fund #132 thru #146 \$11,476.21 A motion was made by Ron McEwen seconded by Fraser Williams for approval as audited.

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and Stoughton.

Nays: None

Carried

Adjournment at 8:00 PM on a motion made by Ron McEwen and Seconded by L Hoffmier

Respectively Submitted:

Constance M. Liddington Town Clerk

Nov. 29, 2012

December 17, 2012

Town of Berkshire
Regular Meeting
December 17, 2012

The Town of Berkshire Town Board held their regular meeting on Dec. 17, 2012 in the boardroom at 18 Railroad Ave.

Meeting called to order at 7:00 PM by Supervisor Ron McEwen.

Member present were: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ronald Sharp and John Stoughton.

The Pledge of Allegiance was led by Supervisor.

Approval of November 19, 2012 minutes was made by Fraser Williams, Seconded by Ronald Sharp. Ayes: Hoffmier, Williams, McEwen, Sharp and Stoughton. Nays: none Carried.

Privilege of floor:

No comments

Reports:

County Planning Board - absent

Highway Department - FEMA Inspections completed on final 2 projects have heard nothing as yet. Curve Markers installed on Jewett Hill Rd. County has nothing to offer for a solution.

Code Enforcement - was at squad meeting.

Town Attorney met with Lee reviewed items with judge. Court dates after 1st of year. Checking with State on (Swartwood- Brame) case

Town Clerk - passed report

Dog Control - report read

Justice Court - \$350 in fees the State gets most of it.

Assessor - no report.

Supervisor-Finances look good, Sales tax looks good.

Old Business:

Letter read from the Planning Board. Road Use Law at this time Richford, Newark Valley, and Berkshire are using (Nichols) as a guide.

Berkshire EMS Contract-Jan Work Shop will discuss the contract.

Motion made by John Stoughton second by Fraser Williams to schedule End of Year Meeting at 5:30 PM on 12-28-12 at 5:30PM. Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton. Nays: None. Carried

Warrants: Highway Fund 168-182 \$14,069.77

General Fund #147- 165 \$21,579.32

Motion to pay as audited was made by John Stoughton seconded by Ronald Sharp.
Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton
Nays: None.
Carried

RESOLUTION 27-2012

Appoint Planning Board Members

Adoption moved by Board Member Ron Sharp
Seconded by Board Member John Stoughton

WHEREAS: The Planning Board has two members whose terms will expire on December 31, 2012; and

WHEREAS: The Planning Board has requested reappointment of these two members; therefore be it

RESOLVED: That the term of Joseph Palmeri be appointed to a 5 year term ending December 31, 2017, and Wayne Antal be appointed to a 1 year alternate member position ending December 31, 2013

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton
Nays: None
Absent: None
Carried

RESOLUTION 28-2012

Accept Review of Justice Court Records

Adoption moved by Board Member Lillian Hoffmier
Seconded by Board Member Fraser Williams

WHEREAS: The Town is required under Section 2019-a of the Uniform Justice Court Act to review or audit the records of the Town Justice Court; and

WHEREAS: This Review was completed on December 13, 2012, by a representative of the Town Board assigned to perform such review with Justice Brundza, and the results of this review found all records to be complete with no apparent discrepancies; therefore be it

RESOLVED: That the Review results be maintained on file in the Town Office and that a copy of the results, along with a copy of this resolution, be submitted to NYS Office of Court Administration

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

RESOLUTION 29-2012

Authorize Contract with Stray Haven

Adoption moved by Board Member Ron Sharp

Seconded by Board Member Ron McEwen

WHEREAS: The Town is responsible for enforcement of Dog Control and had a contract with Stray Haven that expired December 31, 2012; and

WHEREAS: The new contract has been received with the annual service fee the same as 2012 at \$415.55 with a dog seizure fee \$80.00. Stray Haven will attempt to collect \$40.00 per seizure from the owner and refund to the Town; therefore be it

RESOLVED: That the Supervisor be authorized to sign a contract with Stray Haven for the period of January 1, 2013 to December 31, 2013

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ron Sharp and John Stoughton

Nays: None

Absent: None

Carried

Motion for Adjournment at 7:30PM made by Ronald Sharp seconded by John Stoughton and Carried

Respectively Submitted,
Constance M Liddington
Town Clerk

December 28, 2012

Town of Berkshire
Year End Meeting
December 28, 2012

The Town of Berkshire held their End of Year Meeting in the Town Hall at 18 Rail Road Ave.

Member present were: Lillian Hoffmier, Fraser Williams, Ron McEwen, Ronald Sharp, (John Stoughton was absent).

Meeting called to order at 5:30PM. By Supervisor McEwen; Supervisor McEwen led pledge of Allegiance.

Reports:

None were given

Old Business:

None

New Business:

RESOLUTION 30-2012

Year End Transfer

Adoption moved by Board Member Lillian Hoffmier
Seconded by Board Member Ron Sharp

RESOLVED: That unencumbered balances of appropriation accounts, and unanticipated revenue account balances in the amount equal to the sum of overdrawn appropriation accounts in all funds be, and hereby are appropriated to overdrawn accounts; and be it further

RESOLVED: That budgetary transfers for reserves stated in the adopted budget are directed to be completed; and be it further

RESOLVED: That the Supervisor is hereby authorized and directed to affect this resolution

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen and Ron Sharp

Nays: None

Absent: John Stoughton

Carried

RESOLUTION 31-2012

Encumber Funds

Adoption moved by Board Member Ron Sharp

Seconded by Board Member Lillian Hoffmier

RESOLVED: That the Supervisor be and hereby is authorized to encumber whatever funds he deems necessary under proper accounting standards; and be it further

RESOLVED: That said funds be encumbered before December 31, 2012 to allow for proper coding of bills for payment in January

Roll Call:

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen and Ron Sharp

Nays: None

Absent: John Stoughton

Carried

Warrants: General #167 -175 \$3,296.02, Highway #183 & 184 \$1,445.26

Motion was made to pay as audited by Ron McEwen seconded by Fraser Williams

Ayes: Lillian Hoffmier, Fraser Williams, Ron McEwen and Ron Sharp

Nays: None

Absent: John Stoughton

Carried

Motion for Adjournment at 5:45PM by Ronald Sharp seconded by Fraser Williams

Carried

Respectively Submitted,

Constance M. Liddington

Town Clerk