

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – JULY 13, 2026 @ 6:30 PM

Via In-Person

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

Board Members Absent: None.

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards-McCarty, Town Clerk
Wayne Searles, Dog Control Officer *Added via correction of minutes on 08/10/2026

Guests:

Rick Stevens; Waverly, NY

Dan Shay; Barton, NY

Ron Perry; Waverly, NY

Patty & Andy Aronstam; Waverly, NY

Julie Rowe-Wood; Lockwood, NY

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

Pledge of Allegiance

Privilege of the Floor

1. Tioga County Legislator Village of Waverly resident Andy Aronstam stood up to discuss some upcoming events happening in the village. The first is the annual Waverly Glen Music Festival to be held on August 8, 2026, from 12-4pm. The festival will be held at Waverly Glen Park at the Ayers' pavilion. All proceeds from this event will directly into the Waverly Recreation fund and helps fund all the programs for the year as well as towards Waverly Glen Park improvements. The second event is the Annual Golf Tournament which will be held at Tomasso's Golf Course and Restaurant on September 13, 2026. Last year, this event raised over \$6,000. These funds help send kids to camp and purchases equipment. These events help offset the growing unfunded mandates.
2. Rick Stevens started out by saying this is a continuation from last month. He's been researching King Cemetery. He has spoken to the state, the county and the Town of Barton and the cemetery is not incorporated so there is no money at the state for the corporation unless you were handed perpetual care funds from a financial trustee, there is no money anywhere for that cemetery. Mr. Stevens asked the board if they want him to continue to push on getting in there and fixing those headstons, he is going to need the town's help to do that. Mr. Lazario from New York State sent Mr. Stevens the public law, so the way to get around this is to put a statement in the paper three consecutive

weeks in a row, given to the newspaper by certified- registered return mail, and it has to include the original plot owner, which is Dr. King, and all the plot owners. Cemetery Commissioner Fred Schweiger said if it's going to cost the town money, then no. Mr. Stevens said it'll cost you money to put an ad in the newspaper; That's the most of it right now. Cemetery Commissioner Fred Schweiger asked if there was a grant and Mr. Stevens replied, no. Until Mr. Stevens is able to get into the cemetery and assess who are in those plots, there is potential money from the Department of Veterans Affairs. There may also be money from the Department of Environmental Conservation because the cemetery is surrounded by trees on two sides. The only way for Mr. Stevens to move forward and fix anything is to learn how to do it, which he has setup for himself. He would also need to know the Town is behind him saying the letter was published for three consecutive weeks and no one has responded. That is the only way to get in there and make repairs. Councilman Jeff Coleman asked how Mr. Stevens is going to make repairs with no money. Mr. Stevens replied, "one at a time".

Councilman Coleman continued, "Those stones are broken and have been repaired, they don't stay together. They're not in the same location – how are you going to know where they're at? We're talking 1700s. There are actually gravesites underneath the road if you stop and look.... I don't know why you're trying to go such effort to do this." Mr. Stevens replied, "Because I'm not happy with status quo and if we have a chance to spruce them up and bring them back upright with all due respect, especially the veterans in there, they're all due respect." There's another issue. If you look at GIS Tell, it looks like 1/3 of that belongs to a house the way the land is mapped out so the whole cemetery is not the whole cemetery. That could be an issue. Supervisor Foster recommends Mr. Stevens sit with the Cemetery Commissioner (Fred Schweiger) and the Ex-Officio (Dave Shipman) after the meeting and go from there. There is also potential help from the museum manager and from the floral shop owner as they deal with the cemeteries in Waverly.

A petition is in the works to lower the speed limit on Madigan Road. Highway Superintendent Schweiger is aware of this happening.

Lastly, Mr. Stevens has not had a chance to talk to Mike Austin about those abandoned trailers on Route 34 yet. According to GIS Tell and HuntStand, the overlay of those mapping systems show half of that building and half of the trailers are within the state right-a-way. Mr. Stevens handed over the supporting documents to Supervisor Foster. Supervisor Foster said he will see to it that Code Officer Chris Robinson will get this.

3. Julie Rowe-Wood, from Ridge Road, would like to talk about the dogs next door at 1151 Ridge Road. Asking the Town of Barton to look into these dogs and check on welfare. They are barking back up again. Are they up to date, licensed, vaccinated? How many are truly over there? Do you know if 17 dogs is the most accurate count? Ms. Rowe-Wood is asking if there are any violations? These dogs have not been licensed since 2022. The town is not earning what it should. Ms. Rowe-Wood is asking the Town of Barton

- its employees – to hold the owner of the property and/or the owner of these dogs accountable. If these dogs suffer, so shouldn't the owner. She says that for all dogs, not just these dogs. She continued she is not the only one who has had dog issues. Why isn't the Town addressing these issues and taking accountability? Make some ordinances and make these owners accountable. Supervisor Foster is recommending she discuss this with the Dog Control Officer Wayne Searles to hammer out their differences, that's why he brought him to the meeting.

Ms. Rowe-Wood asked, "What if it can't be hammered out?" Supervisor Foster replied, "Then keep trying. Try again." Ms. Rowe-Wood, "With him?" Supervisor Foster, "Yes. He's the Dog Warden." Ms. Rowe-Wood asked, "What if nothing's done?" Supervisor Foster "Then keep trying."

Approval of Minutes: A **motion** to approve June 8, 2026, Regular Meeting minutes with the following correction:

- Add Ron Perry's name to Guests

and to approve June 23, 2026 Special Meeting minutes as submitted by the Town Clerk and Deputy Town Clerk respectfully made by Councilperson Mike Rice, seconded by Councilperson Andy Plaisted. All in favor.

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

2026 (Abstract 7):

<u>FUND</u>	<u>VOUCHER NO'S</u>	<u>TOTAL CLAIM</u>
➤ General Fund	157-187.....	\$15,634.14
➤ Highway Fund	80-98.....	\$365,399.39
➤ Water/Sewer Fund	23-26.....	\$1,439.43

5-Ayes, 0-Noes

Personnel:

Town Clerk Arrah Richards-McCarty

1. Stamps went up from \$0.78 to \$0.82 on Sunday. Just mentioning this for when budget season comes around soon. Also, I put in a large stamp and stamped envelope order that the board will see in next month's vouchers.
2. I attended the LEPC Meeting earlier this month and one of the topics was Tioga County Public Health's "Health Atlas". This new page publishes data about 61 topics in every Tioga County community and makes that data available in maps, charts, tables, and more. Some of these items include internet access, housing, jobs, demographics and more. Please check it out. It's a great tool. Highway Superintendent Schweiger said he has seen this and agreed it was a great tool.

3. Foundations of Freedom – I received a hard copy book of Foundations of Freedom from NYAOT (New York Association of Towns). Many towns submitted stories about their hometown. It has lots of history. Because I had gone to conference, our town was offered a free book. If anyone is interested in purchasing a book, they can. Let me know. They can be purchased at \$20/book.
4. I would like the Board's permission to donate items in the front room to clean it up. The other option is to auction them off and receive little proceed, however, I feel that donating them will be an quicker, easier method. Requested permission to donate items that are not currently being used, nor have been used in quite some time, with the help of the other girls in the office. Also requested help from Highway Superintendent Schweiger to assist with a garbage haul. The board agreed to proceed as long as Supervisor Foster has final say in what is to go.
5. I had heard there was discussion amongst the Town Board regarding how I handled a customer in my office and concern that I may have acted "outside of my lane". If anyone has questions or concerns about the way I interact with customers, I once again request that you speak with me directly so you can obtain an accurate understanding of what actually occurred. I then asked if anyone had any questions for me regarding my conversation with Mr. Stevens regarding King Cemetery and there was no further comment.

Highway Superintendent Fred Schweiger

In 2020, asphalt oil cost \$2.12 per gallon and aggregate cost \$14 per ton, resulting in a surface treatment cost of \$30,574 per mile, or \$2.60 per square yard.

By 2026, asphalt oil increased to \$3.00 per gallon and aggregate to \$22 per ton. This raised the surface treatment cost to \$51,400 per mile, or \$4.38 per square yard.

These oil prices are based on the May oil index. Oil typically increases \$0.10–\$0.20 per month during the summer, which is why we try to complete prep work through the Summer, Fall, and Winter to secure a May slot for surface treatments and paving.

We have \$430,000 set aside in the general repairs budget for surface treatments. Maintaining this amount has become more difficult due to rising costs for fuel, repair parts, culverts, concrete products, and asphalt for patching and shimming. Shimming asphalt increased from \$60 per ton in 2020 to \$95 per ton in 2026. So far this year, we've used about 650 tons, costing \$22,750 more than it would have in 2020.

With 95 miles of road, our goal is to surface treat 15 miles per year using the \$430,000 budget. In 2020, at \$2.60 per square yard, we were able to treat 14 miles. In 2026, with the cost rising to \$4.38 per square yard, we could only treat 8.37 miles.

We are now looking at alternative treatments. Fog sealing was tested in 2025 and

appears to be the option we will switch to moving forward. At current pricing, fog sealing would cost about \$2.60 per square yard. Hot paving has also increased in cost, which is why micro paving was used near the village at \$64,000 per mile, compared to milling and repaving at \$212,000 per mile.

Since I started in 2020, every road in the Town of Barton has received some type of surface treatment. Oil and stone lasts about five years and is reimbursable through CHIPS on that cycle. Micro paving can qualify for CHIPS reimbursement for up to eight years and typically lasts 8–10 years. Hot paving and cold paving both qualify for CHIPS for ten years.

Keeping roads on a regular maintenance schedule helps them stay flexible and in good condition. If the schedule isn't followed, the roads dry out and eventually require a full reconstruction.

New Business

1. Discussion to determine whether properties of 311 and 313 Norris Road constitute a public nuisance requiring abatement by the Town of Barton

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 07/13/2026

RESOLUTION NO 28-2026

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

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

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

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

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

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

RESOLVED, that on this day, July 13, 2026, the Town Board of the Town of Barton, County of Tioga, State of New York hereby schedules a public hearing to be held at the 304 State Route 17C Waverly, NY 14892 municipal building on August 10, 2026, at 6:45pm to determine

whether the properties of 311 and 313 Norris Road Waverly, NY 14892 constitutes a public nuisance requiring abatement by the Town of Barton, and be it;

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

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

Roll Call Vote:

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

Supervisor Foster read aloud the letter that will be served on Ms. Cella and noted he and Mr. Robinson will serve her personally on July 20, 2026.

2. Discussion on Park Outdoor Lease

Supervisor Foster read aloud an email and Addendum to Lease E00236 from Stephen Frank, Vice President for Park Outdoor Advertising dated June 9, 2026. Supervisor Foster recommends the board reject the addendum because of the following reasons:

The original lease agreement stated that in 2023, payments were scheduled to go from \$15,000 to \$25,000. In 2018, Park Outdoor made a request that the lease payments remain at \$15,000. At that time, Supervisor Foster's predecessor Dick Cary recommended that request be granted due to alleged hardship and the Town Board agreed. The lease anniversary date is 2033 and they want to commit to \$15,000 all the way to 2045. Mr. Frank requested a meeting with the board on May 12, 2025, but canceled at the last minute and never responded for another year. Supervisor Foster reminded the board they do not need to make a decision until 2033.

Councilperson Mike Rice is requesting to reject it completely because for one, they already got that break from their pricing and two, the original contract notes they will pay \$15,000 or 20% of revenue, whichever is greater. He asked if Park Outdoor has ever offered up their revenue. Supervisor Foster said no and they have a way of making sure that's low.

Councilperson Andy Plaisted agreed to reject it as the timeframe is way too long for his taste. Councilperson Jeff Coleman said the \$15,000 in 2033 is really going to be worth more like \$15.00; it just doesn't make sense. Councilperson Dave Shipman wasn't ready to vote tonight.

The board agreed not to move on this tonight.

3. Assessor and Assessor Clerk revised salary language

Supervisor Foster started out by saying the two resolutions that were passed at last month's meeting need more clarification that the salary adjustments are to be prorated for the remainder of the year 2026. If the resolution doesn't get passed, the salary changes go back to the beginning of the year.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 07/13/2026

RESOLUTION NO 29-2026

ASSESSOR AND ASSESSOR CLERK REVISED
SALARY LANGUAGE

WHEREAS, the Town Board previously adopted Resolution Nos. 20-2026 and 21-2026, which established the new salary for the affected positions; and

WHEREAS, the Town Board now finds it necessary to clarify the salary adjustment language; and

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

RESOLVED, that the salary adjustment approved for the position(s) listed (Assessor and Assessor Clerk) shall be prorated for the remainder of the fiscal year 2026.

Roll Call Vote:

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

4. Town Clerk Arrah Richards-McCarty asked Supervisor Foster about the Tioga County Master Services Agreement (MSA) and whether the board was prepared to sign it. She noted that the Tioga County CIO will be presenting the MSA to the County Legislature next Tuesday.

Motion to allow Supervisor Foster to sign the Master Services Agreement made by Councilperson Mike Rice, seconded by Councilperson David Shipman. All in favor.

Old Business

None.

Motion to adjourn meeting at 7:10 pm made by Councilperson Andy Plaisted, seconded by Councilperson Mike Rice. All in favor.

Respectfully submitted,

Arrah Richards-McCarty
Town of Barton Town Clerk