

TOWN OF BARTON

DONALD FOSTER, SUPERVISOR

MINUTES – AUGUST 10, 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

Guests:

Patty & Andy Aronstam; Waverly, NY

Rick Stevens, Waverly, NY

Jerry Sinsabaugh; Waverly, NY

Keith Correll; Waverly, NY

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

Pledge of Allegiance

Privilege of the Floor

Rick Stevens started out by saying he and Sue (Vanderpool) are still working on the Old 34 speed limit paperwork. They'd like to get all the people on Old Route 34 and as many people on those sideroads that this would affect.

Was inquiring about the raw sewage down the road from him at 313 Madigan Road. Supervisor Foster said he is going to have to talk to Chris Robinson about that as it is a code issue. Department of Health was involved, too, but Supervisor Foster recommended he start with Mr. Robinson. Supervisor Foster added he may find that the county won't be doing anything about it because it's not on the surface. Mr. Stevens just wants to find what the solution is.

Regarding the school tax bill formula, Mr. Stevens was wondering if anything came to fruition on the formulas used on the bill. Supervisor Foster and Town Clerk Richards-McCarty agreed that is solely a school issue. The printing of the bills lies solely with the school and their tax bill programmer.

Mr. Stevens wanted to know if the Town was able to settle the issue on the road damage [on Madigan Road]. Supervisor Foster said he and Highway Superintendent Schweiger had handed it over to the State Police and they have conducted an investigation and are still looking into it. It's a working progress. Highway Superintendent Schweiger said the State Police are also working with the Sheriff's Office because there are other municipalities that have had issues with this.

Mr. Stevens said if for some reason you can't find the person who did this, you have that \$500 the Board authorized for the conviction of the culprit, you can use that money to run the legal ad in the newspaper. A legal ad ran in the paper for three weeks would come to about \$100-\$500 depending on the number of lines. It has to be sent to the paper as a legal description as well as by certified, registered mail. This will be discussed later on in the meeting.

Approval of Minutes: A **motion** to approve July 13, 2026, Regular Meeting minutes as submitted by the Town Clerk with the following correction:

- Add Wayne Searles, Dog Control Officer to attendance

made by Councilperson Andy Plaisted, seconded by Councilperson Jeff Coleman. All in favor.

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

2026 (Abstract 8):

<u>FUND</u>	<u>VOUCHER NO'S</u>	<u>TOTAL CLAIM</u>
➤ General Fund	188-210.....	\$8,721.11
➤ Highway Fund	99-115.....	\$29,132.79
➤ Water/Sewer Fund	27-28.....	\$261.51

5-Ayes, 0-Noes

Personnel:

Town Clerk Arrah Richards-McCarthy

1. Penelec is scheduling an outage for Monday, August 17 from 8am-4pm. We will be closed that day since we will not be able to do any work.

Highway Superintendent Fred Schweiger

Still waiting to hear back from what happened on Madigan Road. Suit Kote needs to bring their chipper down because it is so wide. We rebuilt Parker intersection where it got washed out from the Spencer side. Put a good 3 ½ -4' bank run and creepers. Supervisor Foster and Councilman Jeff Coleman agreed it looked really good. Highway Superintendent Schweiger said he is unable to take the road down any due to the Millennium pipeline underneath. When Suit Kote comes in to oil and stone Parker Road, they will then patch Madigan Road at no cost.

New Business

1. Renew fueling station agreement between Waverly Central School District and the Town of Barton

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 08/10/2026

RESOLUTION NO 30-2026

RENEW FUELING STATION AGREEMENT BETWEEN
WAVERLY CENTRAL SCHOOL DISTRICT AND THE
TOWN OF BARTON

WHEREAS, The Town Board of the Town of Barton wishes to renew the fueling station agreement between the Town of Barton and the Waverly Central School District; and **NOW THEREFORE** upon a motion by Councilperson Andy Plaisted, seconded by Councilperson Dave Shipman and carried; therefore, be it **RESOLVED**, that the Town Board of the Town of Barton wishes to renew the fueling station agreement between Waverly Central School District and the Town of Barton; and be it **FURTHER RESOLVED**, the Barton Town Board grants the Town Supervisor the authority to sign any documentation necessary relating to the agreement.

Roll Call Vote:

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

2. Accept Ethan Klossner's resignation

Ethan Klossner had resigned his position from Town of Barton Highway Department effective July 23, 2026.

Motion to accept Ethan Klossner's resignation made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.

3. Set Dylan Hartman's starting salary

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 08/10/2026

RESOLUTION NO 31-2026

SET DYLAN HARTMAN'S SALARY

WHEREAS, Town of Barton employee Ethan Klossner had tendered his resignation effective July 23, 2026; and

WHEREAS, Dylan Hartman has applied for this position and meets the job qualifications; and

WHEREAS, Town of Barton Highway Superintendent Fred Schweiger has hired Dylan Hartman as a full-time employee of the Town of Barton Highway Department; and

WHEREAS, Highway Superintendent Fred Schweiger is requesting Dylan Hartman's starting pay be set at \$26.00/hour;

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

RESOLVED, that on this day, August 10, 2026, the Town Board of the Town of Barton sets Dylan Hartman's starting full-time pay at \$26.00/hour.

Roll Call Vote:

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

4. Public Hearing @ 6:45 PM to determine properties of 311 and 313 Norris Road Waverly, NY 14892 constitutes a public nuisance requiring abatement by the Town of Barton

Proof of Notice having been furnished, **motion** to go into public hearing at 6:45 PM made by Councilperson Jeff Coleman, seconded by Councilperson Dave Shipman. All in favor.

Mr. Stevens was inquiring about this issue back in 2024 when the Town went through the same situation. He asked if the Town cleaned it up and was the Town reimbursed. Supervisor Foster responded the Town did clean it and, and even though it took a while, the Town was reimbursed.

Town Clerk Richards-McCarty stated a neighbor had mentioned Ms. Cella did rent a dumpster last week but at that time, nothing was put in there. Supervisor Foster said he took a drive out there just before the meeting and noticed the front of the dumpster was full; however, it's still not enough.

All persons desiring to be heard, having been heard, the Hearing terminated at 6:46 PM made by Councilperson Mike Rice, seconded by Councilperson Dave Shipman. All in favor.

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 08/10/2026

RESOLUTION NO 32-2026

A RESOLUTION TO DECLARE PROPERTIES OF 311 AND 313 NORRIS ROAD WAVERLY, NY 14892 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, notice of time, place, and date of public hearing was posted conspicuously on Elena Cella's 311 and 313 Norris Road Waverly, NY 14892 properties at least 15 days prior to the scheduled public hearing; and

WHEREAS, same notice of time, place, and date of public hearing was mailed to Elena Cella by certified mail/return receipt requested at least 15 days prior to the scheduled public hearing; and

WHEREAS, a public hearing was held on this matter on August 10, 2026, at 6:45 pm before the Town of Barton Town Board upon public notice provided by law; and

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

RESOLVED, that on this day, August 10, 2026, the Town Board of the Town of Barton, County of Tioga, State of New York declare properties located at 311 and 313 Norris Road Waverly, NY 14892 a public nuisance requiring abatement by the Town of Barton, and be it;

FURTHER RESOLVED, that the abatement and removal of the public nuisance shall be performed by a designee or agent, including private contractors, lawfully engaged and authorized by the Town of Barton; and be it

FURTHER RESOLVED, that the Town Board of the Town of Barton shall ascertain the cost of abatement and removal and assess such expense against the record owner of the properties (Elena Cella); and be it

FURTHER RESOLVED, that the expense so assessed shall constitute a lien in charge on Elena Cella's real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in charges; and be it

FURTHER RESOLVED, that the foregoing shall not be construed as a limitation on the Town of Barton's potential remedies to recover its costs; and be it

FURTHER RESOLVED, that this resolution be in effect immediately.

Roll Call Vote:

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

Town Clerk Richards-McCarty asked how the total cost will be split if both properties are listed as needing abatement. Supervisor Foster said to split the cost between the two properties. Supervisor Foster discussed the quotes for the cleanup. The following quotes came in as followed:

DUMPSTERS:

1. Austin's
 - a. 40-yard (10 days) - \$650/3-ton (includes drop off, pickup and landfill fees)
 - b. Additional \$96/ton over 3-ton landfill fees
 - c. \$216/66/ton

2. Greenleaf
 - a. 30-yard (7 days) - \$726/5 ton. (includes drop-off, pick-up and landfill fees)
 - b. \$10/day over 7 days.
 - c. \$145.20/ton
3. Dependable
 - a. 30-yard (7 days) \$450/2 ton (includes drop off, pickup and landfill fees)
 - b. Additional \$95/ton over 2 tons landfill fees
 - c. \$10/day over 7 days.
 - d. \$225/ton
4. Casella
 - a. \$780 – Delivery and Haul Rate
 - b. \$91/ton landfill fee
 - c. Fuel Surcharge - \$45.73
 - d. ~\$351/ton

CLEANERS:

5. Hafler Haul Away -Didn't provide quote in time
6. American Key Pickers & Haulers
 - a. Full load junk removal service including labor, loading, hauling, and disposal or recycling of items - \$3,000.

Motion to accept American Key Pickers and Haulers to clean up the properties made by Councilperson Mike Rice, seconded by Councilperson Andy Plaisted. All in favor.

Next item on the list is to look into the blue truck that is parked over there. Supervisor Foster recommends using Huckle's Towing and Recovery. If the vehicle is not registered, the Town can tow; If the vehicle is registered, it will stay. Huckle's Towing and Recovery said they will haul the vehicle away at no cost if the owner signs the title over to them.

Motion to use Huckle's Towing and Recovery to haul the pickup truck away, if unregistered, and to grant Supervisor Foster the authority to sign any necessary paperwork made by Councilperson Andy Plaisted, seconded by Councilperson Dave Shipman. All in favor.

Motion to allow Tioga County Sheriff's Office to provide security during the cleanup at \$50/hour with a 3-hour minimum made by Councilperson Andy Plaisted, seconded by Councilperson Mike Rice. All in favor.

5. Discussion on establishing a volunteer cemetery maintenance and cleanup program and authorized activities by the Town of Barton

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 08/10/2026

RESOLUTION NO 33-2026

ESTABLISHING A VOLUNTEER CEMETERY
MAINTENANCE AND CLEANUP PROGRAM AND
AUTHORIZED ACTIVITIES BY THE TOWN OF
BARTON

WHEREAS, pursuant to New York General Municipal Law 165, municipal corporations are authorized and empowered to establish volunteer cemetery maintenance and cleanup programs to maintain and cleanup municipal cemeteries wholly maintained within their jurisdiction; and

WHEREAS, the Town Board of the Town of Barton seeks to officially authorize volunteer cleanup activities and outline the permissible scope of work; and

WHEREAS, pursuant to NYS General Municipal Law 165 (3), the Town of Barton is authorized to release itself from liability for any damage sustained by a person participating in such cleanup programs; and

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

RESOLVED, that on this day, August 10, 2026, the Town Board of the Town of Barton, County of Tioga, State of New York, establishes the Town of Barton Volunteer Cemetery Maintenance and Cleanup Program; and be it

FURTHER RESOLVED, that pursuant to General Municipal Law 165 (3), the Town of Barton shall not be liable for any damages sustained by any person participating in this program, and no cause of action for such damages shall be adjudicated against the Town of Barton; and be it

FURTHER RESOLVED, that all volunteers must register with the Town Clerk and execute a Volunteer Release and Waiver of Liability form prior to participating in any cleanup activities, thereby holding the Town of Barton harmless from any damages or injuries sustained during such participation, and be it

FURTHER RESOLVED, that the scope of the volunteer cleanup activities shall be approved in advance by the Town of Barton Cemetery Commissioner; and be it

FURTHER RESOLVED, that this resolution shall take effect immediately upon its adoption.

Roll Call Vote:

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

6. Discussion on Volunteer Release and Waiver of Liability Form

Motion to use the following Volunteer Release and Waiver of Liability form made by Councilperson Andy Plaisted, seconded by Councilperson Dave Shipman. All in favor.



TOWN OF BARTON

304 ROUTE 17C, WAVERLY, NY 14892

PHONE (607) 565-2261 ~ FAX (607) 565-2262

Volunteer Release and Waiver of Liability

Please read this document carefully. By signing this document, you are waiving certain legal rights, including the right to sue the Town.

1. Parties Involved

Volunteer Name: _____

Town/Municipality: Town of Barton (Tioga County, NY)

Cemetery Name/Location: _____

2. Description of Activity

In consideration of being permitted to participate in voluntary groundskeeping, cleaning, or restoration work at the specified town cemetery, I agree to the terms below.

3. Assumption of Risk

I understand that working in a cemetery involves inherent risks, including but not limited to: uneven terrain, slipping or tripping, falling debris or tree limbs, handling of heavy stone markers/monuments, exposure to stinging insects and weather elements, and physical strain. I knowingly and freely assume all such risks, both known and unknown, associated with my participation.

4. Release and Waiver of Liability

I hereby release, waive, and forever discharge the **Town of Barton**, its elected and appointed officials, officers, employees, agents, and other volunteers (collectively, the "Releasees") from any and all liability, claims, demands, or causes of action arising out of negligence. This includes but is not limited to claims for personal injury, death, or property damage that may occur to me during my time on the cemetery premises.

5. Medical Treatment Authorization

I grant the Town and its representatives the right to authorize emergency medical treatment in the event of illness or injury while participating in this activity. I understand and agree that I am financially responsible for all medical costs incurred.

6. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

7. Acknowledgment

I have read this Volunteer Release and Waiver of Liability, fully understand its terms, and understand that I am giving up substantial rights, including my right to sue. I sign it freely and voluntarily without any inducement.

Volunteer Signature: _____ **Date:** _____

Printed Name: _____

Phone Number: _____

Email: _____

(If the volunteer is under the age of 18, a parent or legal guardian must also sign below)

Parent/Guardian Signature: _____ **Date:** _____

7. Discussion on public notice for intent to conduct volunteer gravestone conservation at King Cemetery

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BARTON TOWN BOARD

ADOPTED 08/10/2026

RESOLUTION NO 34-2026

PUBLIC NOTICE FOR INTENT TO CONDUCT
VOLUNTEER GRAVESTONE CONSERVATION AT
KING CEMETERY

WHEREAS, Town of Barton resident Rick Stevens has made a request of the Town Board of the Town of Barton put a legal notice in the legal section of the Morning Times for volunteer work at the King Cemetery; and

WHEREAS, after careful consideration, the Barton Town Board agrees with this request; and

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

RESOLVED, that on this day, August 10, 2026, the Town Board of the Town of Barton, County of Tioga, State of New York approves the following legal notice:

PUBLIC NOTICE: INTENT TO CONDUCT VOLUNTEER GRAVESTONE CONSERVATION

Notice is hereby given that volunteer residents of the Town of Barton, in coordination with King Cemetery and the Town of Barton municipality, intends to conduct volunteer gravestone conservation,

cleaning, and repair work at King Cemetery located at Old Route 34 and Madigan Road Waverly, NY 14892.

Proposed activities:

- Condition assessment and photographic documentation of grave markers
- Gentle cleaning of markers using only approved, non-damaging solutions (E.G. D/2 Biological Solution)
- Up-righting and resetting of unstable or fallen stones following safe, approved guidelines.
- Removal of overgrown vegetation and debris that threatens the integrity of the markers.
- Any other cemetery projects sanctioned by the Town of Barton Cemetery Commissioner.

PROJECT SCHEDULE:

Start Date: August 10, 2026

Completion Date: November 1, 2030

Work will generally occur between the hours of 8 AM and 5 PM, 7 days of the week, excluding holidays.

GET INVOLVED AND CONTACT INFORMATION:

Community members interested in volunteering, or descendants with specific inquiries or concerns regarding the conservation of a specific family plot, are encouraged to contact the project organizer prior to the start date.

CONTACT NAME: Rick Stevens

PHONE: (703) 727-2354

Comments, questions, or requests for specific markers to be excluded from the project must be submitted in writing to the Town of Barton Cemetery Commissioner as soon as reasonably possible.

And be it

FURTHER RESOLVED, in the event that the last known plot owner cannot be found, notice may be given by publishing the same, once each week for three consecutive weeks in the Morning Times. Such notice shall be addressed to the last known owner and to all persons having or claiming any interest in or to the burial lot on which the monument or their marker is located. The notice shall date from the date of mailing such notice by Registered or Certified Mail, or the date of the third publication in the Morning Times; and be it

FURTHER RESOLVED, that this resolution shall take effect immediately.

Town Clerk Richards-McCarty asked if she is to run this notice in the newspaper for three consecutive weeks. She also asked if she had to send anything to the owners of the plots. Supervisor Foster said in the law, it says "may", it does not say "shall" or "must" so he's not going to worry about it. Rick Stevens asked the board if it was okay to use the Town's Facebook to call for volunteers. Supervisor Foster said Mr. Stevens can work that out with the Cemetery Commissioner and with Arrah.

Supervisor Foster notified Mayor Keith Correll and Deputy Mayor Jerry Sinsabaugh that the Town Board will more than likely be discussing the issue with the well at the next board meeting. The Board will have some sort of decision then.

Old Business

None.

Motion to enter into executive session at 7:06 PM to discuss contract negotiation made by Councilperson Mike Rice, seconded by Councilperson David Shipman. All in favor.

Present for the executive session were: Supervisor Donald Foster; **Councilpersons** [Corrected via correction of minutes on 09/14/2026] Mike Rice, Andy Plaisted, Jeff Coleman, David Shipman; Highway Superintendent Fred Schweiger, and Town Clerk Arrah Richards-McCarty.

At 7:25 PM Highway Superintendent Fred Schweiger and Town Clerk Arrah Richards-McCarty were excused from the executive session, leaving the remaining board members present.

Motion to conclude executive session at 7:40 PM made by Councilperson Andy Plaisted, seconded by Councilperson David Shipman. All in favor.

No formal action was taken during executive session.

Motion to adjourn meeting at 7:41 PM made by Councilperson Mike Rice, seconded by Councilperson Andy Plaisted. All in favor.

Respectfully submitted,

Arrah Richards-McCarty
Town of Barton Town Clerk