

MINUTES OF THE SMITHVILLE TOWN BOARD  
JUNE 16, 2008

The regular meeting of the Smithville Town Board was called to order at 6pm by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson  
**Board members:**  
Kay Borne  
Holly Mohr  
Vince Coletta  
Roger Connelly

Also: Bruce Kinney, Highway Sup't  
Keith Klein, Assessor  
Alison Owens, Town Clerk  
Jacob Owens, Life Scout, Troop 162

**NO ADDITIONS/DELETIONS TO AGENDA**

**FUEL BIDS:**

Town Clerk Owens read the Fuel Bid legal notice as placed in the Chenango American. The bid period is June 1, 2008-May 31, 2009. Supervisor Johnson opened envelopes from Economy Heating, P.O. Box 298, Port Crane, NY 13833. They were the only bidder.

VENDOR	PRODUCT	POSTING	FIRM DIFF	FLUCT.	FIRM
Economy Heating, Port Crane	Ultra Low Sulfur Diesel (road use)	\$4.075	+\$0.25	\$4.325/gal	N/A
	K-100 treatment				\$50. per 1000 gal. tank
	Kerosene (for heating)	\$4.216	+\$0.40	\$4.616/gal	N/A

**DISCUSSION:** (The discussion took place later in the meeting but is included here for continuity)

Highway Sup't Kinney expected bids from Blue Ox and Mirabito but they did not come in. The State bid is being run through 2 distributors: Mohawk Valley, Utica NY and Mirabito Fuel, Sidney NY. The State bid is a 2 year contract which started in July 2007 and will not be available again until July 2009. The State bid also comes with an option to be let in if allowed by distributors. Mirabito has declined to allow the Town to be let in.

Highway Sup't Kinney bought diesel fuel last week from Economy Heating on the open market. Five places were contacted with Mirabito being the highest at \$4.64/gal. and Economy Heating being the lowest at \$4.35/gal. His recommendation is to stay with the open market. It requires phone calling every 2 weeks or perhaps on a once a month basis, but as long as there was a commitment to purchase a set amount every month, he felt he could get a better price than calling every 2 weeks (for certain fuels).

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Board members discussed this option compared to the fluctuating bid provided by Economy Fuel. Board members questioned whether there would be a delivery price in the future and whether the fluctuating bid price would lock in delivery costs as well. Some Board members felt the fluctuating bid price should be accepted to lock in the cost for fuel delivery. The following resolution was brought forth:

**RESOLUTION # 22: ACCEPT ECONOMY HEATING'S FLUCTUATING FUEL BID**

On a motion by Councilwoman Borne, 2<sup>nd</sup> by Councilwoman Mohr, the following resolution was:

ADOPTED                      AYES: Borne, Mohr, Coletta, Connelly  
                                      NAYES:              Johnson

RESOLVED to accept Economy Heating's fluctuating bid price for Kerosene for heating at Rack (\$4.216)+ \$.40, and their fluctuating bid price of low sulfur Diesel at rack (\$4.075) +\$.25. The acceptance of these bids is for the period June 1, 2008-May 31, 2009 and includes delivery to the Town Barn.

**CORRESPONDENCE:**

C1: Thank you from Flanagan family for sympathy arrangement

C2: Chenango Co. DPW: seismic testing in Smithville

                                      These are in addition to Town of Smithville roads that are being tested and overseen by Highway Sup't Kinney.

C3: Chenango Co. DPW: mowing schedule 2008

C4: Informational meeting on gas exploration & leasing June 17, 2008

C5: Mortgage Tax to Smithville

C6: Credit notice from Mirabito: This is the credit for return of propane and tank.

C7: Workers Comp. Notice of Decision: A notice was received from the NYS

Worker's Compensation Board regarding Martin Nowalk. Mr. Nowalk, a former employee for the Town of Smithville will continue to receive worker's comp until further notice of employee's rehabilitation.

**OLD BUSINESS:**

**OB1:** Life Scout Jacob Owens was recognized and asked to report on the **Bicentennial monument progress**. The monument has been completed, set in place and was dedicated during a ceremony June 14<sup>th</sup>. The remaining work needing to be done is banking the dirt around the monument and planting flowers or evergreens. There is a possibility of using landscaping timbers around the monument to hold the dirt in. Town Board members asked questions about the construction technique used but also expressed their appreciation for the way the monument looked. They were in favor of using landscaping timbers but asked that no shrubs be planted as their roots would eventually cause problems.

**OB2: Dam regulations:** Supervisor Johnson indicated the main concern here is to reactivate the Cincinnatus Lake Watershed Protection District Board. These are 5 members appointed by the Chenango County Board of Supervisors starting in 1967. The last 5 members have included Sue Carlin, John Pilkington, Buster Wrobel, Supervisor

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Johnson and 1 other. They have not officially met since Supervisor Johnson was appointed to the Board. This Board should have responsibility for mowing, raising the level of the dam and cleaning out the dam overflow, etc. The Cincinnatus Lake residents may be asked for money in the form of an "Association fee" to finance the work needed. More information is needed. Supervisor Johnson will continue to work with Loren Johnson of the Soil and Water Conservation Dept. in Norwich and with the Chenango County Board of Supervisors.

Copies of resolutions by the Chenango County Board of Supervisors with regard to the Cincinnatus Lake Watershed Protection District from 1964-1968 were provided to Board members, along with the original Operation and Maintenance Agreement drawn up in 1967. This 1967 agreement names the Town of Smithville Highway Dept. to perform mowing duties and the Association to be responsible of repairs. Hwy Supt. Kinney was concerned about mowing because a permit from the DEC would be needed to do so. He asked if the Town Attorney had reviewed the information. Board members were also uncertain who owned the water in Cincinnatus Lake.

**OB3: Parking Lot paving and Walking Track:** Supervisor Johnson has been informed by Marsha Miller, a representative from Sen. Libous office, that paperwork for the \$10,000. grant for paving the parking lot probably will not be available until Sept. Highway Sup't Kinney has not yet been able to obtain quotes for either the walking track or the parking lot. It was suggested to him the walking track be 8' wide rather than the 6' previously discussed. Due to increased costs for ingredients for blacktop, Highway Sup't Kinney was asked to provide quotes for both the walking track and paving the parking lot for the Board meeting next month.

**MINUTES:** The minutes of the May 19<sup>th</sup> meeting were reviewed. Board members asked to have the sentence on p.6, R8: Community Center, removed from the minutes because it was incorrect. The sentence is "A 2<sup>nd</sup> key...her." A motion was made to accept the minutes of May 19<sup>th</sup> with the correction by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Coletta. All five Board members in favor, motion carried.

**REPORTS:**

R1.) Planning Board—no report submitted

R2.) Assessor: Report submitted. Grievance Day has been held. There were no grievers. BAR chairperson Tony Zdobyak announced he would not want to be re-appointed to the BAR at the end of his expiring term Sept. 30, 2008. George DeJager has agreed to serve as the Chairperson for the new term. The BAR will also need one additional person to serve.

Assessor Klein is taking continuing education courses for his Assessor certification. There is one required course on Appraising which is not provided by ORPS but is offered through an approved private subcontractor. The cost of the course is \$540.00 and is being held in July. ORPS will reimburse the Town once the voucher is submitted to them. The following Resolution was offered.



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The **tentative equalization rate for 2008 the Town of Smithville is 74.34**, down from 75.96 last year.

R3.) Enforcement Officer: report received. The building permit report from Chenango County was also received.

R4.) Justice: The quarterly report from the State Comptroller's office was reviewed. The Justice's computer from NYS has been stored in the Records room until a decision could be obtained from NYS as to whether or not the computer could be used by both the Justices and the Assessor for their vendor supported programs. No answer has been received yet.

R5.) DCO: report received

R6.) Attorney: report received

R7.) Mitigation: A communication was received from the NYS Emergency Management Office accepting letters of intent for hazard mitigation projects as a result of major declaration disasters,

R8.) Community Center: no report submitted. There was some discussion on policy of Community Center rentals. The Community Center committee will review the rental use policy and adjust fees if necessary. Town Clerk Owens will provide the committee with copies of the current applications. The railing for the Community Center has not yet been installed.

R9.) Playground: no report submitted

R10) Town Clerk: report submitted. The final accounting for taxes which took place earlier in the afternoon showed a perfect \$0 balance. A check in the amount of \$1751.09 will be written to Supervisor Johnson for the May penalties.

R11) Highway: There was no written highway report. Highway Sup't Kinney verbally reported he is using dust oil w/calcium on some roads.

R12) Supervisor's Report: report submitted. A motion to accept the Supervisor's report was made by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr. All five Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**GENERAL WARRANT:**

General Warrant # 6, Vouchers # 96-113 in the amount of \$4161.90 was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Coletta. All five Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**HIGHWAY WARRANT:**

Highway Warrant # 6, Vouchers # 90-103, in the amount of \$27,102.00 was submitted for payment. A motion to accept and pay these bills was made by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr. All five Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**NO JRC WARRANT**

A new copy of the Shared Services Agreement was reviewed.

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There was no other business to come before the Board. Supervisor Johnson declared the meeting closed at 8:30pm. The next meeting will be July 21, 2008.

Alison B. Owens

Smithville Town Clerk