

MINUTES OF THE SMITHVILLE TOWN BOARD  
May 19, 2008

The regular meeting of the Smithville Town Board was called to order at 6:02pm by Supervisor Allan Johnson. Present were the following:

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

Also: Bruce Kinney, Highway Sup't  
Alison Owens, Town Clerk  
BarbaraAnn Whitmore  
Milly Auwarter  
Barbara Nowalk, Deputy Clerk  
Tim Hanna, Planning Board Chair

**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 BlueOx Corp. and Mirabito Fuel Group and read the bids as follows:

VENDOR	PRODUCT	POSTING	FIRM DIFF.	FLUCT.	FIRM
Blueox Corp., Oxford, NY	LP Gas				\$2.449/gal
Mirabito Fuel Group, Binghamton NY	Sulfur Diesel	\$3.8371/gal	+\$0.2800/gal	\$4.1171/gal	\$4.4800/ga;
	Kerosene Blend	\$4.0260/gal	+\$0.4500/gal	\$4.4760/gal	\$4.7800
	Unleaded Gas	\$3.1078/gal	+\$0.3500/gal	\$3.4578/gal	NA
	Kerosene	\$3.7625/gal	+\$0.3500/gal	\$4.1125/gal	\$4.5800/gal
	LP Gas	\$1.8257/gal	+\$0.5000/gal	\$2.3257gal	\$2.7000/gal

Both bidders included non-collusive statements. The Mirabito Group firm bids expire May 22, 2008 at noon.

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

The fuel bids were substantially higher than last year. Board members acted on the propane bids first, noting the firm price difference between BlueOx (lower bid) and Mirabito (higher bid) was \$.25/gal. Mirabito's fluctuating price for LP gas was \$.12 lower than BlueOx's firm bid. Board members decided to accept the BlueOx Corp.'s firm LP Gas bid. This was done by Resolution:

MINUTES OF THE SMITHVILLE TOWN BOARD

May 19, 2008

**RESOLUTION # 17 (2008): ACCEPT BLUEOX CORP. FIRM LP GAS BID**

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

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to accept the firm LP Gas bid of \$2.449/gal by BlueOx Corporation., Oxford, NY 13830 for the bid period June 1, 2008-May 31, 2009.

Board members continued to discuss the fuel oil bids, wondering whether to accept the firm bid on speculation prices would continue to rise or accept the fluctuating bid on speculation the prices would fall. Highway Sup't Kinney advised the Board the Town can buy fuel on State bid without a commitment but the name of the vendor selling on State bid was not immediately known. Some other Towns in Chenango County are not bidding this year but have chosen to buy either on State bid or as needed. Larger storage tanks at the Town Barn would class the property as a storage facility and would require permits, etc. Opinions varied among the Board members. Councilman Connelly felt the Mirabito bid was not much different than market value minus the taxes. He recommended the Board reject the Mirabito bid and rebid the fuel bids, adding in the meantime, the cost of the fuel on State bid should be investigated. Board members agreed. The following resolution was brought forth:

**RESOLUTION # 18 (2008): REJECT MIRABITO BID AND RE-ADVERTISE**

On a motion by Councilman Connelly, 2<sup>nd</sup> by Councilman Coletta, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to reject the following 4 fuel bids from Mirabito Fuel Group, Binghamton NY: Low Sulfur diesel, blended kerosene, unleaded gas and kerosene.

RESOLVED also to investigate the State contract bid for these fuels and

RESOLVED also to re-advertise the fuel bids in the Chenango American for the June 16<sup>th</sup> meeting.

It was also questioned whether the Town could purchase off the County bid and/or whether purchases could be made in conjunction with Greene Central School or other Towns. Highway Sup't Kinney will check on these options also.

## MINUTES OF THE SMITHVILLE TOWN BOARD

May 19, 2008

**CORRESPONDENCE:** The following items of correspondence were received:

**C1: Board of Elections letter re: Rejection of Church as Polling Place**

A letter from the Board of Elections explained the Church in Smithville Center would not be approved for a polling place because the outside parking was insufficient, the room upstairs in the church was too small for voting purposes, the room downstairs was too obstacle prone for wheelchair use and the back door was not ADA compliant. Supervisor Johnson said the congregation of the Church had also voted not to allow the Church to become a polling place.

**C2:** Letter from the Board of Supervisors asking for a list of requests/ideas for capital funding for volunteer firefighters

**C3:** LUCA updates will be processed and a canvassing operation scheduled for the spring of 2009

**C4: Chenango County Sheriff's report**

A complaint was issued to the Sheriff's Dept. for vandalism done at the gazebo in early May. Board members reviewed the report. Although the youth responsible were identified, no charges were filed.

**C5:** Chamber of Commerce letter asking for support efforts from Town Supervisors for Commerce Chenango. This is a membership organization looking for cooperation from the Supervisors for consolidation of local government services.

**C6:** Annual Retirement Statements letter re: security of social security #'s and member statements.

**C7:** Attorney General questionnaire response

**C8: National Resources Conservation Services re: Dam regulations**

New dam safety regulations for dams located within NYS are in the process of being adopted. These regulations will affect the Cincinnatus Lake dam and will require a modification to the operation and maintenance plan with the Town of Smithville in order to be compliant. Board members questioned the existence of the operation and maintenance plan. Town Clerk Owens will do some research in the watershed protection district history file.

**C9:** letter to Smithville Highway Dept. from Smithville Day Committee notifying the Town that McBirney Rd. would be used to line up the fire trucks and horses this year for the parade.

**NEW BUSINESS:**

**NB1: Workplace Harassment and Complaint Policies**

Selective Insurance, underwriter for the Town's insurance policy, is requesting a Workplace (Sexual) Harassment Policy and a Complaint Policy be put into place to safeguard the Town's employees. The Town currently has a Code of Ethics which has been in place since 1991. The Town's Attorney, Roger Monaco, has reviewed the policies as templated by Mang insurance for the Town of Smithville and has

MINUTES OF THE SMITHVILLE TOWN BOARD

May 19, 2008

recommended these be adopted by resolution. Board members also reviewed the 2 policies and recommended they be adopted per requirement from Selective Insurance. The following resolution was brought forth:

**RESOLUTION # 19 (2008): ADOPT WORKPLACE HARASSMENT AND COMPLAINT POLICIES**

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

ADOPTED AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to adopt the Workplace Harassment Policy and the Complaint Policy to comply with Selective Insurance's requirement to the Town of Smithville. Such polices are to be given to each employee along with the Code of Ethics.

**NB2: Bicentennial Resolution**

Members of the Bicentennial Committee have proposed and drafted a Resolution asking for Town Board support for the Bicentennial celebration and efforts. Board members reviewed the Resolution and approved it in the following resolution:

**RESOLUTION # 20 (2008): SMITHVILLE BICENTENNIAL RESOLUTION**

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

ADOPTED AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

**WHEREAS, in the year 1808, a rectangular parcel known now as the Town of Smithville was set apart from the Town of Greene, and**

**WHEREAS, two hundred years have passed since that event, and**

**WHEREAS, the Town Historian and the Smithville Historical Society have joined together to commemorate the anniversary of Smithville's founding, and**

**WHEREAS, the Town acknowledges the value of remembering its history, be it therefore**

**RESOLVED, that the Town of Smithville declares the year 2008 as Smithville Bicentennial Year, and be it further**

**RESOLVED, that the Town of Smithville recognizes, supports, and encourages the Smithville Bicentennial Committee's leadership in celebration of the event.**

MINUTES OF THE SMITHVILLE TOWN BOARD  
May 19, 2008

**Old Business:**

**OB1: Eagle Scout project update**

Jacob Owens has started on the Bicentennial monument. He has made arrangements for the hole to be dug and the base work cement has been poured. Weather and equipment problems have prevented the chosen stone to be taken to the stone cutter. The modification to his original project has been approved by the Eagle Committee but the Committee would like to meet with him this week to ask additional questions.

**OB2: Smithville Day update**

Tim Hanna approached the Board and asked if the Town would be willing to support and co-sponsor the 5K race during Smithville Day this year. This has been done in years past and is needed for insurance purposes. This was moved to resolution.

**RESOLUTION # 21 (2008): SUPPORT AND CO-SPONSOR 5K RACE**

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

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED that the Town of Smithville will support and co-sponsor the 5K race this year during Smithville Day, June 14<sup>th</sup>.

**MINUTES**

The Board reviewed the minutes of the April 21<sup>st</sup> meeting. Planning Board chair Tim Hanna asked that the statement on p.7 "A Public Hearing was held." be removed from the minutes as there was no Public Hearing on the water system. Town Clerk Owens had also checked minutes in the Archives and had concurred. A motion was made by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr, to approve the minutes with the modification to p.7. All 5 Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**REPORTS**

**R1: Planning Board**—verbal report by Chair Tim Hanna. The Planning Board is still working on the Comprehensive Plan and making good progress. The Planning Board members are taking the minutes as there is no clerk.

**R2: Assessor**—no report

**R3: Enforcement Officer**—written report submitted

**R4: Justice**—written report submitted. NYS has given Justice Courts use of a computer on which to put vendor program for submitting reports to the State. A credit card machine will also be made available for those wishing to use credit cards as payment. A dedicated (telephone) line should be provided by the Town. The computer should be used for Court

MINUTES OF THE SMITHVILLE TOWN BOARD

May 19, 2008

usage only but the Justices are in the process of finding out from the State if the computer can be used for other Town business. The Justices also asked for Board consideration of a Court Clerk position for the Town. Many other Towns have them. Supervisor Johnson will talk with other Town and Justices to see how they are handling the computer and Clerk situations.

**R5: DCO**—report submitted.

**R6: Attorney**—report submitted

**R7: Mitigation**—Norwich has been contacted. All mitigation plans are being reviewed at the Federal level.

**R8: Community Center**—no written report. Town Clerk Owens asked if a Community Center key could be made available to groups/individuals the day before or day of the rental so they could let themselves in and then drop the key in the drop box after they lock the door. Board members were uncomfortable with the idea.

The Community Center and Park are being rented to groups/individuals outside the Community more than to those inside the Community. These groups are looking for an inexpensive way to rent a facility and not making any donations/contributions other than the \$30. facility use fee. Board members asked to review the rental fees and policy.

**R8: Playground**—Councilman Coletta has suggested the purchase of either a new or used 0 turn mower for easier mowing of the Community Park. A new one can be found at Lowe's for about \$2300.; other options were a used one with a 6' cut, purchasing one at state bid, or buying one at an auction. Highway Sup't Kinney will find out more information. Stuart Mohr will be mowing the back section this year and the Groundskeeper/Laborer the front part.

**R10: Town Clerk**—report submitted. The form Town Clerk Owens created for use by Town personnel/committee members to purchase products for the Town was approved.

**R11: Highway**—report submitted and reviewed. Additional discussion on the following:

4c) Dumpster for Smithville Day—approx. cost is \$200.

4d) Parking lot and walking track measurements were taken. Highway Sup't Kinney will obtain paving quotes for next meeting.

6aiii) Highway Sup't Kinney is looking at replacing the current loader with a used one or one found at auction.

8a) This year there will be more calcium than dust oil used on roads with lesser traffic.

The Norcore company will be doing some gas testing in the Town.

**R12: Supervisor**—report submitted and reviewed. A motion to accept the Supervisor's report was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Coletta. All 5 Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**GENERAL WARRANT**

MINUTES OF THE SMITHVILLE TOWN BOARD

May 19, 2008

General Warrant # 5, Vouchers # 76-95, in the amount of \$6902.28, 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 5 Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**HIGHWAY WARRANT**

Highway Warrant # 5, Vouchers # 70-89, in the amount of \$24,318.95, was submitted for payment. A motion to accept and pay these bills was made by Councilman Coletta, 2<sup>nd</sup> by Councilman Connelly. All 5 Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

**JRC WARRANT**

A JRC Warrant with 3 vouchers, in the amount of \$2652.10 was reviewed to be paid. A motion to accept and pay these vouchers # 1-3 was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne. All 5 Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

Supervisor Johnson also reviewed the JRC 2008 Commission Report. The report was made available to Board members.

**OTHER**

The Board also approved flowers to be sent in memoriam of Grayson Flanagan, former Supervisor for the Town of Smithville, who recently passed away.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 9pm. The next meeting is June 16<sup>th</sup>.

Alison B. Owens

Smithville Town Clerk