

MINUTES OF THE SMITHVILLE TOWN BOARD
October 20, 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
Councilpersons:
Kay Borne
Holly Mohr
Vince Coletta
Roger Connelly

ALSO: Bruce Kinney, Highway Sup't
Alison Owens, Town Clerk
Bob Whitmore, Genegantslet Fire Co. Chief
Chuck Schultes, Highway Worker
Kevin Schultes, Highway Worker

There were no additions or deletions to the agenda.

CORRESPONDENCE:

C1: CHIPS payment to the Town of Smithville \$57,570.00

C2: Unified Court System: acknowledgement of grant application; disposition notification by 10/31/08

C3: FOIL request from CSEA. This request asked for information on Town employees. The Supervisor and the Bookkeeper are working to provide as much information as possible.

C4: NYS Deferred Compensation Plan option to join. The Board showed no interest in pursuing this.

C5: Funding opportunities from the Office of Community Renewal: presentation October 30th Eaton Center.

C6: 2009 Brisben Fire District Budget. The 2009 Budget show an increase in the amount of tax to be raised from \$717.00 to \$778.00. This will translate into a \$.57 rate increase per thousand among those residents of Smithville living within the Brisben fire district.

C7: Notice of application for approval to **use Susquehanna River basin water for natural gas well development** has been applied for by Chesapeake Appalachia, LLC. The maximum daily consumptive use for the project is expected to be 20 millions gallons of water per day. Board members were concerned about the amount of water to be used and where it would come from directly. Since the correspondence also invited comments or inquiries, Board members asked that a **letter be drafted to the Director of Regulatory Program for the Susquehanna River Basin Commission formally objecting and/or expressing the concern over drawing the proposed amount of water from the water basin.** Supervisor Johnson will write the letter.

C8: Acknowledgement from Gov. Paterson's office of receipt of Resolution # 32 with regard to natural gas permit process.

C9: letter from Beverly Eaton re: **railings on Community Center.** Mrs. Eaton complimented the Town Board on the improvements made at the Community Center with respect to the railings and the Bicentennial Monument. Mrs. Eaton would like to see an additional set of railings for the front steps and offered to pay for the additional set up to \$640. (which was the cost of the 1st set of railings).

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Board members were pleased with Mrs. Eaton's offer and asked Supervisor Johnson to check into the current cost with Alron Corporation. The Historical Society should be notified of the interest in case of comment. Town Clerk Owens was asked to write a thank you letter to Mrs Eaton.

C10: Board of Elections letter requesting the chairperson of the Election Inspectors to report the election results to the Board of Elections. The Supervisor can also be used.

C11: DEC letter re: Whittling Swamp. The DEC is proposing to breach the dam at Balt Pond between Whittling and Collyer Rds. to return the land to its original state of wetlands. The water level in the dam was lowered earlier this year.

NEW BUSINESS

NB1: Resignation of Groundskeeper Wayne Eldred II

This was addressed at the Sept. 29th work session. Board members suggested the substitute groundskeeper would be interested in the position. Supervisor Johnson will contact the substitute, Ray Whitmore, and see if he is interested. If not, the Board asked for the position to be advertised in the Chenango American.

NB2: PUBLIC HEARING FOR SNOWMOBILE AND SEASONAL ROADS

While there was no confirmation the ads appeared in the Chenango American, the Board decided to go ahead with the Public Hearing for both the Snowmobile and Seasonal Roads.

The legal notice for Snowmobile Roads as advertised in the Chenango American was read by Town Clerk Owens. Supervisor Johnson declared the Public Hearing open. Councilman Coletta asked if all Snowmobile roads were plowed. Highway Sup't Kinney replied to the affirmative. There were no other questions. Supervisor Johnson declared the Public Hearing closed.

RESOLUTION # 42 (2008): APPROVE LIST OF SNOWMOBILE ROADS

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

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to approve the list of Snowmobile roads in the Town of Smithville as advertised for the period Nov. 1, 2008- April 1, 2009.

The legal notice for Seasonal Roads as advertised in the Chenango American was read by Town Clerk Owens. Supervisor Johnson declared the Public Hearing open. There were no comments. Supervisor Johnson declared the Public Hearing closed.

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RESOLUTION # 43 (2008): APPROVE LIST OF SEASONAL ROADS

On a motion by Councilwoman Mohr, 2nd by Councilman Connelly, the following resolution was:

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

RESOLVED to approve the list of Seasonal roads in the Town of Smithville as advertised for the period Nov. 1, 2008- April 1, 2009

OLD BUSINESS

OB1: LOCAL LAW # 1 2008

The proposed local law #1 2008 for the Town of Smithville intends to prevent damage/destruction of the surface, roadbed and ditching of Town roads by regulation to individuals or businesses engaged in commercial or private logging, timbering or related activities on roads when the projects involve the use of heavy equipment.

Board members had been asked to review the proposed local law to see if there were any changes they would like to see. There were no additions or deletions requested of the Board. Supervisor Johnson then asked for a motion to set a date for a Public Hearing and to advertise for it in the Chenango American. This was so moved by the following:

RESOLUTION # 44 (2008): ADVERTISE FOR PUBLIC HEARING FOR ROAD USE RESTRICTION, LOCAL LAW # 1 (2008)

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

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

RESOLVED to set Thursday November 6th at 6:30pm at the Smithville Community Center for a Public Hearing on Local Law # 1 (2008): Regulation of Logging and Mineral Extraction Activities involving the use of Heavy Equipment on Town Roads; and RESOLVED also to advertise the Public Hearing for 2 weeks in the Chenango American.

OB2: EAGLE SCOUT PROJECT

The Bicentennial Monument, the Eagle Scout project of Jacob Owens, has been completed. There have been many compliments on the monument.

MINUTES

The minutes of Sept. 15th were reviewed for approval. A motion was made by Councilman Coletta, 2nd by Councilman Connelly to approve the minutes of Sept. 15th.

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All five Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

REPORTS:

R1.) Planning Board: no written report but the Highway Sup't reported he had met with them for the Comprehensive Plan.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: report submitted. Building permits for David Curtis and Stan Emert signed; septic system applications for Dave Edwards, Alan Gumney, Andrew D'Agostino and James Hubbard; continued septic work with Brian and Bruce James. A county building report was also submitted.

R4.) Justice: the computer desk has arrived and will need assembly. No word yet on the grant application award for the Justice software

R5.) DCO: no report submitted

R6.) Attorney: report submitted

R7.) Mitigation: no report submitted

R8.) Community Center: a light bulb will need to be replaced in the post light outside. The Highway Sup't replace the light switch in the men's room

R9.) Playground: no report, and no additional information from the Bottle Committee

R10) Town Clerk: report submitted. Town Clerk (and Historian) Owens reported the Edward Loomis property on S. Tyner Rd. with its historic stone house has been sold to Nornew, a gas and pipeline company. The plans are not known concerning the property disposition. Highway Sup't Kinney said a "For Sale" sign was on the property today. Town Clerk/Historian Owens asked the Town write a letter to Nornew expressing concern about the future of the property. As Historian, she will be writing a similar letter. Board members approved the Supervisor to write a letter to Nornew.

R11) Highway: There was no written Highway report. Highway Sup't Kinney reported the following;

- a check should be received in November for CHIPS work
- the FEMA Collyer Rd. project will be between \$50-60,000. in return
- The summer account will be zeroed out at the end of the month; new equipment and personal services are OK
- A PESHHA inspection is nearly completed
- Trucks will be set up for winter
- 3 windows were replaced in the Gradall
- Hearing tests for employees this week

R12) Supervisor's Report: The Supervisor's report for the month of September was reviewed. A motion to approve the Supervisor's report was made by Councilman Coletta, 2nd by Councilwoman Mohr. All five Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

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WARRANTS, GENERAL

Warrant # 10, Vouchers # 159-174, in the amount of \$39,284.56, was submitted for payment. The vouchers for paving the parking lot (#173) and the walking track (#162) are included in this warrant. These vouchers were originally put under A1990.4, contingency, until the Board could officially designate the fund these would be paid from. Board members designated Vouchers 162 + 173 to Broome Bituminous to be paid from the Building fund at NBT. Grant money, when it comes in will reimburse the Building fund.

Voucher # 174 to Tim Simpson Construction was questioned because it was assumed the rock picking after paving the walking track was to have been done by volunteers. Highway Sup't Kinney explained that it was not put out to bid. Jim Stahl, who did the dirt work for the walking track did not have the equipment for rock picking, the Town Highway workers did not have time to do the rock picking by hand, and the project needed to be completed by Harvest Weekend Oct. 11th. Tim Simpson had the equipment stored across the street and did the work cheaply. Board members suggested Supervisor Johnson talk to the Bottle Committee about paying for the lawnmower and the rock picking.

Also, voucher # 167 to Tim Hanna, was reduced to \$135.00 for 9 meetings since there was no documentation of minutes for 10 Planning Board meetings (@\$15.00 per meeting).

A motion was made by Councilman Coletta, 2nd by Councilman Connelly to pay the October warrant. All five Board members: Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

WARRANTS, HIGHWAY

Warrant # 10, Vouchers # 153-169 in the amount of \$37,355.84, was submitted for payment. Tim Simpson Construction did the culvert pipe work on Hattie Clark Rd. Diesel Fuel costs are down.

A motion to pay the October Highway Warrant was made by Councilwoman Mohr, 2nd by Councilman Connelly. All five Board members Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

WARRANTS, JRC

There were 2 JRC bills:

- 1.) SPST for printed T-shirts for soccer program \$ 2132.00.
- 2.) Al & Sherry's Sport Shop: soccer balls and pinneys \$218.00.

A motion to pay the JRC Vouchers was made by Councilman Connelly, 2nd by Councilwoman Mohr. All five Boardmembers Borne, Mohr, Coletta, Connelly and Johnson were in favor, motion carried.

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2009 BUDGET

The 2009 tentative budget was reviewed by Board members. There were no additional changes. The Oxford fire contract is still good for 2009. A Public Hearing will need to be held for the Genegantslet Fire Co. Budget. Board members suggested Thurs. Nov. 6th and brought forth the following resolution.

RESOLUTION # 45 (2008): GENEGANSLET FIRE CO. BUDGET PUBLIC HEARING SET FOR NOV. 6TH AT 6PM.

On a motion by Councilman Coletta, 2nd by Councilwoman Mohr, the following Resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to establish the date of November 6, 2008 at 6PM as the dated and time for the Public Hearing on the Budget for the Genegantslet Fire Company; RESOLVED also that such Public Hearing will be advertised in the Chenango American for 2 weeks and RESOLVED also that said Public Hearing will be held at the Smithville Community Center. The amount of the Genegantslet Fire Co. Budget for 2009 to be raised by tax is: \$77,285.00.

Another Resolution was brought forth by Board members to accept the Tentative Budget as the Preliminary Budget and to call for a Public Hearing, also on Nov 6th, at 6:15PM.

RESOLUTION # 46 (2008): ACCEPT PRELIMINARY BUDGET AND SET PUBLIC HEARING FOR NOV. 6TH AT 6:15PM.

On a motion by Councilman Coletta, 2nd by Councilwoman Mohr, the following Resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to accept the Preliminary Budget for 2009 and RESOLVED also to advertise in the Chenango American 2 weeks for a Public Hearing on the Preliminary Budget for November 6th 2008 at 6:15PM. RESOLVED also to hold the Public Hearing at the Smithville Community Center.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 8:40PM.

Alison B. Owens
Smithville Town Clerk