

MINUTES OF THE SMITHVILLE TOWN BOARD

April 20, 2009

The regular meeting of the Smithville Town Board was called to order at 6PM Monday April 20, 2009 by Supervisor Allan Johnson.

PRESENT:

Supervisor Allan Johnson

BOARD MEMBERS:

Vince Coletta

Roger Connelly

Holly Mohr

Kay Borne

ALSO PRESENT:

Alison Owens, Town Clerk

Bruce Kinney, Hwy Sup't (arrived late)

Loren Johnson, Soil & Water Conservation

Tim Hanna, PB Chair

about 12 interested Community members

Sensing some community members were present to further discuss proposed Local Law # 1 2009, Supervisor Johnson verbally assured the Public no action would be taken that evening on said proposed Local Law. Communication (C7) had been received from the NYSDEC asking the Town to defer adoption of the proposed local law until at least May 22, 2009 to allow the "Commissioner" time to respond to the proposed local law.

The agenda was modified to allow NB1 to be placed first.

NB1: CINCINNATUS LAKE PRESENTATION

Lauren Johnson of the Chenango County Soil and Water District [CCSWD], Norwich NY was recognized and gave a brief synopsis of the creation of the Cincinnatus Lake Watershed District and the Cincinnatus Lake Association. An Operations and Maintenance Agreement was originally signed in 196/67. Mr. Johnson inspects and makes reports of the Cincinnatus dam. Since 1982, the Town, CCSWD and former property owner Pete English had made a cooperative agreement to maintain the dam. Pete no longer owns the property and is not able to maintain mowing, etc. The responsibility to maintain the dam would now fall under the old structure of 1966-67 agreement which gave fiscal responsibility to the Cincinnatus Lake Association. Several land owners present indicated there was no longer any "Association". Robert Beach was the individual who obtained all of the easements for the Lake Association and Roger Hatfield is now the new owner of the Cincinnatus dam property.

Loren Johnson indicated 2 important measures under the Agreement:

- 1.) The Smithville Highway Dept. is supposed to maintain the property.
- 2.) Costs incurred as a result of maintenance of the dam are to be repaid by the [Lake] Association.

There are remnants of a Lake Association, and it needs to be rekindled to take care of fiscal responsibilities of the dam.

Lyle Tredo, property owner: when the dam repair was done by the CCSWC in the 1980's, no charges were ever presented to be paid.

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Lauren Johnson: They were probably done by USDA monies because those were available at the time. Today it is important the dam be maintained.

Roger Hatfield, owner of the dam property: I am willing to step forward and take care of the simple stuff, but not the more complex stuff.

Lauren Johnson: To volunteer is nice, but the infrastructure and responsibility needs to be addressed (legally). A funding stream needs to be in place to take care of the repairs. Hopefully an Association could be regenerated to take care of this.

Lyle Tredo: No one wants to establish an Association. No one wants to pay fees.

Councilman Coletta: the value of property on the lake is already assessed at a higher rate.

Roger Hatfield: the people around the lake need to decide how to handle the costs of maintaining the dam.

Lauren Johnson: We will hire the people, and make sure the repairs are done to code.

Sue Carlin, member of the Cincinnatus Lake Association: will take the information back to the supposed "Cincinnatus Lake Association (Board)". Please clarify the difference between the Cincinnatus Lake Watershed and the Cincinnatus Lake Association.

Councilman Coletta: Even with the agreement or what's left of it, the Town should put a Budget line in the budget to take care of any repairs to the dam.

Lauren Johnson: The dam needs to be maintained no matter who does it; it needs to be safe and taken care of. It is the only lake in the State where the responsibility is the Association. In other situations the land under the dam is owned by the County or other government entity.

Sue Carlin: The Association will try to meet and establish some decisions.

Lauren Johnson and Roger Hatfield will meet to discuss a cooperative agreement on maintaining the property.

NB2: MANG INSURANCE: Counter signature request

Supervisor Johnson referred to an email from Mang Insurance indicating the Town's insurance underwriter has questioned the lack of measures requiring counter signatures of checks for amounts higher than \$500. The counter signatures may be required to deter fraudulent activity. Other Towns use the Town Clerk or someone who is covered under the Crime Policy. Board members suggested the Bookkeeper as she writes the checks and has been empowered to transfer CD monies. Supervisor Johnson will check to see if Bookkeeper Virginia Smith can be added to the Crime Policy and to be a counter signer. Deputy Supervisor Roger Connelly should also be added to the Crime Policy as he may be needed to sign checks in the absence of the Supervisor. Supervisor Johnson will check with Mang Insurance. It was also suggested to raise the limit for counter signatures to \$1000.

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NB3: GAS RIGHTS MAPS

Town of Smithville resident Carol Omalyev approached the Board with maps of Smithville and Oxford and showed, with overlays, how many property owners had signed lease agreements with gas companies.

OB1: LOCAL LAW # 1 2009

Supervisor Johnson advised Board members the initial thought of the Road Preservation Local Law was to protect the Town roads from damage by gas trucks, logging trucks, etc. Two proposed local laws, then public hearings, and a letter from the DEC have finally caused enough resistance to the idea that this kind of local law will probably have to be put on hold. The DEC letter requested the Board wait until May 22, 2009 to make a decision.

Carol Omalyev suggested the Board consider a “heavy industry” local law. She had an example from the Town of Hamden NY which the Board will consider. The Board may also consider a previous local law from the Town of Campbell for a “Timber Harvesting”.

CORRESPONDENCE: The following items of Correspondence were received and reviewed.

C1: letter from Thomas Gerow, Wagner Lumber Co. re: Local Law # 1 2009

C2: letter from Art DeJager re: Local Law # 1 2009

C3: letter from Teamsters Local Union # 693 re: membership

C4: response to C3 from Supervisor Allan Johnson

C5: letter from Laberge Group re: Stimulus Grants/Funding

C6: letter from Cotton-Hanlon re: Local Law # 1 2009

C7: letter from DEC re: Local Law # 1 2009

C8: letter from “The Place” re: available youth program opportunity

OTHER: SMITHVILLE DAY REQUESTS

Tim Hanna, Chair for the Smithville Day 5K race, approached the Board and asked if the Town would co-sponsor the 5K race with the Genegantslet Fire Dept., and if the Town would give permission for the event to include Water St. in the hamlet (as it has in past years). Both of these requests are done yearly. The Town Board gave formal authorization in the following resolution:

RESOLUTION # 11 (2009): PERMISSION TO USE WATER ST. AND TO CO-SPONSOR THE 5K RACE

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

ADOPTED

AYE: Coletta, Connelly, Mohr, Borne, Johnson

NAYES: 0

WHEREAS Smithville Day has been set for June 13, 2009 and WHEREAS the annual 5K race is set to run that day and WHEREAS the Town has co-sponsored the 5K run in past years with the Genegantslet Fire Dept, and WHEREAS the Town has previously allowed usage of Water St. for the 5K, BE IT THEREFORE RESOLVED the Town of Smithville co-sponsor the 2009 5K event with the Genegantslet Fire Co. and allow the race course to include Water St.

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R7.) Mitigation: no report

R8.) Community Center: no report.

R9.) Playground: no report. There will be a proposed Eagle Scout project to the Town Board next month, as well as a playground committee report.

R10) Town Clerk: report submitted. Eagle Scout Court of Honor for Jacob Owens will be Sat. May 9th @ 2PM. An invitation was reviewed by Boardmembers.

R11) Highway:

- OSHA mandatory training
- Salt Contract to be renewed.
- A better Sand contract is expected for this year.
- Roadside garbage report from the County: Some of the \$100.00 credit has been used for garbage pickup.
- NYSDEC fuel storage permits have expired. The paperwork will be completed shortly. Fees of approx. \$100.00 will come from A5132.4 and will need to be paid before the end of this week.

RESOLUTION # 14 (2009): PAY FOR DEC FUEL STORAGE PERMITS

On a motion by Councilman Coletta, 2nd by Councilman Connelly, the following resolution was

ADOPTED

AYES: Coletta, Connelly, Mohr, Borne and Johnson

NAYES: 0

RESOLVED to pay the DEC for fuel storage permits, amount to be determined by weeks end.

- The Smithville Day Committee requested the use of McBirney Rd. for use in parade formation on June 13th (Smithville Day).
- Camp Pharsalia has closed this year. Need help or suggestions for taking care of cemeteries this summer season.
- The Palmyra auction is coming up May 9th.
- The guardrail at the Community Center will be put back in at the end of the driveway this weekend.

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

GENERAL WARRANT: General Warrant # 4, Vouchers # 54-69 totaling \$21,703.67, was presented for payment. Voucher # 54 to Mang Insurance for \$18211.65 was approved for payment at the March 16, 2009 meeting but was put on this month's warrant. A motion to approve and pay these bills was made by Councilman Coletta, 2nd by Councilman Connelly. All five Board members: Coletta, Connelly, Mohr, Borne and Johnson were in favor, motion carried.

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HIGHWAY WARRANT: Highway Warrant # 4, vouchers #53-68, totaling \$6228.47 was submitted for payment. A motion to approve and pay these bills was made by Councilman Coletta, 2nd by Councilman Connelly. All five Board members: Coletta, Connelly, Mohr, Borne and Johnson were in favor, motion carried.

JRC WARRANT: One voucher for the JRC was presented for payment. This payment was to reimburse Supervisor Johnson for postage costs totaling \$66.30. A motion to approve and pay this bill was made by Councilman Coletta, 2nd by Councilman Connelly. All five Board members: Coletta, Connelly, Mohr, Borne and Johnson were in favor, motion carried.

The JRC budget for 2009 was reviewed by the Town Board.

There was no other business to come before the Board. The next meeting will be May 18, 2009. Supervisor Johnson declared the meeting adjourned.

Alison B. Owens

Smithville Town Clerk