

MINUTES OF THE SMITHVILLE TOWN BOARD
MARCH 16, 2009

The regular meeting of the Smithville Town Board was called to order at 6:02pm Monday March 16, 2009 by Supervisor Allan Johnson.

PRESENT:

Supervisor Alan Johnson

BOARD MEMBERS:

Holly Mohr

Vince Coletta

Roger Connelly

ALSO PRESENT:

Alison Owens, Town Clerk

Bruce Kinney, Highway Sup't

David Craine, rep from Mang Insurance

3 interested Community persons

ABSENT: Board member Kay Borne

There were no additions/deletions to the proposed agenda. While discussion of items on the agenda took place at various times, the minutes of the meeting are written to reflect continuity.

CORRESPONDENCE: The following items of correspondence were noted.

C1: Interim Certificate for Assessor (after taking courses)

C2: Haefele TV: notice of cable rate increase

C3: excerpt of DEC letter re: logging letter (this was discussed under OB1)

C4: list of Town properties to be foreclosed on Apr. 10, 2009

NEW BUSINESS:

NB1: Mirabito Insurance Agent David Craine was introduced and approached the Board. The Town's insurance policy is up for renewal. Mr. Craine made available to Board members the proposed 2009/2010 Commercial Insurance Summary, and reviewed the summary with them. Options for the Board to consider were: 1.) Flood insurance for the 3 insured buildings, 2.) crime insurance for the 2 Deputy Clerks at \$100,000 ea. for an additional \$311. per year and 3.) an equipment floater to amend equipment values to replacement cost of 10 years or newer. Highway Sup't Kinney said option # 3 was not necessary due to the age of the equipment. Board members decided against additional coverage for the Deputy Clerks and Flood Insurance.

The total cost of the new policy will be \$18,211.65. This will be added to the April warrant [payment authorized later in meeting]. A copy of the summary is included in the Archival minute book.

NB2: Supervisor Johnson introduced a copy of a Local Law the Town of Guilford is considering. He indicated at the last County meeting, representatives from the Farm Bureau were present and were asking Towns to consider instituting a "Right To Farm" Local Law. This is meant to officially promote farming and to indicate to outside sources that this is an agricultural community. The Town of Afton is also considering this. Smithville Town Board members will review the Local Law.

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OLD BUSINESS

OB1: LOCAL LAW # 1 2009 Local Road Preservation Law

Supervisor Johnson asked Board members if there were any more suggestions or additions to be made to Local Law # 1 2009 before voting on it. The suggestion at last month's meeting was to have the signatures of both the contractor and the property owner on the application. Correspondence item C3, an excerpt from a NYSDEC Division of Lands and Forests to the Town of Campbell, addresses the State Highway law which could be used to protect Town roads . Attorney Monaco gave opinion that NYS law is not a 100% overlap, but a local law can still be instituted to provide possible security.

Board members asked about the procedure if there is road damage, how much the bond would be, how the local law would be enforced, and if there could be a yearly blanket fee to cover a firm wanting to do several jobs in the area. Highway Sup't Kinney also had several unanswered questions from a previous 2008 Town Highway Sup't report identifying problems the proposed local law does not address.

Highway Sup't Kinney said he has heard the process for making claims through the DEC has been very difficult when there has been damage to a Municipal road. That is why other Towns are going to a Local Law. With the Local Law in place, the Contractor pays up front and that money can be used to repair the road.

Supervisor Johnson recommended the bond be \$5,000. or \$10,000.; the amount of the bond could be changed for a particular case by the Town Board, based on the variance clause. No decision on an amount has been made and is not stated in the current Local Law # 1. The Local Law could possibly be enforced through the Town Justice Court.

RESOLUTION # 9 (2009): ADOPT LOCAL LAW # 1 Local Road Preservation

On a motion by Councilman Coletta, 2nd by Councilwoman Mohr, the following resolution was moved to adoption but failed for lack of vote.]

Supervisor Johnson invited the Public to comment.

Tim Tuttle, Forester for AD Bowman: Expressed concern that logging truckers were being picked on while other truckers working with stone, gravel, milking, gas rights, etc. are also doing damage to roads. This hurts the landowner and it is money out of the loggers pockets.

(Son) Tuttle: If a customer has a \$300-400. log load, and there is a \$5,000 bond, it isn't worth the effort to buy the logs.

Abe Lowe, Hammerle Rd., Smithville: Also said it wouldn't be worth it for the land owner. Enforcement will be a problem.

After some further discussion with regard to proper procedure, referendums, cost of application, etc. the following Resolution was brought forth.

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**RESOLUTION # 10 (2009): TABLE FURTHER DISCUSSION OF LOCAL LAW
1 (2009) UNTIL APRIL 20, 2009 MEETING**

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

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

RESOLVED to table further discussion and/or action on Local Law # 1 (2009) until the April 20, 2009 Town Board meeting.

Councilman Coletta leaves at 7:10PM

MINUTES: The minutes of the February 16th meeting were reviewed. A motion to accept these minutes was made by Councilwoman Mohr, 2nd by Councilman Connelly. All three Board members: Mohr, Connelly, Johnson in favor, motion carried. Councilwoman Borne and Councilman Coletta absent.

REPORTS:

PLANNING BOARD: no written report. Town Clerk Owens reported verbally they were working on a "Schedule of Fees" as requested.

ASSESSOR: no written report. He has completed the necessary Assessor training and an interim certificate has been issued. There is new information that the tentative equalization rate for the Town of Smithville may be revised downward.

ENFORCEMENT OFFICER: only the County building report was available

DCO: report submitted

ATTORNEY: report submitted to Supervisor Johnson.

MITIGATION: no report

COMMUNITY CENTER: no report

PLAYGROUND: no report

TOWN CLERK: verbal report given

HIGHWAY: report submitted. Additional comments included:

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- * OSHA training in April
- * A lot of sand has been used this winter
- * Stricter implementation of the “prevailing wage” for outside contractors will be enforced, meaning any contract work the Town of Smithville enters into will have to have a certified payroll for the prevailing wage. There are certain exemptions.

SUPERVISOR’S REPORT: submitted. A motion to accept the Supervisor’s report was made by Councilwoman Mohr, 2nd by Councilman Connelly. All three Board members: Mohr, Connelly, Johnson in favor, motion carried. Councilwoman Borne and Councilman Coletta absent.

HIGHWAY WARRANT:

Highway Warrant # 3, Vouchers # 38-52, in the amount of \$8965.56 were submitted for payment. A motion to pay these claims was made by Councilman Connelly, 2nd by Councilwoman Mohr. All three Board members: Mohr, Connelly, Johnson in favor, motion carried. Councilwoman Borne and Councilman Coletta absent.

GENERAL WARRANT:

General Warrant # 3, vouchers # 38-53, in the amount of \$4385.01 were submitted for payment. A motion to pay these claims was made by Councilwoman Mohr, 2nd by Councilman Connelly, All three Board members: Mohr, Connelly, Johnson in favor, motion carried. Councilwoman Borne and Councilman Coletta absent.

NO JRC WARRANT

MANG INSURANCE CLAIM:

The Mang Insurance voucher, to be # 54, in the amount of \$18,211.65 was approved for payment in a motion by Councilwoman Mohr, 2nd by Councilman Connelly. All three Board members: Mohr, Connelly, Johnson in favor, motion carried. Councilwoman Borne and Councilman Coletta absent. This will be paid tonight but added to the April Warrant.

There was no other business to come before the Board. The next meeting will be April 20th. Supervisor Johnson declared the meeting adjourned at 8:05PM.

Alison B. Owens

Smithville Town Clerk