The regular meeting of the Smithville Town Board was called to order at 6:00pm by Supervisor Allan Johnson.

Present were the following: Supervisor Allan Johnson

Board members: Town Clerk Alison Owens
Holly Mohr Highway Sup't Bruce Kinney
Charles Schultes Town Justice Bruce Braman
Elizabeth Vanderweyde, Enforcement Office Neal Root

Roger Connelly Scott Ives, Representative from Norse Energy

About 30 Townspeople

ADDITIONS/DELETIONS: The 2011 Tentative Budget will be discussed after the regular meeting.

PUBLIC HEARING: "A LOCAL LAW FOR FLOOD DAMAGE PREVENTION"

Supervisor Johnson asked for the Legal ad to be read by Town Clerk Alison Owens, after which he declared the Public Hearing open.

Richard Crow: asked for a summarization of the Local Law

<u>Supervisor Johnson</u>: this is to establish procedure for those interested in building in a flood zone; there is a new set of Flood Plain maps which indicate some properties not in a flood zone previously are now located in the flood zone. This law is a "must pass" law authorized by the NYS Constitution, Article IX, Section 2 and the Environmental Conservation Law, Article 36. It will allow someone to purchase flood insurance; if this Local Law is not passed, a resident owner may not be able to purchase the insurance.

<u>Neal Root</u>: Does not wish to challenge the law but wishes to emphasize that anyone in the flood zone who wishes to build would need to have a special licensing procedure done through Chenango County.

<u>Supervisor Johnson</u>: There is a \$25.00 fee which may be incurred if the administration of the enforcement of the local law at the County level is needed. A special agreement with the County will be signed by each Town using that County administration.

Howard Barker: Is this a 100 yr. flood map?

Supervisor Johnson: yes, with fluctuations of "zones".

There were no other comments. A motion was made by Councilwoman Vanderweyde, 2nd by Councilman Connelly to close the Public Hearing.

CORRESPONDENCE: The following items of Correspondence were noted:

C1: NYS ACH payment (Justice Funds) of \$7,470.00

Supervisor Johnson indicated this is an unusual amount of money electronically transferred to the Town account. Supervisor Johnson is trying to find out what this money is for.

C2: CHIPS EFT payment of \$37,300.00

C3: NYSEG: new electric rates, changes to streetlight tariff.

C4: NYS Compensation Board re: Martin Nowalk

C5: Larkin Law Office: Greene Fire Protection Agreement for 2011. A Public Hearing will need to be set up.

C6: NYSDEC/Albany: copy of proposed Local Law for Flood Prevention received

C7: Brisben Fire District: Notice of Public Hearing & 2011 Budget received

NEW BUSINESS

NB1: Advertise for Public Hearing for 2011 Preliminary Budget for Nov. 4, 2010

RESOLUTION # 28 (2010): CALL FOR PUBLIC HEARING FOR THE 2011 PRELIMINARY BUDGET NOV. 4TH

On a motion by Councilman Connelly, 2nd by Councilwoman Vanderweyde the following Resolution was:

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to call for a Public Hearing on the Town of Smithville 2011 Preliminary Budget for Nov. 4th at 6:30pm, and to advertise for such in the Chenango American for 1 week.

NB2: **Scott Ives, a representative of Norse Energy,** a natural gas exploration company, was recognized. The company's intent is to reach out to communities for questions about energy concerns. Mr. Ives asked the Town Board and those in attendance if there were questions he, as a representative of the company, could answer. Questions were directed to Mr. Ives about property owners who had already signed leases, flood map impact on drilling, pitless drilling, flowback, hydraulic fracturing, Norse Energy's future intentions, NYS moratorium, drilling specifics, waste water, shale vs. sandstone, etc. Those speaking were Supervisor Johnson, Councilwoman Mohr, Richard Crow, Doug Garnar, Bill Kenyon, Dennis Smith, Dean Genter and Howard Barker.

NB3: **Shepherd's Fold group to address Town Board**: Pastor Colin Gibson was recognized. The group formerly known as the Shepherd's Fold has been disbanded. Pastor Gibson is a Pastor from NYC who owns property on Smith-Kinsman Rd, and who, with some of the original members of the Shepherd's Fold group is asking permission to start a Bible Study for the Community. Gil Bernier, also of Smith-Kinsman Rd. was recognized and said the group is not organized and is not looking to start a church but would like to use the Community Center for prayer and study. The previous relationship with the Town was positive and would like that to continue. A verbal request had been placed before the Board a couple of weeks ago and was denied.

Supervisor Johnson confirmed the verbal request had come through to him and that he had called Board members to poll their decision. The majority of the Board members said no, they did not want to provide rental at this time. Supervisor Johnson indicated the Board could reconsider the request at a later time.

The following persons asked to be recognized and their questions answered:

<u>Mindy Eldred</u>: The previous group did use the building before and did make considerable contributions to the building. Is there a policy against religion?

Marie Kehl: Precedence has taken place. Perhaps the request should be changed to a Social Hour?

Diane Merrill: A private study by Diane Brower has taken place here.

<u>Dennis Smith</u>: Community Center usage: will someone be turned down if they don't like this?

Don Conklin: Why did the Board members vote no?

Supervisor Johnson: More than 1 Board member cited issues such as doors unlocked, lights left on.

<u>Lynne Conklin</u>: The purpose of the Janitor is to make sure the building is left in good condition. The Grange had received a letter saying we didn't clean up after the Children's Christmas party.

Marie Kehl: Requested the Board be polled now to find out how they voted.

<u>Bruce Kinney</u>: This group should be allowed to meet in the Community Center.

Councilman Schultes: Can they go to [the Town of] German?

October 18, 2010

<u>Councilwoman Mohr</u>: My vote was no, because several times the building was left unlocked, the lights and fans on, and the heat not turned down.

Councilwoman Vanderweyde: I voted no for the same reasons.

Councilman Connelly: This is not a religious issue.

<u>Pastor Colin Gibson</u>: Apologized sincerely and will take the responsibility. He asked if they could have the building on a week to week basis as a trial to see if things would improve.

<u>Supervisor Johnson</u> asked Board members if they would agree to a trial to see if that would work? Board members were OK with the following restrictions: the rental fee would be \$30. per week with a onetime deposit of \$45.00, and rental on a month to month basis.

NB4: advertise for Public Hearing for Greene Fire District

RESOLUTION # 29 (2010): CALL FOR PUBLIC HEARING FOR THE GREENE FIRE PROTECTION DISTRICT NOV. 4TH

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

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to call for a Public Hearing on the Greene Fire Protection District for Nov. 4th at 6:00pm, and to advertise for such in the Chenango American for 1 week.

NB5: advertise for Public Hearing for Genegantslet Fire District 6:15pm

RESOLUTION # 30 (2010): CALL FOR PUBLIC HEARING FOR THE GENEGANTSLET FIRE PROTECTION DISTRICT NOV. $\mathbf{4}^{\text{TH}}$

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

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to call for a Public Hearing on the Genegantslet Fire Protection District for Nov. 4th at 6:15pm, and to advertise for such in the Chenango American for 1 week.

OLD BUSINESS (updates since last meeting)

OB1: Local Law for Flood Damage Prevention: a Resolution to adopt this as Local Law # 1 2010 was brought forth.

RESOLUTION #31 (2010): ADOPT LOCAL LAW FOR FLOOD DAMAGE PREVENTION

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

ADOPTED ROLL CALL VOTE: Schultes, aye; Mohr, Aye; Vanderweyde, Aye; Connelly, Aye:

Johnson, Aye NAYES: 0

RESOLVED to adopt the Proposed Local Law for Flood Damage Prevention as Local Law # 1 (2010) for the Town of Smithville. The vote for this Resolution was taken by Roll Call Vote, with each Board member in affirmation.

OB2: Adopt new Flood Maps.

RESOLUTION # 32 (2010): ADOPT NEW FLOOD MAPS FOR FLOOD DAMAGE PREVENTION

On a motion by Councilwoman Mohr, 2nd by Councilman Schultes, the following question was discussed before the Resolution was voted upon. Does the Army Corp of Engineers sign or review these maps? The answer was unknown. Enforcement Officer Neal Root indicated he had reviewed both the old 1977 maps and the new 2009 maps. There were a few differences which affected about 30 people in the Town of Smithville; no new streams were added. The Resolution was:

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to adopt the new 2009 FEMA Flood Zone Maps, replacing the previous 1977 version maps.

OB3: New County Code Enforcement agreement for Flood Damage Prevention Local Law: This is an Intermunicipal Floodplain Management Agreement with Chenango County to designate the Chenango County Health Dept. Division of Code Enforcement as its Local administrator under the newly adopted Town Local Law (#1 2010) for Flood Damage Protection. The agreement provides for the County Code Enforcement Office to work with those Town of Smithville residents who are building/want to build in the Flood Zone and whose building location has been designated as such by a Town Official i.e. Town Enforcement Officer. The following Resolution was brought forth

RESOLUTION # 33 (2010): ADOPT INTERMUNICIPAL FLOODPLAIN MANAGEMENT AGREEMENT WITH CHENANGO COUNTY

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

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to adopt the Intermunicipal Floodplain Management Agreement with Chenango County to designate the Chenango County Health Dept. Division of Code Enforcement as its Local administrator.

OB4: **Dog Licensing for 2011**: A proposed local law was distributed to Board members. Some questions were asked but it was decided to table any discussion until next month's meeting.

OB5: Resident Louis Merlino was recognized and requested status on his 2 concerns noted at last month's meeting. 1.) Supervisor Johnson had spoken with Haefele TV who had said they might consider expanding service but would have to look for 10 committed customers per mile. Other cable/satellite companies can come in to the Town to provide service. Mr. Merlino reiterated no other companies according to Time-Warner can come into the Town because of the Town's contract with Haefele TV.

Merlino: what about Buckley Hollow and the loggers who are ruining the road?

Kinney: found out where the logs were coming but couldn't do anything to stop the loggers. There are no weigh limits on Town of Smithville roads. Was going to spend \$, but it isn't worth it until the loggers leave.

Dennis Smith: works for Haefle TV; this is not the Towns problem. He will help Mr. Merlino.

MINUTES: The minutes of the Sept. 20th meeting were reviewed. A motion to accept the minutes of the Sept. 20th meeting was made by Councilwoman Vanderweyde, 2nd by Councilwoman Mohr. All 5 Board members were in favor, motion passed

REPORTS

- R1.) Planning Board: no report
- R2.) Assessor: no report. The Customer Service Rep. from NYSORPS would like to address the Board at next month's meeting.
 - R3.) Enforcement Officer: report received. County Building Permit report: received
- R4.) Justice: Councilwomen Vanderweyde and Mohr are working on an audit of the Justice records. The Justices would like to request air conditioning and a desk from the JCAP grant. Board members asked where the Justices would put a desk and why was there a need for air-conditioning. The current Justice desk is in an open, unsecure office area and does not have drawers. The rolling cart which houses the Justice computer in a more secure location is not large enough for a work space and the computer. The desk would replace the rolling cart in its current location. Board members felt the desk would be a good idea to apply for but were reluctant to apply for an air conditioner due to the cost of running it in the Court room. The following Resolution was brought forth:

RESOLUTION # 34 (2010): APPROVE JCAP GRANT REQUEST FOR DESK FOR JUSTICES

On a motion by Councilman Connelly, 2nd by Councilwoman Vanderweyde, the following RESOLUTION was:

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to approve the JCAP Grant request for a desk for the Justices.

- R5.) DCO: Supervisor Johnson cannot get in touch with German DCO to find out if she is interested in the position. Additional information was given on ways to reach her. Supervisor Johnson will continue trying.
 - R6.) Attorney: report submitted
 - R7.) Smithville Day Committee: no more reports
- R8.) Community Center: no railings yet. The back door of the Clerk's office was looked at by Groundskeeper Keith Sabin. The door appeared to be warped. Councilman Connelly will consult with the Groundskeeper to see if a new door is needed or if it can be fixed. Board members decided to authorize approval of purchase of new door pending consultation with Connelly, rather than wait until next month.

RESOLUTION # 35 (2010): APPROVE PURCHASE OF NEW BACK DOOR PENDING CONSULTATION

On a motion by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde, the following RESOLUTION was:

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

October 18, 2010

RESOLVED to approve the purchase of a new back door in the \$700.-800. dollar amount for the Clerk's office pending consultation with Councilman Connelly.

R9.) Playground Committee: no report

R10) Town Clerk: report submitted. She will need to purchase dog tags for the coming year. There are several options from different vendors. Town Clerk Owens will probably choose a laminated tag on card stock which will be easier to mail. One vendor, Ketchum Mfg. Co., Inc. is selling these kind of tags for \$130. for 500. Board members gave authorization to purchase tags in the following Resolution:

RESOLUTION # 36 (2010): APPROVE PURCHASE DOG TAGS FOR 2011

On a motion by Councilman Schultes, 2nd by Councilwoman Vanderweyde, the following RESOLUTION was:

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to allow Town Clerk Owens to make decision on supplier and to purchase dog tags for 2011, to be paid for from A8820.4.

R11) Highway: report submitted. Items discussed were:

4c: NYSEG wants to use lot across from TB, the electric, set temporary buildings and trailer for Construction office, will pay rent Oct.-Jan. They will be setting poles and putting up wire.

4d. Coventry still wants to buy the parts Gradall. Board members discussed this and decided to advertise by word of mouth the used Gradall and the parts machine together for \$25,000.

7c. Seasonal and Snowmobile Roads Nov. 4th. Will need Resolution to advertise in the Chenango American. The following Resolution was brought forth:

RESOLUTION # 37 (2010): CALL FOR PUBLIC HEARING FOR THE SNOWMOBILE AND SEASONAL ROADS NOV. $\mathbf{4}^{\mathsf{TH}}$

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

ADOPTED AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to call for a Public Hearing on the Town of Smithville Snowmobile Roads for Nov. 4^{th} at 6:45pm, the Town of Smithville Seasonal Roads for Nov. 4^{th} at 6:50pm, and to advertise for such in the Chenango American for 1 week.

8d. A new furnace is needed for the Town Barn.

8e. a 16' addition to the Town Barn on back to get in the Town trucks w/plows attached would cover up the current septic system. There is no cold storage; the Highway Sup't would rather have larger storage facility for the trucks. The building is 40 years old. Different options were discussed but no conclusions were reached.

8f. There is a possible rental at old Urda farm, now owned by Steve Forgacs for tractor and other small equipment.

8a. The Town Highway is currently working on Enggaard Rd. It will be topped in the spring.

R12) Supervisor's Report: submitted and reviewed. A motion was made by Councilwoman Mohr, 2nd by Councilman Schultes to accept the Supervisor's report. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

WARRANTS

General Warrant # 11, Vouchers # 146-157, in the amount of \$3603.10 was submitted for payment. Vouchers #155 & 157 brings the amount over budget for that line item. Voucher #148 will come out of the Consultant account. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to accept and pay these claims. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

Highway Warrant # 11, Voucher #142 (from last month) and # 143-161 in the amount of \$52,268.41 was submitted for payment. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to accept and pay these claims, amending # 142 in case there is a late fee. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

JRC: There was 1 voucher for printed shirts \$1959.70 to McMahon Assoc. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to accept and pay this claim. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

There was no other business to come before the Board. A Budget work session began and lasted until Supervisor Johnson declared the meeting adjourned at 11:12pm.

Alison B. Owens

Smithville Town Clerk