

Minutes of the Smithville Town Board
May 16, 2011

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:
Liz Vanderweyde
Chuck Schultes
Holly Mohr
Roger Connelly

Also:
Bruce Kinney, Hwy Sup't
Alison Owens, Town Clerk
Bob Whitmore, Genegantslet Fire Chief
Jeff & Susan Dorsey, Winner Rd. residents
Thomas Bottle, Playground Committee

ADDITIONS: Add OB4: legal ad for Playground Septic system bids; NB2 Jeff and Susan Dorsey concern

FUEL BIDS: There were 2 sealed Fuel Bids presented to the Town Board. Town Clerk Owens read the legal ad as posted in the Chenango American. Supervisor Johnson opened and read the bids. A synopsis of the bids appears in OB1. Non-Collusive certificates were provided.

CORRESPONDENCE

C1: NYSDEC: Memorandum of Understanding pertaining to certain categories of work in state protected waters and wetlands. The DEC would like the Town to sign the enclosed document to ensure that too much dirt is not removed in areas surrounding protected waterways. Hwy Sup't Kinney will check his records to see what was signed previously. This will be a topic for Old Business at the next meeting.

C2: Chenango County Attorney Rich Breslin has written a letter to all Town Supervisors with respect to Open Meetings, Executive Sessions and the Freedom of Information Law (FOIL).

NEW BUSINESS

NB1: consider participation in the no-cost NYS Deferred Compensation Plan. The Town Board would like more information on the program. Supervisor Johnson will fill out and send in the application.

NB2: Winner Rd. residents Jeff and Susan Dorsey expressed their concern about a fence being constructed on the corner of Winner Rd and Co. Rd. 3. The fence blocks the view of traffic coming down the hill. Since Co. Rd. 3 is a County maintained road and is a County responsibility. Town Highway Sup't Kinney will check with County.

OLD BUSINESS

OB1: consider Fuel Bids acceptance/rejection.

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VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCUATING	FIRM BID
Blue Ox 38 N. Canal St. Oxford, NY 13830				
ULSD			Not Bid	Not Bid
ULSD Winter Blend			Not Bid	Not Bid
'87 UL Gas w/10% Eth			Not Bid	Not Bid
Kerosene for Heat			Not Bid	Not Bid
Propane	N/A	N/A	N/A	\$2.39.9
Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902	Albany OPIS			
ULSD	5/5/11 \$3.4038	+1310	\$3.5348	\$3.4308
ULSD Winter Blend	5/7/11 \$3.5726	+1900	\$3.7626	\$3.6550
'87 UL Gas w/E10	5/5/11 \$3.3578	+1810	\$3.5388	N/A
Kerosene for Heat	5/5/11 \$3.6457	+1710	\$3.8167	\$3.5050
Propane	5/13/11 \$1.9500	+1902	\$2.1402	\$2.0500
				Acceptance by 5/23/11

All pricing is in terms of per/gallon. All bids are for June 1, 2011-May 31, 2012.

Discussion: Since Blue Ox did not bid Fuel Oil or '87 Octane products, and since Mirabito's firm price Propane bid was lower than Blue Ox's, Board members decided to accept Mirabito for firm price on all products and '87 octane with fluctuating price. This was done in the following Resolution:

RESOLUTION # 20 (2011): ACCEPT MIRABITO'S BID FOR FUEL/PROPANE PRODUCTS

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

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson
NAYES: 0

WHEREAS there were only 2 bids for fuel products and WHEREAS Blue Ox Energy Products bid only the propane product, and WHEREAS Mirabito's firm propane bid was lower than Blue Ox's, BE IT THEREFORE RESOLVED to accept Mirabito's firm bid on these products: Propane, Kerosene for heat, diesel fuel and diesel fuel w/kerosene. BE IT THEREFORE FURTHER RESOLVED to accept Mirabito's fluctuating bid for '87 Octane gasoline.

OB2: Reconsider Playground Committee's proposal for purchase of swing set. The current swing set should be replaced because it is old and wearing out. One written quote from Blue Grass Playgrounds Inc., 1056 Freddie Lane, Ashland, NE 68003 in the amount of \$2163.00 was submitted

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earlier. A 2nd, but higher in cost, verbal quote of the same replacement swing set was also submitted. The new swing set consists of new pipe, frame, chains and 6 seats. A suggestion from the Public was to contact a welder/pipe fitter to see if a swingset from pipe could be created through welding.

Councilwoman Vanderweyde recommended that since guidelines have been followed, the Playground Committee should be allowed to spend the money as suggested.

Councilmen Schultes and Connelly, and Councilwoman Mohr agreed the swing set is old and should be replaced.

Thomas Bottle reiterated that these funds were made available from the Bottle family to be used for children using the playground in the Community Park.

RESOLUTION # 21 (2011): APPROVE PURCHASE OF SWING SET FOR PLAYGROUND

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

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to approve the Playground Committee's recommended purchase of a swing set for the Playground from Blue Grass Playgrounds Inc., 1056 Freddie Lane, Ashland, NE 68003 in the amount of \$2163.00. This price includes shipping.

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OB3: consider Councilwoman Vanderweyde's **request for Resolution to eliminate 1 Justice position** There was much discussion on which position to eliminate—the one expiring 12/31/11 or the one 12/31/13? How much time is needed to eliminate a position? After further discussion the Board resolved to pass the Resolution reducing the number of Town Justices from 2 to 1 and subject to permissive referendum. The Town Board would authorize Supervisor Johnson, after consultation with the Court Administration, the Association of Towns and Town Att'y Monaco, to make the decision which Town Justice position to eliminate, and then advertise the Resolution, subject to permissive referendum, in the Chenango American.

RESOLUTION # 22 (2011): REDUCE NUMBER OF TOWN JUSTICES FROM 2 TO 1

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

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson
NAYES: 0

RESOLUTION TO REDUCE NUMBER OF TOWN JUSTICES FROM TWO TO ONE

WHEREAS, Towns in the County of Chenango with populations and sizes similar to those in the Town of Smithville operate with a single justice,

And WHEREAS, the case load and amount of business handled in the Town Court of the Town of Smithville is typical of those in similar towns with a single justice,

And WHEREAS, the Town Board of the Town of Smithville has determined that it would be in the best interest of the Town to reduce the number of Town Justices from two to one in that there is presently no need for two Justices to handle the volume of matters in the Town Court of the Town of Smithville

NOW, THEREFORE, BE IT RESOLVED, pursuant to the provisions of subparagraph 2 of section 60-a of the Town Law of the State of New York as follows:

1. The number of Town Justices of the Town of Smithville shall be reduced from two to one effective January 1, 2012 upon the expiration of the term of office ending December 31, 2011.
2. In accordance with the provisions of paragraph 2 of section 60-a of the Town Law, this Resolution is subject to a permissive referendum.

A Legal Notice of such Resolution shall be printed in the Chenango American after consultation with the proper legal authorities as to which elected position should be eliminated.

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OB4: consider Playground Committee's request for legal ad bids for septic system. The Playground Committee will be accepting bids for the septic system at the playground. The bid will need to be advertised in the Chenango American. This was put to Resolution.

RESOLUTION # 23 (2011): ADVERTISE FOR SEPTIC BIDS IN CHENANGO AMERICAN

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

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson
NAYES: 0

RESOLVED to authorize advertisement in the Chenango American for septic bids for the Playground septic system.

MINUTES APPROVAL: The minutes of April 18, 2011 were reviewed. There was a question on the #'s of the vouchers needing approval. Town Clerk Owens recommended that going forward, all claims, whether they had been previously paid, be listed for payment. A motion to approve the minutes was made by Councilwoman Mohr, 2nd by Councilman Connelly. All five Board members in favor, motion carried.

REPORTS

- R1.) Planning Board: no report
- R2.) Assessor: no report
- R3.) Enforcement Officer: no report, County and Public Works reports received.
- R4.) Justice: report received
- R5.) DCO: no report. Supervisor Johnson did indicate the DCO is willing to take the list of delinquent dogs and send Court summonses.
- R6.) Attorney: no report
- R7.) Smithville Valley Grange: no report
- R8.) Community Center: no report
- R9.) Playground Committee: Requested that bathrooms to be added to the Rental agreement and on the check list to be cleaned, after rental is completed. A building permit is needed for storage building for a total of \$100.
- R10) Town Clerk: report submitted
- R11) Highway: 9 different vendors were contacted for Fuel bids.
 - Flash flood meeting was in Afton with enough damage to be turned in to FEMA \$40-\$60,000. Of the damage in Smithville; previously repaired places did hold. Art Lake Rd. was damaged by the Genegantslet Creek.
 - A call came in this past weekend for pulling guard rails off on Round Pond so a car could be removed from the pond. Hwy Sup't Kinney was concerned about overtime. He felt the Broome Co. dive team training exercises were unnecessary on the weekend.

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- '99 Mack is having some leakage problems
- Voting machines have been removed to the Town Barn.
- Small building on Town property next to Post Office will be moved to Heisler's property.
- Area for Tractor pull June 11th will be mowed

R12) Supervisor's Report: submitted. A motion to accept the report was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde. All five Board members in favor, motion carried.

WARRANTS

General Warrant # 5, Vouchers # 60-71 in the amount of \$2835.92 was submitted for payment. A motion to pay these bills was made by Councilwoman Mohr, 2nd by Councilman Connelly. All five Board members in favor, motion carried.

Highway Warrant # 5, Vouchers # 50 (previously paid), -#66, in the amount of \$15,905.16 was submitted for payment. A motion to pay these bills was made by Councilman Schultes, 2nd by Councilwoman Vanderweyde. All five Board members in favor, motion carried. For April's General Warrant, Voucher # 56 to Bruce Kinney for \$ 15.00 was used to buy cameras rather than attending the class. The class was cancelled. A motion to pay these bills was made by Councilman Schultes, 2nd by Councilwoman Vanderweyde. All five Board members in favor, motion carried.

There were no JRC bills.

OTHER:

Supervisor Johnson would like the Board to authorize the annual budgetary payment to the JRC for \$4100. This was put to Resolution.

RESOLUTION # 24 (2011): AUTHORIZE JRC PAYMENT OF 2011 FUNDS

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

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to authorize payment of the annual Budgetary amount to the JRC for \$4100., as soon as proper paperwork has been filed.

Other: Genegantslet Fire Chief Bob Whitmore announced a letter from Genegantslet Fire Co. would be forthcoming inviting the Supervisor and one other TB member to attend the new fire station dedication at noon on June 11th; tours will be available and there will be a parade of fire trucks.

With respect to the Comprehensive Plan, Fire Chief Whitmore (and others from the Fire Dept.) thinks the Town should consider a Municipal water system. Several home systems in the hamlet have water problems because septic systems are on top of each other/on top of wells, and because the quality of the water is not good to begin with.

Dirt should be filled in on the shallow part of the new Town property to prevent water from pooling.

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It was also mentioned there is not yet a Town of Smithville Deputy Hwy Supt. appointment. The Town Board can make the appointment but further info is needed.

FYI items: as noted.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 8:10pm. The next meeting will be June 20, 2011.

Alison B. Owens

Smithville Town Clerk