

Minutes of the Smithville Town Board  
November 19, 2012

The meeting was opened by Supervisor Fred Heisler Jr. at 6:30PM.  
Present were the following:

Board members:  
Supervisor Fred Heisler Jr.  
Elizabeth Vanderweyde  
Bob Whitmore  
Karl Ludwig  
John Cammarata

Also in Attendance:  
Bob Brooks, Planning Board member  
Alison Owens, Town Clerk  
Joan Kline, Court appointed Justice for Smithville  
Judge Daniels, Town Justice of Guilford

NO LATE ADDITIONS

CORRESPONDENCE

6:35PM

C1: letter from Neal Root re: Pond Creek. Highway Sup't Kinney is working on this. (see R11)  
C2: 6<sup>th</sup> Judicial Court Reassignment order to Judge Kline of Guilford. Judge Kline was present and asked to address the Board. She asked for keys and the password to the computer. Judge Mulvey will be involved if there is a problem.

INTO EXECUTIVE SESSION: A motion to go into Executive Session to discuss the appointment of Judge Kline was made by Councilwoman Vandweyde, 2<sup>nd</sup> by Councilman Ludwig. All 5 Board members in favor; into Executive Session at 6:33pm.

OUT OF EXECUTIVE SESSION: A motion to come out of Executive Session was made by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Vanderweyde. All 5 Board members in favor; out of Executive Session at 6:53pm.

**Action:** Supervisor Heisler explained that the Town of Smithville's position would be to leave things as they are for the remainder of the year and that he would respectfully decline Judge Kline's services. The new Judge will take office Jan. 1, 2013.

Judge Kline expressed her interest in training the new Judge in January.

C3: **NYSDOT: response to speed limit reduction request.** The request for speed reduction was denied for Oak St., and reduced to 30mph for Water St., and 35mph for Round Pond Rd. to its intersection with Pearl St. (formerly Round Pond Spur)

C4: Chenango Co DPW: letter notifying the Town of Smithville of a proposed update to County maps, including road name changes suggested at last month's meeting

C5: Unified Court System: request for audit of Justice records. Councilwoman Vanderweyde and Councilman Cammarata will be conducting the audit. Town Clerk Owens will make the copies of the Justice reports available.

REPORTS

6:50PM

R1.) Planning Board: report submitted. Bob Brooks spoke on behalf of the PB. The Comprehensive Plan has been officially returned to the Town Board with the changes proposed. It is now up to the Town Board to adopt the Comprehensive Plan. After some discussion the following Resolution was brought forth.

**RESOLUTION # 51 (2012): ADOPT COMPREHENSIVE PLAN**

On a motion by Councilman Cammarata, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following RESOLUTION was adopted

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AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED to adopt the Comprehensive Plan for the Town of Smithville, and RESOLVED ALSO to recommend a periodic review of the plan every 3 years, with the next review completed by November 2015.

PB member Brooks also indicated there will be a minor subdivision in Tyner (on S. Tyner Rd), the Public Hearing for which will be held Dec. 10<sup>th</sup>. Notice to go into the Chenango American. The Planning Board is also working on 2 different site plan review laws to combine into one; also a comprehensive road use law. Town Barn satellite sites are still being considered. 2 sites were satisfactory but property owners did not wish to sell. A 3<sup>rd</sup> property is still being considered. The possibility of making the satellite Town Barn into a full Town Barn was also discussed.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: report submitted. County: no report submitted. Should be receiving these reports starting next month

R4.) Justice: no official report. Judge O'Connor did send a letter explaining the return of keys, bank statements, etc.

R5.) DCO: report submitted. Supervisor Heisler explained that Town ID badges can be done at the Sheriff's Dept. in Norwich. Town Clerk Owens should contact the Assessor and the Enforcement Officer to let them know a badge is available for them also. Each employee will need a "letter of introduction" to take with them to the Sheriff's Dept.

R6.) Attorney: no report submitted

R7.) Smithville Day: nothing to report at this time

R8.) Community Center: no report

R9.) Playground Committee: no report. A \$200. donation check from the Southern Tier Antique Tractor club was presented to Supervisor Heisler for the Playground fund and to Fire Chief Bob Whitmore for the Genegantslet Fire Dept. The Town's portion was for rental of the vacant Town property.

R10) Town Clerk: report submitted. Town Clerk Owens asked for a **Resolution authorizing purchase of 1000 stamps** for tax bills. Waiting until next month to purchase them is too late.

**RESOLUTION # 52 (2012): AUTHORIZE PURCHASE OF STAMPS FOR TAX BILLS**

On a motion by Councilwoman Vanderweyde, 2<sup>nd</sup> by Councilman Whitmore, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED to purchase 1000 stamps for tax bills to be mailed out in December; to be taken from A1670.4.

The website has had good improvements lately. Some Local Laws are now available, as well as applications, or links to applications. Tim Hanna has recommended a change to the domain to NameCheap.com from EnomCentral. The fee for an annual subscription will be \$10.00.

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R11) Highway: Highway Sup't Kinney was not present at the meeting but had submitted a report which was reviewed by the Town Board. Negative balances in the Highway accounts were discussed. These are from CHIPS and/or FEMA projects which have to be completed first and reports sent in before being reimbursed. Supervisor Heisler noted that # 4G referred to CHIPS paperwork being completed for December in the amount of \$162,000. **# 4C refers to work needing completion on Pond Creek.** The project does not qualify for a FEMA project so funds from other sources will need to be considered. Quotes are in the process of being obtained. There is still a chance the project can be completed this year

R12) Supervisor's Report: report submitted:

- Call from Sally Crow thanking Supervisor Heisler and Board member Whitmore for attending the presentation in Plymouth last week.
- A Bank account sitting dormant at Citizens Bank originally listed as Highway Payroll is still functional. Supervisor Heisler asked if it should be renamed as Highway Equipment and Emergency account or if the account should be closed. He suggested taking some money from The Highway Savings account, moving it into this dormant account and renaming it.

**RESOLUTION # 53 (2012): CHANGE NAME OF BANK ACCOUNT TO MAJOR EQUIPMENT-EMERGENCY FUND**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED to rename the old Citizens Bank Highway Payroll account, now housed at NBT, to Major Equipment-Emergency Fund.

- A call from Binghamton Office of Taxation has resulted in an appointment to review the 2013 Budget for the 2% tax cap. Karl Ludwig will be the contact person.

A motion to accept the Supervisor's report was made by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Vanderweyde. All 5 Board members Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

NEW BUSINESS

7:30PM

NB1: consider payment date for the 2013 invoice for the NYS & Local Retirement system, whether a Dec 15<sup>th</sup> payment of \$24,065.00 or Feb. 1<sup>st</sup> payment of \$24,404.00. The Town has always paid in December to realize some savings. The amount of the invoice for either is less than the budgeted amount. The following Resolution was brought forth:

**RESOLUTION # 54 (2012): PAY NYS AND LOCAL RETIREMENT INVOICE BY DECEMBER 15<sup>TH</sup>**

On a motion by Councilwoman Vanderweyde, 2<sup>nd</sup> by Councilman Whitmore, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED pay the NYS and Local Retirement invoice for 2013 by December 15<sup>th</sup> in the amount of \$24,065.00.

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NB2: request for phone tree: not addressed

NB3: Chenango SPCA contract: The 2013 contract was reviewed. A major difference next year will be that if a dog is seized and taken to the SPCA, it will be necessary for the owner to pay a redemption fee at the Town Clerk's office 1<sup>st</sup>, then take the receipt to the SPCA and pay the SPCA redemption fee before the owner's dog is released. The amount charged to the Town is still \$75.00 per dog. After some additional discussion, the following Resolution was brought forth:

**RESOLUTION # 55 (2012): AUTHORIZE SIGNING OF 2013 SPCA CONTRACT**

On a motion by Councilman Whitmore, 2<sup>nd</sup> by Councilman Cammarata, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED to authorize Supervisor Heisler to sign the 2013 Chenango SPCA contract.

NB5: There was discussion concerning concealed carry of weapons on Public Property. Supervisor Heisler suggested if the Town wants to deal with the issue, then it should be made a Policy to Town Employees that no firearms be on Public Property during the workday. This could be discussed at a future meeting. Also discussed were employee files for the Highway employees.

OLD BUSINESS

8:30PM

OB1: Discussion and approval of 2013 Town Budget. There was no negative comment at the Public Hearing on Nov. 7th. The following Resolution was brought forth:

**RESOLUTION # 56 (2012): APPROVE THE 2013 TOWN OF SMITHVILLE BUDGET**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED to approve the 2013 Preliminary Budget for the Town of Smithville as the Final Budget for 2013.

OB2: **Tax Collection system purchase**—further discussion. Board members were concerned about the payment of tax bills online and what other Towns/Villages/Schools using the program thought of it. Town Clerk will talk with BAS again asking for more detailed information on the internet collection and also get opinions from other communities about the internet sales. Board members asked to place a hold on purchase of the Internet Tax Collection system, but to move forward to approve the Tax Collection program itself. Town Clerk Owens indicated she has some \$ in her contractual A1410.4 not used since she has had only 1 Deputy for most of the year, and that both the Enforcement Officer and the Assessor have indicated they are willing to contribute some of their contractual monies to help offset the expense. Board members decided to pay for the program from Unexpected Expenses and to reimburse the account from Unexpended accounts in the 2012 Budget. The following Resolution was brought forth.

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**RESOLUTION # 57 (2012): APPROVE PURCHASE OF A TAX COLLECTION PROGRAM FROM BAS**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

RESOLVED to purchase the Tax Collection program from BAS for \$1715.00. RESOLVED also that monies to pay for the program will be taken from Unexpected Expenses 8500440024 with the notation that if there is residual money at the end of the year from unexpended accounts, it will be added back in. RESOLVED also to take no action on the Internet Tax Collection program until answers to questions previously discussed are satisfied.

OB3: NYS&Local Retirement: Consider resolution to add Supervisor Heisler to roster of employees eligible for the Retirement System. Supervisor has completed the required time reporting for 2012. This was put to resolution.

**RESOLUTION # 58 (2012): APPROVE SUPERVISOR HEISLER TO BE ADDED TO ROSTER OF EMPLOYEES ELIGIBLE FOR NYS& LOCAL RETIREMENT**

On a motion by Councilwoman Ludwig, 2<sup>nd</sup> by Councilman Ludwig, the following RESOLUTION was adopted

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler  
NAYES 0

Whereas Supervisor Fred Heisler Jr. has completed 3 months of time reporting for the NYS & Local Retirement, and Whereas the posting for his reporting has been posted for 30 days and the paperwork has been filed with the Town Clerk, BE IT THEREFORE RESOLVED to add Supervisor Heisler to the roster of employees eligible for the NYS & Local Retirement System.

MINUTES APPROVAL FOR October 21, and Nov. 7<sup>th</sup> 9:10PM  
The minutes of the October 21<sup>st</sup> and November 7<sup>th</sup> meetings were reviewed. A motion to accept both sets of minutes was made by Councilman Whitmore, 2<sup>nd</sup> by Councilwoman Vanderweyde. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

WARRANTS 9:15PM  
**General Warrant # 11**, with Vouchers # 138-158, in the amount of \$4,823.09. was submitted for payment. A motion to pay these claims, holding Vouchers #54-56 until after December 10<sup>th</sup>, was made by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Vanderweyde. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

**Highway Warrant # 11**, Vouchers # 146-163, in the amount of \$65,621.38. was submitted for payment. A motion to pay these claims was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Whitmore. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

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There was no additional business to come before the Board. The Board will meet December 6, 2012 at 6:30 to review the Teamsters contract. The next regular meeting of the Smithville Town Board will be December 17, 2012.

Supervisor Heisler declared the meeting adjourned at 9:30pm

Alison B. Owens

Smithville Town Clerk

DRAFT