

MINUTES OF THE SMITHVILLE TOWN BOARD

February 20, 2012

The regular meeting of the Smithville Town Board was called to order at 6:30pm by Supervisor Fred J. Heisler Jr.

Present were the following:

Supervisor Heisler

Board members:

Elizabeth Vanderweyde

Karl Ludwig

Bob Whitmore

John Cammarata

Also present: Alison Owens, Town Clerk; Bruce Kinney, Highway Supt.; Keith Klein, Assessor; Neal Root, Enforcement Officer; Other Town Officers and Officials, and about 30 Townspersons

CORRESPONDENCE

C1: letter/presentation from Carol Omalyev, Stone Quarry Hill Rd. asking the Town Board for a Town ordinance against heavy industrial activity/hydrofracking in Smithville. A letter was read by Ms. Omalyev, representing some of the group present at the meeting, asking for a ban on hydrofracking and reiterating details of the results of fracking the Town of Smithville may face if heavy industrial activity is not regulated. She encouraged the Board to have a presentation done at the March meeting by David & Helen Slottje, managing attorneys of Community Environmental Defense Council in Ithaca, NY. These attorney's will write an ordinance for the Town at no cost. If the Town Board decides No to an ordinance then Ms. Omalyev asked that a ban on hydrofracking be taken to referendum in the Town of Smithville.

Ms. Omalyev was followed by Sally Crow who presented the petition against hydrofracking. The petition has over 500 signatures on it requesting the Town Board pass legislation prohibiting industrial activities involving hydraulic fracturing for natural gas.

Jeff Dorsey, Winner Rd., Oxford, resident of the Town, then submitted a letter to the Board, read by Councilwoman Vanderweyde asking the Town to consider waiting for guidance from the courts and the DEC before proceeding with a ban on gas drilling. Currently there are 2 cases pending in the State Supreme Court that will have an impact on environment issues resulting from hydrofracking, and whether, in regard to NYS law, fracking can be done, safely or not.

Supervisor Heisler thanked the participants and said the Board would consider with fairness all aspects of the situation. Board member Whitmore would like to hear presentations from both sides. The month of May was suggested and a Resolution put forth.

RESOLUTION # 8 (2012): AUTHORIZE ATTORNEY'S HELEN & DAVID SLOTTJE TO MAKE PRESENTATION TO TOWN BOARD ON ORDINANCE BANNING HYDROFRACKING

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

AYES: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler

NAYES: 0

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RESOLVED to allow Helen & David Slottje of Community Environmental Defense Council in Ithaca, NY to attend the May 2012 Town Board meeting and to give a presentation on writing an ordinance banning hydrofracking.

It was noted from Marcia Matis that on Feb. 21st a meeting with regard to Home Rule would be held at the Methodist Church in Nanticoke.

C2: thank you from Doris Cardinal for flowers at Joe Cardinal's funeral

C3: letter from Selective Insurance: notice of conditional renewal premium. David Craine will be in attendance at the March 19th meeting to give a presentation to the Board.

C4: Chenango Co. Board of Supervisors: County wide dog quarantine until 4/30/2012

C5: Independent Oil & Gas Association of NY: suggested meeting to inform citizens of current industry info, NYS regulations and community impacts.

C6: North Shore Solutions/Clarkson U.: solutions for Community websites. The current Town website is maintained by Tim Hanna and Town Clerk Owens. Councilman Cammarata said he would look into this communication and will bring info back to the next meeting. Planning Board Chair Jackie Centerwall is also willing to help.

C7: Association of Towns training school: Local Gov'ts and Gas Shale Drilling; NYC Hilton Feb. 21st. Supervisor Heisler would like to see additional monies into "training" at Budget time to be able to attend training sessions such as this.

C8: USDA Rural Development, Quaranta Housing services of Opportunities for Chenango, and NYSEG: each offering grant or assistance programs with home/trailer/business repairs or low cost loans for such repairs. Supervisor Heisler will check on the Quaranta Housing services grant info.

C9: PUBLIC NOTICE: HEAP Needs Assessment Comment Period through March 9, 2012

C10: Chenango County: report of tax delinquent properties. Copies of the letter were given to the Highway Sup't, Assessor and Enforcement Officer to see if they had any concerns. The property owners have until May 11th to pay taxes on their parcels before these parcels are sold at public auction. Assessor Keith Klein has checked out the parcels and cannot find discrepancies or problem areas.

COMMITTEE REPORTS

R1.) Planning Board: Lyon Subdivision has been approved with copies on file at the Town Clerk's office. The Comprehensive Plan is on the Town website. This was discussed briefly. Other suggestions were the Site Plan Review Law and Supervisor Heisler's additional ideas:

- "Welcome to Smithville" signs
- Expanded lighting for Christmas wreaths
- Usage for the 11 acre property adjacent to the Town Park
- Town Barn improvements
- Municipal parking
- New Businesses in Smithville

R2.) Assessor: Property auction in March on Upper Round Pond Rd. and State Hwy 41. Three parcels are being sold.

R3.) Enforcement Officer: no new information to report

R4.) Justice: report submitted. Financial report submitted. Filing and updating files: could use 10-15 hours by person to help with sorting out older Court records. JCAP grant money would be available to help with furnishing an office or building a new court. Supervisor Heisler asked for the Judge and/or the Planning

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Board to see what options would be available for funding for different areas. It was suggested to use a portable trailer or possibly off-site offices. Assistant DA day was moved to 2nd Monday 5-7pm. At the present time the Justice does not feel the need for a Court Clerk.

R5.) DCO: no report

R6.) Attorney: report submitted; invoice submitted for 2012. The Attorney's area of expertise is not with gas drilling.

R7.) Smithville Day: a report was submitted but the Chairperson was not present to discuss the report.

R8.) Community Center: report submitted.

R9.) Playground Committee: Request for "Children at Play" signs. These would have to be requested from NYS. Highway Sup't Kinney will make the contact.

R10) Town Clerk: report submitted. Town Clerk Owens reported that the water cooler replacement she feels would work best for the Community Center is priced at \$137.00 from Lowe's. No action was taken.

R11) Highway: report submitted

- FEMA refunds for June and Sept. flooding will be approx \$177,000.+
- working additionally with FEMA (Installment and Prevention) stream work at Stan Emerts and on Art Lake Rd.
- Overhead Door came to look at the doors at the Town Barn and made recommendations
- Repairs: many repairs done this month; transmission on F-550 yellow Ford has had 2 breakdowns
- Shared Highway Municipal Equipment Agreement has been received and will need to be signed. A list of available equipment is available. The cost to each municipality is \$300.

RESOLUTION # 9 (2012): AUTHORIZE SUPERVISOR TO SIGN SHARED SERVICES AGREEMENT AND TO PAY \$300. FOR ANNUAL SERVICE

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

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

RESOLVED to authorize Supervisor Heisler to sign the Shared Services Agreement pending Attorney Monaco reviewing the document. RESOLVED also to authorize a payment of \$300. to Chenango County as the annual contract for this shared service.

Resident Richard Martinsen asked Highway Sup't Kinney some questions with regard to vehicle status. R12) Supervisor's Report: submitted. There was a question about the Greene Fire Dept. receiving the contract check which now is handled by the Genegantslet Fire Co. Supervisor Heisler responded the error was caught before it happened but not corrected on the report. A motion to accept the Supervisor's report was made by Councilman Ludwig, 2nd by Councilman Whitmore. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

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NEW BUSINESS

NB1: NYSEG--letter informing Town of breach in NYSEG customer information database. They are offering the Town free credit monitoring for 1 year through ProtectMyID. Board members authorized this through the following Resolution.

RESOLUTION # 10 (2012): AUTHORIZE FREE CREDIT MONITORING FROM PROTECTMYID THROUGH NYSEG

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

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

RESOLVED to authorize free credit monitoring from ProtectMyID through NYSEG.

Town Clerk Owens will sign up on behalf of the Town.

NB2: NYSEG is offering Small Business Energy Efficiency Program through EnerPath (see attachments) Several recommendations from EnerPath point to long term cost savings although the prevailing wage (for installation purposes) will be an extra cost for the Town. Highway Sup't Kinney said a new updated lighting system would save money in the long run. NYSERDA also has a program and it was suggested to look into that further before making a commitment. Supervisor Heisler will check into the NYSERDA program.

NB3: Town of Ulysses: an email letter was received asking Smithville to consider participation in the "Amicus Curiae" brief which will challenge the Municipal Home Rule Law to include a municipality's right to decide what land use is appropriate for its citizens. Supervisor Heisler would like to investigate this further.

A motion to table action on the Amicus Curiae pending further information was made by Councilwoman Vanderweyde, 2nd by Councilman Whitmore. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

NB4: Consider request by David & Kandi Micha to plant hay crop on Town's 11 acre lot between the fire station and the Post Office.

Bill Halls asked to be recognized. He is representing a group wanting to organize an antique tractor pull group in the area and have tractor pulls in conjunction with the Fire Dept and chicken BBQ's. Would the land behind the PO be available for tractor pulls for this group? The group would in turn try to support the Town.

The following questions were asked by the Town Board: How often would the property be used? What would happen to the property in between pulls? Does the group have insurance? How would the group access the property?

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Responses: Pulls would occur every 6 weeks, including Smithville Day. Land would be brush hogged to keep it up. Pullers are charged a fee. Money, after expenses, would come back to the Town. The Genegantslet Fire Co. would provide chicken BBQ's. The group does have insurance. The Town of Greene has clay that could be brought in and volunteers could bulldoze to build a firmer track. They would like to use a different entrance, perhaps on the other side of the Post Office so as not to disturb the ball flats area.

Larry Sherwood: would like to see the tractor pull group have the opportunity. They would take care of the property.

Highway Sup't Kinney: felt the idea to build a tractor pull track would be a win/win situation for the Town. NYS would have to approve a new entrance to Town property if other than the Community Center entrance is used as they have responsibility for State Hwy 41. This would be a year to year commitment.

Councilman John Cammarata asked about the Micha request. The Micha letter states they would use the property around the tractor pull times so as not to interfere. It was mentioned the Micha's would not have insurance whereas the Town does have the appropriate insurances for tractor pulls. Due to the insurance factor, and to the tractor pull group desiring expanded use of the property, the Town is not interested in leasing out the Town property to the Micha's for haying at this time.

RESOLUTION # 11 (2012): ALLOW THE SOUTHERN CHENANGO ANTIQUE TRACTOR ASSOC. TO USE THE 11AC. TOWN PARCEL ON AN ANNUAL BASIS FOR TRACTOR PULLS.

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

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

RESOLVED to allow the Southern Chenango Antique Tractor Association to use the 11acre Town parcel for tractor pulls on an annual basis.

Supervisor Heisler also had a phone call from the previous owner of the property asking if the property could be used for planting.

OLD BUSINESS

OB1: Citizens Bank accounts: have changed over to Fred and Liz. No 3rd party collateralization so monies will need to be moved at some time in the near future.

OB2: Town Clerk counter window covering: color selection is coming.

Lock replacement: a keyless entry lock was suggested to replace the lock on the Community Center door, but it will leave a hole where the deadbolt was. It was questioned whether it was legal to cover up a deadbolt in the door of a Public building? There could be a fire code that will not support that. Supervisor Heisler will check with Chenango County Code Enforcement.

Light post outside: Supervisor Heisler did get quote for replacing the light posts.

Water cooler: previously addressed.

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OB3: A Resolution to approve Justice financial audit for 2011 is requested by the NYS Court system. The audit was conducted in December 2011 by Councilwomen Vanderweyde and Mohr.

RESOLUTION # 12 (2012): APPROVE JUSTICE FINANCIAL AUDIT FOR 2011

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

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

RESOLVED to approve the 2011 Justice Financial audit completed by Councilwomen Vanderweyde and Mohr.

MINUTES APPROVAL

A motion to approve the Jan 16th minutes was made by Councilman Cammarata, 2nd by Councilwoman Vanderweyde. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

A motion to approve the Jan 31st and Feb. 17th minutes was made by Councilwoman Vanderweyde, 2nd by Councilman Whitmore. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

WARRANTS

General: Vouchers # 15-29 in the amount of \$3779.04 were submitted for payment. A motion and 2nd to accept and pay these bills was made by Councilman Cammarata/ Councilwoman Vanderweyde. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

An invoice from Att'y Monaco was received after the Feb. 16th deadline and was not included on the February Warrant. Town Clerk Owens asked for a Resolution to pay the contractual invoice amount of \$2200. which includes 10 hours of Counsel for the year 2012. The afterwards amount is \$175.00 p/hr. The voucher will be placed on the March warrant but sent to the Bookkeeper for payment immediately.

RESOLUTION # 13 (2012): PAY CONTRACTUAL INVOICE FROM ATT'Y MONACO

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

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

RESOLVED to pay the contractual invoice amount to Att'y Monaco for 2012 of \$2200.

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It was noted that Councilman Schultes served on the Town Board for the month of January 2012 and should be paid for 1/12th of the year. The following Resolution was brought forth:

RESOLUTION # 14 (2012): **APPROVE 1 MONTH PAYMENT TO FORMER
COUNCILMAN SCHULTES**

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

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

RESOLVED to approve, pro-rate and pay Councilman Schultes for the 1 month period he served in 2012.

Highway: Vouchers # 15-34 in the amount of \$34,374.55 were submitted for payment. A motion and 2nd to accept and pay these bills was made by Councilwoman Vanderweyde/ Councilman Cammarata. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

There was no other business to come before the Board. A motion and 2nd to adjourn was made by Councilwoman Vanderweyde/Councilman Cammarata. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried. Meeting adjourned at 9:10pm.

Alison B. Owens

Smithville Town Clerk

FYI items:

- Application for and approval of the Ridgeway Subdivision
- AFR for Town of Smithville for 2011
- Training for Planning Board and Enforcement Officer Mar. 14th
- Letter from State Comptroller's to TC re: implementation of website to update local officials