

Minutes of the Smithville Town Board
December 17, 2012

The regular meeting of the Smithville Town Board was called to order at 6:35pm by Supervisor Fred Heisler Jr. Present were the following:

Supervisor Fred Heisler Jr.

Board members:

Elizabeth Vanderwyede

Bob Whitmore

Karl Ludwig

John Cammarata

Also Present:

Town Clerk Alison Owens

Hwy Sup't Bruce Kinney

Court Clerk Paul O'Connor

Jackie Centerwall, Planning Board Chair

Tom Pollard, Planning Board member

LATE ADDITIONS/DELETIONS/REMARKS: adding C2

CORRESPONDENCE

6:35PM

C1: 6th Judicial Court rescission of the reassignment order to Judge Kline of Guilford

C2: Christmas Card from Al & Bonnie Johnson

REPORTS

6:40PM

R1.) Planning Board: report submitted. Does the Town Board still want the Planning Board to pursue the site plan review or keep it on the back burner? Comments about moving the site plan to the front burner referred to a recent double wide (mobile home) placement on State Hwy 41 next to an existing home on the same lot. A site plan law in place would not have allowed that to happen. Standard driveways would be helped by a site plan review. Hwy Sup't Kinney has previously mentioned having a written driveway plan for new construction. The enforcement would part of a site plan would be the responsibility of the Planning Board. Planning Board Chair Jackie Centerwall indicated the PB could move in 3 directions, either working on a noise law, a road use law or the site plan review. Since most Towns are waiting for further direction from the County on road use, it currently would make more sense to concentrate on one of the other options. The PB has a couple of different Site Plan review laws being considered, and also a couple of noise and road use laws. Town Board members felt the Site Plan review should take priority and gave direction to the Planning Board to pursue that.

Highway Sup't Kinney spoke of a road use agreement and maintenance schedule.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: report submitted. County: report submitted.

Enforcement Officer Root has been working with a building/septic application for a new double wide on the location of the former Creamery (5023 State Hwy 41). The owners plan to tear down the existing frame house when the double wide is completed. Enforcement Officer Root is concerned about signing the demolition as the building could have historical significance. Discussion then ensued with regard to the # of old buildings in the area being torn down or the potential to be torn down without respect to any historical significance/purpose. Town Clerk/Historian Owens mentioned the Town of Mendon provided a workshop in 2007 to teach people of the significance of waiting a period of time for tearing down old buildings with the idea being to consider "adaptive reuse". Town Clerk Owens will email a link to the document. In the meantime, Board members felt Enforcement Officer Root should sign the Demolition application for the above mentioned property if one was presented to him.

R4.) Justice: Court Clerk Paul O'Connor was present to give a verbal report on the Justice and Court situation. There is \$1085. from October 2012 which will need to be returned to the court. In former Justice Ben Kehl's account there is \$400.; this account should be closed and the money returned to the defendant. The monthly report (AC1030) for September 2012 has not been turned in yet; it should be signed and Court Clerk O'Connor

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will finish taking care of it. The November report has been taken care of by Court Clerk O'Connor; December's report will be done by Justice Lilley.

There is also an open case dating back to 2006 that has no paperwork on it. A request for the disposition for the PA State Police on a request for firearm permit was filed with Town Clerk Owens; there are many open cases from 2000-2008. Also discussed were physical problems in the Smithville Court and possible solutions.

R5.) DCO: no report submitted

R6.) Attorney: report submitted

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

R8.) Community Center: no report

R9.) Playground Committee: no report; work on the rest rooms has been stalled because of lack of permits but these have now been obtained.

R10) Town Clerk: report submitted. There are no vacancies to be advertised for next year.

R11) Highway: The Highway crew has been doing pot holing and brush cutting. Quotes are coming in for Pond Creek/Hammerle Rd. work. The Hwy Sup't is hoping to take a low bid for the creek work and have it done within a week or 10 days. CHIPS check should be coming in soon. Preparations are coming along to have separate summer and winter tires.

R12) Supervisor's Report: report submitted. Balance on General Side is \$32,127.03. Need \$20,000 unexpended balance. Highway balance is \$11,745.40. Monies have been received from FEMA but have gone into different accounts.

The Town Supervisor's wife from Plymouth passed away. Supervisor Heisler suggested a donation. Board members agreed in the following Resolution for a \$100. donation to the Chenango County SPCA in her memory.

**RESOLUTION # 62 (2012): DONATE \$100. TO THE CHENANGO SPCA IN MEMORY OF DAWN
KREINER**

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

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

RESOLVED to provide a \$100 Donation to the SPCA from the Town of Smithville in memory of Dawn Kreiner:

The **Supervisor's report** was reviewed. A motion to accept Supervisor's report was made by Councilwoman Vanderweyde, 2nd by Councilman Cammarata. All 5 Board members were in favor, motion carried.

Karl met with Andrew Hickey of the NYS Comptroller's office, Binghamton location. Smithville's Budget seems to be ok. One question asked: Smithville fall under a Fire District or Fire Protection District. Councilman Whitmore who is the Fire Chief for the Genegantslet Fire Co., said Smithville Flats, Smithville Center and Oxford are Protection Districts; Brisben is a Fire District.

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NEW BUSINESS

8:40PM

NB1: The possibility for solar panel heating at Town Barn was discussed; programs are available for Municipalities. Solar farming was also mentioned for the vacant Town property.

NB2: possible Resolution to use BOCES for printing services: BOCES has a print shop available for service to Municipalities as well as schools. A Resolution authorizing the use of BOCES print shop would be needed. Samples used by the Town of Plymouth were brought by Court Clerk O'Connor. Board members would like information on pricing and availability of the courier service. Supervisor Heisler will make the contact. Action was put on hold.

OLD BUSINESS

8:55PM

OB1: Speed limits on Water St./Round Pond Rd/ updates of County maps and road name changes/parking restriction

Highway Sup't Kinney has spoke with Shawn Fry and will order signage for speed limits changes authorized by NYS DOT.

He reported there are conflicting names on Town and County maps and between 911, the County and the Town for three roads near or in the hamlet of Smithville Flats. These were discussed at the Nov. 17th meeting. A Resolution by the Board is needed to officially change the names to: Pearl St. from the intersection of State Hwy 41 to Round Pond Rd. (formerly called Tarbell Rd. and Round Pond Spur) and to Tarbell Rd from its intersection with Pearl St. to the dead end near the Tarbell farms property (formerly called Upper Round Pond Rd).

RESOLUTION # 63 (2012): CHANGE NAME OF TOWN ROADS

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 change the road names of Tarbell Rd and Round Pond Spur to Pearl St. and Upper Round Pond Rd. to Tarbell Rd., as described above.

The question was asked as to who would notify residents of the name change in the roads? An inquiry will be made.

The parking restriction on State Hwy 41 at the Round Pond Rd. intersection suggested in a NYS DOT letter at last month's meeting had been considered by the Town Board but Board members felt that nearby businesses might be hampered by the restriction and so, for the time being, the Board will not seek to implement it.

OB2: **Justice records audit:** Councilwoman Vanderweyde will meet with Court Clerk O'Connor to review the 2011 records.

OB3: NYS Retirement: reposting and new developments. Town Clerk Owens has spoken with a representative from the NYS Retirement system. It was mentioned that being a member of the Retirement System should be made available to all elected officials, it being the employee choice as to membership or not. The posting requirement was not done correctly and notice of the 4 employees must be reposted. Also Board member Vanderweyde is already a member of the Retirement system through her employment in Chenango County. She is automatically a member then through the Town of Smithville, and should be reported on the Retirement monthly report. She will need to keep a record of activity for 3 months. Town Clerk Owens will take care of the

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reposting; Bookkeeper Smith will be advised of the addition to the monthly report she makes to the Retirement System.

MINUTES APPROVAL

9:30PM

The minutes of November 19th, and Dec. 5th meetings were reviewed. A motion was made by Councilwoman Vanderweyde, 2nd by Councilman Cammarata to approve these minutes. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

WARRANTS

9:35PM

General Warrant # 12, Vouchers # 159-174, in the amount \$30,272.86 were submitted for review and payment. A motion to approve these claims for payment was made by Councilwoman Vanderweyde, 2nd by Councilman Whitmore. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

Highway Warrant # 12, Vouchers # 164-176, in the amount of \$9,223.41 were submitted for review and payment. A motion to approve these claims for payment was made by Councilwoman Vanderweyde, 2nd by Councilman Ludwig. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

OTHER: Councilman Cammarata asked if the Assessor could provide a monthly report
John Cammarata is missing payment for voucher # 142 for \$444.94. Supervisor Heisler will check into this.

MEETING CLOSED in a motion by Councilwoman Vanderweyde, 2nd by Councilman Cammarata. All 5 Board members in favor. Meeting adjourned at 9:45PM.

Smithville Town Clerk

Alison B. Owens