

Minutes of the Smithville Town Board
Nov. 18, 2013

OPENING Supervisor Fred Heisler Jr. 6:30PM

ROLL CALL: Harry Schultes, Hwy Supt. elect
Elizabeth Vanderweyde Town Clerk Alison Owens
Karl Ludwig Tom Pollard
John Cammarata Larry Sherwood
Bob Whitmore Mel Randall and additional Townspersons

CORRESPONDENCE 6:32PM

C1) Community Renewal housing Resources Funding
C2) NYS Grange: thank you for considering their request in the renovation project
C3) Request from Smithville Valley Grange/Mindy Eldred for Christmas Party funds. This was approved in the following Resolution.

RESOLUTION # 60 (2013): PAY MINDY ELDRERD \$300. ADVANCE FOR CHILDREN'S CHRISTMAS PARTY

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 authorize the release of funds (\$300.) to Mindy Eldred (Smithville Valley Grange) for purchases to be made for the Children's Christmas Party.

C4) letter from Julie Lenga re: continuing 911 addressing problems. This was further addressed in the Assessor's report (R2). Mrs. Lenga has had a problem with an institution not recognizing the recent change in the 911 addressing which had been assigned by the Chenango County 911 office. Town of Smithville Assessor Klein had not been notified of these changes needing to be made to the Tax roll, therefore they were not implemented on the School tax roll in August. When Mrs. Lenga brought that to his attention, a list was obtained from Chenango County 911 and all the correct changes were made. When property owners on Tarbell Rd. receive their tax bill in January 2014, it will be with the correct 911 address.

C5) SEQR training available Dec. 3rd in Oneonta. Someone from the Planning Board should attend.

PUBLIC COMMENT: Louis Merlino commented with regard to the code situation on a Buckley Hollow Rd. property discussed at last month's meeting. Chenango County Code Enforcement is working in cooperation with the Town of Smithville Code Enforcement to make sure codes and subsequent problems are being resolved.

NEW BUSINESS

NB1) Mel Randall addressed the Town Board re: dog bite situation 6:45PM
Mrs. Randall is still concerned with the accident of Sept. 27th and is not satisfied with the outcome from the Town Court. A neighbor's dog attacked from behind her while she was enroute to her house. The DCO was called, statements made and the incident was taken to Town of Smithville Court. Judge Lilley told the dog owners to keep the dog in a fully enclosed kennel, and get a rabies shot and a dog license for the dog. Why hasn't anyone followed up with the Judge? Mrs. Randall read several sections of the current Town of Smithville Dog Local Law pertaining to an "at large dog", prohibited act to be declared, and seizure and redemption. The dog does not have a kennel with a top and bottom to it. The dog should have been declared dangerous and should have been put down. How will the Town of Smithville handle this situation?

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Supervisor Heisler responded that he spoke to Judge Lilley and that everything the Judge required of the owner was complied with. The kennel situation needing a top and a bottom was different than what the Judge indicated. Supervisor Heisler said there is nothing the Town Board can do at this point. The situation would have to be referred to further as a Civil Court matter.

Mrs. Randall indicated there was no written report given to the Town Board by the DCO concerning the situation, and that there should be signs on the property indicating a “dangerous dog”.

DCO Christine Stark responded that a written report was done in Court and nothing was written for the Town. A request can be made to put a dangerous dog sign on the property.

NB2) Security badges, written reports, attendance at meetings

Supervisor Heisler asked Town Officers and Officials to please make sure written reports are submitted to Town Clerk Owens before noon on Thursday previous to the Board meeting. The Sheriff’s Office will make ID badges for the Officials/Officers so they can use them in their position. He also addressed attendance at the Town Board meetings saying that he would like to see Town Officials and Officers at the monthly meeting.

NB3) Chenango County SPCA Shelter has sent the annual contract for Town Board approval. Town Board members reviewed the contract and in the following Resolution accepted the contract for 2014.

RESOLUTION # 61 (2013): ACCEPT 2014 SPCA CONTRACT AND AUTHORIZE SUPERVISOR HEISLER TO SIGN IT

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 approve the SPCA Contract for 2014 and to have Supervisor Heisler sign it.

OLD BUSINESS

6:48PM

OB1) JCAP Grant update: the paperwork has been submitted but the Town has not heard back yet that it has been received.

OB2) Time Clock policy: There has been no contact yet with the Union. Essentially there is no Time Clock policy in effect at this time, even though the Board had previously moved approval .

OB3) Site Plan Review Law: This potential Local Law has been returned to the Planning Board for additional considerations.

OB4) **Cable Franchising info:** John Camamrata gave a report that Haefle TV is working under a temporary authority from NYS. The original contract was signed in Oct. 1990 but there is currently no contract. John has spoken with Kate Hope of the Public Service Commission in Albany. A contract must be supplied from the cable company but they can operate without a franchise. A certificate of insurance from Haefle TV was filed with John Cammarata. Councilman Cammarata said he has heard Time Warner has been buying up the smaller companies and may buy Haefle. Townsperson Louis Merlino indicated he has no options for cable because another company cannot come in to the Town if there is a contract with another cable company. Mr. Merlino lives outside Haefle’s cable service but within the Town of Smithville. Councilman Cammarata will ask Haefle TV to come and make a presentation for the December meeting.

OB5) SCATC contract for 2014 (Tractor Club) The Attorney’s opinion was considered by Board members, and the contract will be revised.

OB6) The positions to advertise for December will include:

- 1 Planning Board
- 1 Planning Board Clerk

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RESOLUTION # 62 (2013): ADVERTISE VACANT POSITIONS IN THE CHENANGO AMERICAN

On a motion by Council Ludwig, 2nd by Councilwoman Vanderweyde the following Resolution was ADOPTED.

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

RESOLVED to advertise the vacant positions for Planning Board member and Planning Board Clerk in the Chenango American to be made available for the December 16th meeting.

REPORTS

7:55PM

- R1.) Planning Board: no report submitted. Planning Board member Tom Pollard gave a verbal report. McDonough now has their Road Use local law in place. The Planning Board survey will be worked on by Doug Garnar. Donna Jones of the County Planning Board would still like to come to talk with the Town PB.
- R2.) Assessor: report submitted. The Assessor is concerned about the lack of participation of STAR tax renewals submitted so far. It is 61%.
- R3.) Enforcement Officer: no report submitted County: report submitted
- R4.) Mitigation: no report submitted. Heisler will meet with mitigation and will let the new Highway Sup't know when the meeting will be.
- R5.) DCO: no report submitted. Quiet month. 2 dogs taken to the SPCA. A list of delinquent dogs going back over a year was given to the DCO. Councilman Cammarata asked what the DCO has done to make sure these dogs have been licensed. DCO Stark responded she has called the dog owners. Councilman Cammarata then suggested giving an owner 7-10 days to license the dog. If the dog is not licensed by that point, then issue a ticket. He referred to unlicensed dogs at 386 Pollard Rd. Supervisor Heisler asked to have at least 1 page of the delinquent dogs taken care of by next month.
- R6.) Attorney: no report submitted
- R7.) Smithville Day: no report submitted. A verbal report was given by Supervisor Heisler. Smithville Day is on Flag Day this year and the idea is to coordinate the theme with this event.
- R8.) Custodian report: no report submitted. The only CC Inspection report item needing discussion was the light post installation for the side entrance. It was suggested to set work day for spring when the weather is warmer.
- R9.) Playground Committee: no report submitted. Councilman Cammarata said he will drain the water valves.
- R10) Town Clerk: report submitted. The new copier was installed today. The old one has been placed in the main room of the Community Center until a home can be found for it. While still operational, it is large and not welcome in many places.
- R11) Highway: written report submitted by Hwy Sup't Bruce Kinney and explained by Hwy Sup't elect Harry Schultes. The discussed items were:
- There should be 4 large trucks for the winter, but there are only 3 with the '99 MACK in the garage. The MACK is not in good condition. The repairs will be to the power steering, front and back.
 - The '02 Volvo needs a fuel tank, new sander and tires. They are trying to justify the rear sander vs the front sander; new at Harder's \$7-8,000.; new tires in the \$8,000. range.
 - 2 trucks are not working well. Supervisor Heisler suggested working with the Highway committee ASAP. He stressed the importance of a yearly agenda-what the Hwy Sup't hopes to accomplish on a yearly basis. The Supervisor would also like to see a plan to improve the equipment.
 - The JD grader at 5 Star Equipment has not been fixed to satisfaction. They will come to the Town barn to look at the grader this week. The repair bill is approx \$13,000. but has not been paid. It had a complete rebuild in Apr/May of this year.
 - Possible Sander for one of the pickups.
 - Need load of cold mix.
 - An adjustment to Hwy Sup't salary was discussed but no action was taken.

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- Was going to auction off the extra sanders and gradalls with right to refuse bid. Hwy Sup't elect Schultes said one gradall can be fixed and that no one would want to buy a non-working gradall
- Would also like to sell off junk items
- Lowe's and Walmart credit cards will be terminated at the end of December 2013.

R12) Supervisor's Report: report submitted

Sales tax check has been received, approx \$38,000.

The question was asked: Where does the money from CHIPS and FEMA go? Supervisor Heisler replied that it goes into Highway Savings. He also indicated that the Highway accounts will be separated after the 1st of the year. Interfund Transfers have been completed.

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

MINUTES APPROVAL FOR Oct. 21st, Nov. 6th

8:25PM

A motion was made by Councilman Whitmore, 2nd by Councilwoman Vanderweyde to approve the minutes of the Oct. 21st and Nov. 6th meetings All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried.

WARRANTS

8:30PM

General Warrant # 11, Vouchers # 139-155 in the amount of \$ 3166.21 were submitted and reviewed for payment. A motion was made by Councilman Cammarata, 2nd by Councilwoman Vanderweyde to approve the General claims for payment. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried.

Highway Warrant # 11, Vouchers #134-147, in the amount of \$9,245.89 were submitted and reviewed for payment. A motion was made by Councilman Whitmore, 2nd by Councilwoman Vanderweyde to approve the Highway claims for payment. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried.

There was no other business to come before the Board. A motion to adjourn was made by Councilman Cammarata, 2nd by Councilman Ludwig. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried. Meeting adjourned at 8:45pm. The next Board meeting is December 16, 2013.

Alison B. Owens

Smithville Town Clerk

Addendum: Town Clerk Owens was notified by the Chenango County Treasurer's office that there was an inconsistency in the 2014 Town Budget as submitted. The Budget was reviewed again, the error found and corrected. The corrected 2014 Town Budget was approved by polling the Town Board and then the new Budget resubmitted to Chenango County.