

Minutes of the Smithville Town Board
April 28, 2014

OPENING Supervisor Fred Heisler Jr. 6:30PM

Board members present:
Karl Ludwig
Bob Whitmore
Tom Pollard
John Cammarata, absent

Also Present:
Alison Owens, Town Clerk
Tim Hanna, Planning Board/Smithville Day
Louis Merlino
Larry Sherwood
Holly Mohr
Christine Pollard
Harry Schultes, Hwy Sup't.

CORRESPONDENCE 6:35PM

C1) Resignation of Deputy Clerk Barb Nowalk
C2) Letter of thanks from the McDonough Food Pantry for donation from the Town of Smithville

NEW BUSINESS 6:45PM

NB1) Consider legal notice for fuel and propane bids for the next Board meeting on May 19th. Board members reviewed the proposed legal notice for fuel and propane bids for the Chenango American. A change from last year's notice had been made excepting unleaded gas from this year's notice as the Highway Dept now uses a fuel card. There was no known indicator of future prices. It was asked if the State Contract bid could be applicable but the response was that those are only done at a certain time of the year.

RESOLUTION # 9 (2014): ADVERTISE FOR FUEL AND PROPANE BIDS FOR MAY 19TH MTG.

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

AYES: Ludwig, Whitmore, Pollard, Heisler
NAYES: 0
ABSENT: Cammarata

RESOLVED to advertise in the Chenango American for Low Sulfur Diesel, Winter Kerosene, Heat Kerosene and LP gas for the May 19th meeting.

[Addendum: Mirabito advised Town of Smithville Hwy Sup't Schultes to include '87 Octane gas in the bid as the accepted bid price, not the retail price, would show at the gas pump when using the card (if Mirabito is the accepted bid)]

NB2) consider request for Police presence in Town: The request was made by John Auwarter. Judge Lilley has suggested the possibility of a State Police substation in the Town. Councilman Pollard will check into some different options. Supervisor Heisler will check with the Chenango County Sheriff.

NB3) Town of Smithville (entering into) sign is in need of repair: This was also requested by John Auwarter. The original sign was Stanley Nelson's Eagle Scout project and is on private property. Councilman Pollard suggested removing the sign as it is in disrepair. Perhaps the Historical Society, Grange, Church would have some ideas as to what could replace it or perhaps it could become another Eagle Scout project.

NB4) A written Thank you to Greene Electric for help in taking down Christmas wreaths was also suggested. Tom Pollard has given verbal thanks.

Comment on Christmas wreaths: Christine Buck, SHS President—the wreaths are owned by Town. The Historical Society has prepped them at Christmas time but the Highway Dept has always taken care of hanging them up. If

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Smithville does not choose to use the wreaths, it will be a disappointment to many citizens and will not give the area a sense of community.

Hwy Sup't Schultes commented it is not safe to climb into the payload to put the wreaths up and it is also against OSHA regulations. The work involved doesn't have anything to do with the Highway Dept. The Village of Greene used a fiberglass ladder to take down the wreaths, and perhaps they would also be willing to put them up next season. There are also flags to put up in the summer, but these have become quite scraggly from being up for a long period of time. It would be necessary to provide 2 flagmen. If the Village of Greene would be willing to put the wreaths up in the winter, they should be paid to do it.

Board members discussed other options. Using Townspersons might be an insurance liability issue, but some individuals or local businesses do have a bucket. It was suggested to contact a couple of people in the Town who own buckets to see if they would undertake the project.

NB5) RESOLUTION FOR NYS RETIREMENT SYSTEM

This was rescheduled for the May 19th meeting.

OLD BUSINESS

7:00PM

OB1) Tax Cap Override Local Law discussion

Christine Pollard: The tax credit NYS is promising property owners (if the Municipality they live in stays within the 2% Tax Cap limit) will be lost if Smithville follows through with the tax cap override. She feels something should go out to the taxpayers to inform them of what has happened. Has there been any discussion about consolidating services?

Supervisor Heisler: said that consolidation for the Town of Smithville, especially Fire Districts, is not really an option because of distance from one end of Town to the other which affects response time.

Discussion again centered on a 2nd billing to collect the unlevied \$58,000 and suggested that if such 2nd billing is enacted for 2014, then Smithville would be back to the level they should have been at for 2014 and they would not have to pass Local Law # 1 2014 to override the Tax Cap limit. The Town might then qualify for the tax credit or rebate NYS is promising. Supervisor Heisler indicated he would contact the local NYS Comptrollers office in Binghamton to see if one of the reps would be able to attend a Town Board work session in the next couple of weeks to discuss a 2nd billing. A decision on Local Law # 1 is not expected to be made until the May 19th meeting.

OB2) JCAP grant contractor/project info

Supervisor Heisler has obtained 3 written quotes for the 3 separate jobs to finish the JCAP projects:

Heating/Air Conditioning \$15,000: Air Temp Heating and Air Conditioning Inc., Binghamton NY

The power feed for the electrical is not included.

Bench \$5,000: Randy Hay Construction, Chenango Forks, NY

Floor finishing \$4,000: Frank Acquisto, Binghamton NY

These items do not need to put out for bid because the Town is paying prevailing wage, and each of these projects separately is under \$20,000. Work needs to be completed in 180 days under the JCAP grant stipulations.

RESOLUTION # 10 (2014): PROCEED WITH JCAP PROJECTS USING THE 3 VENDORS LISTED

On a motion by Councilman Ludwig, 2nd by Supervisor Heisler, the following Resolution was ADOPTED.

AYES: Ludwig, Whitmore, Pollard, Heisler
NAYES: 0
ABSENT: Cammarata

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RESOLVED to proceed with and complete the 3 JCAP projects using JCAP money.

REPORTS

7:20PM

R1.) Highway: committee report submitted; Highway Sup'ts report also submitted late. Supervisor Heisler said he received a check today for additional scrap metal in the amount of \$869.25. This will go immediately into the Major Hwy Equip fund and the previous \$4600. collected for scrap metal will be transferred from Highway Savings where it was initially deposited into the Major Hwy Equip fund.

There was discussion about the '87 Mack which is used as a water truck—should it go to the auction or be sold for scrap? Hwy Supt Schultes said he would rather scrap the '87 MACK and then sell the '99 MACK which has a broken spring and cannot be traded in. The question was asked if the '87 MACK would be worth more if it was fixed and then sold. Hwy Supt Schultes said no. There are also 2 gradalls, a parts Gradall and an '88 Gradall, both of which he would also rather sell for scrap.

RESOLUTION # 11 (2014): SELL '87 MACK, PARTS GRADALL AND '88 GRADALL FOR SCRAP

On a motion by Councilman Pollard, 2nd by Councilman Ludwig, the following Resolution was ADOPTED.

AYES: Ludwig, Whitmore, Pollard, Heisler
NAYES: 0
ABSENT: Cammarata

RESOLVED to sell the '87 MACK, the parts Gradall and the '88 Gradall for scrap

The fleet could be reduced but Hwy Sup't Schultes said he really needs 4 trucks plus the smaller p/u. He also said a new truck deal will take about 6 months so that process to either purchase or lease one should to start now. It will cost about \$40,000. to get the '02 Volvo refurbished and into shape with a new box and 8 new tires. The '02 International also needs a new box. The Town could spend up to \$120,000 refurbishing 2 trucks. Previously Hwy Sup't Schultes had been told that the '02 Volvo was worth \$50,000 as a trade in toward a new truck. Members of the Highway Committee said there is not enough money in the town Budget to buy a new truck and lease another one. There is a possibility the old JD Loader could be sold to generate additional money to reserve for a truck purchase. It was also recommended when a new truck is purchased to take the oldest one and use it for a water truck.

Larry Sherwood: indicated there is a demand for them (loaders) on Craig's List.

Hwy Supt Schultes recommended the Town sell the '89 JD Loader and the green '99 MACK truck, which has the broken spring. The following Resolution was brought forth:

RESOLUTION # 12 (2014): SELL '89 JD LOADER AND THE '99 MACK TRUCK BY PUBLIC BID

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

AYES: Ludwig, Whitmore, Pollard, Heisler
NAYES: 0
ABSENT: Cammarata

RESOLVED to sell the '89 JD Loader, and the green '99 MACK by Public Bid. The green '99 MACK has a broken spring and cannot be traded in.

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Councilman Whitmore suggested the Highway Sup't get bids for a box and tires for the '02 Volvo and bids for lease of a new truck.

The Highway is down an employee again. The Board suggested a temporary employee could be hired.

Town Barn: A plan for a new Town Barn could be developed and bids proposed. It was suggested to meet with the Highway Committee to find common ground for a Town Barn.

R2.) Assessor: no report submitted

R3.) Louis Merlino: met with County and Town Code Enforcement and did a site review today with regard to the property on Buckley Hollow Rd. The County wants a survey done and wants the flood level made known.

Enforcement Officer: report submitted. Enforcement Officer was not supportive of the septic system at 140 Buckley Hollow as the property owner planned. The variance Mr. Geib is requesting does not meet Enforcement Officer's approval and the Septic Local Law specs, and would be impossible to monitor due to the location of the alternate system on the property which has a locked gate on the driveway. (see minutes of the Public Hearing April 24, 2014) The Enforcement Officer and the Town Board would consider an engineered plan within 90 days of April 28, 2014.

RESOLUTION # 13 (2014): DISAPPROVE A VARIANCE IN THE SEPTIC SYSTEM PROPOSED BY WES GEIB ON BUCKLEY HOLLOW RD.

On a motion by Councilman Ludwig, 2nd by Councilman Pollard, the following Resolution was ADOPTED.

AYES: Ludwig, Whitmore, Pollard, Heisler
NAYES: 0
ABSENT: Cammarata

RESOLVED to disapprove a variance in the Septic System Application as requested by Wes Geib of PA for his property at 140 Buckley Hollow Rd. Such variance does not meet the Enforcement Officer's approval nor the Town of Smithville's Local Septic Law and due to the location of the septic system would not be able to be monitored for the reasons stated above.

R3.) County: report also submitted

R4.) Mitigation: no report submitted

R5.) DCO: Inspection report submitted. Kathy Wright can make herself available to meet with DCO and Justice to discuss importance of making sure dogs are licensed.

R6.) Attorney: report submitted

R7.) Smithville Day: no report submitted. Tim Hanna, as the organizer of the Smithville Day 5K was present and asked if the Town would co-sponsor the 5K with the Genegantslet Fire Co and if the race course could use Water St. as part of the 5K.

RESOLUTION # 14 (2014): CO-SPONSOR THE SMITHVILLE DAY 5K WITH FIRE DEPT, USE WATER ST. AS PART OF THE 5K COURSE.

On a motion by Councilman Ludwig, 2nd by Councilman Pollard, the following Resolution was ADOPTED.

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AYES: Ludwig, Whitmore, Pollard, Heisler
NAYES: 0
ABSENT: Cammarata

RESOLVED to co-sponsor the Smithville Day 5K with the Genegantset Fire Co., and to approve the use of Water St. as part of the 5K course.

R8.) Custodian: report submitted

R9.) **Playground Committee:** report submitted. Supervisor Heisler is still working on getting the restrooms completed by Smithville Day. There had been a problem with the water. The Basketball court needs safety foam on posts, new backboards, a cover for sandbox, and other repairs to be included. Is the security camera hooked up? Councilman John Cammarata may have the answer.

R10) Town Clerk: report submitted. The Town Clerk is expecting an "installation" call on May 5th to help set up the computer for selling sporting licenses.

R11) **Planning Board:** report submitted. Tim Hanna discussed efforts on Site Plan Review law. A number of changes made to the Local Law were reviewed with the Town Board: lighted signs, # garage sales from 3 to 5; signs under 50 sq. feet; notification of certified "with return receipt requested" or email if requested
The document is ready for Town Board review and can also be put on the website; the Town attorney should also review it.

R12) **Supervisor's Report:** report submitted. He reviewed with the Board a Resolution to support a casino in Broome County which would in turn promote job growth and school aid, and then asked if Board members wished to support such a Resolution? Board members felt it would not benefit the Town of Smithville and were not interested in further support. They felt State land in Chenango County should be developed into something.

A suggestion from the previous Public Hearing (on the Override Local Law) was community support for a Budget Committee so that people can understand the Budget process a little better. A policy should be considered to have the last year and future year budgets read line item by line item.

A 2nd billing was discussed again. Local Rep from the NYS Comptroller's office will be contacted to see if he would attend a Town Board work session.

A sales tax check has been received in the amount of \$29,000+ and will go into Highway Savings.

A motion to accept the Supervisor's report was made by Councilman Ludwig, 2nd by Councilman Pollard. All four Board members, Ludwig, Whitmore, Pollard and Heisler were in favor, motion carried.

MINUTES APPROVAL for Mar. 17th

9:10PM

The minutes of the March 17th meeting were reviewed for approval. A motion to approve these minutes was made by Councilman Whitmore, 2nd by Councilman Ludwig. All four Board members, Ludwig, Whitmore, Pollard and Heisler were in favor, motion carried.

WARRANTS

9:15PM

General Warrant # 4, Vouchers # 45-61 in the amount of \$24,706.36 were reviewed for payment. Voucher # 54 was removed as it was part of Voucher # 57. A motion to pay these claims was made by Councilman Ludwig, 2nd by Councilman Pollard. All four Board members, Ludwig, Whitmore, Pollard and Heisler were in favor, motion carried.

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Highway Warrant # 4, Vouchers # 31-38 in the amount of \$4,592.47 was reviewed for payment. A motion to pay these claims was made by Councilman Whitmore, 2nd by Councilman Pollard. All four Board members, Ludwig, Whitmore, Pollard and Heisler were in favor, motion carried.

OTHER/CLOSE

9:30PM

There was no other business to come before the Board. A motion to adjourn was made by Councilman Ludwig, 2nd by Councilman Whitmore. All four Board members, Ludwig, Whitmore, Pollard and Heisler were in favor, motion carried. Adjourned until May 19th.

Alison B. Owens

Smithville Town Clerk