

Minutes of the Smithville Town Board
April 20, 2015

OPENING Supervisor Fred Heisler Jr. 6:30PM

ATTENDANCE in addition to Supervisor Heisler:
Councilman Karl Ludwig
Councilman John Cammarata
Councilman Bob Whitmore
Councilman Tom Pollard

ALSO:
Bruce Kinney, Enforcement Officer
Harry Schultes, Hwy Sup't
Suzette Valachovic, Deputy Clerk
Jackie Centerwall, PB Chair
Keith Sabin, Groundskeeper, resident
Adam Cobb, resident
Louis Merlino, resident
John Howe, and wife, residents

CORRESPONDENCE 6:40PM
C1) Receipt of Site Plan Review Law as filed with the Dept. of State
C2) a letter of resignation by PB member Doug Garnar

RESOLUTION # 13(2015): ACCEPT RESIGNATION OF PB MEMBER DOUG GARNAR/ADVERTISE

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

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

RESOLVED to accept the resignation of Planning Board member Doug Garnar, effective immediately. Mr. Garnar's term expires 12/31/15. Resolved also to advertise for a Planning Board member in the Chenango American??

Supervisor Heisler asked Brian Phetteplace to fill in; however he accepted position on the assessor board and Supervisor Heisler will check if Mr. Phetteplace would fill in until December, 2015.

C3) USDA Rural Development-Community Facilities Program: grants/loans
C4) Correspondence sent to the Tractor Club

Keith Sabin, Tractor Club: The 5K people didn't park in designated areas, in the future, will need to get someone to direct to the designated areas, may have to tape off a corner because of the leech field for the restrooms.

Supervisor Heisler: will you be smoothing out the areas behind the Post Office?

Keith Sabin: I am working on it, all of these people are volunteers, but it is being worked on.

C5) Unified Hazard Mitigation Grant Program
County processes all contributions, may be potential trouble spots in the road and will notify when completed

NEW BUSINESS 6:50PM

Supervisor Heisler advised that as residents are in attendance, we will be going out of order from our agenda and asked the residents to address concerns:

Keith Sabin: I have quotes for the purchase of a lawn tractor and snow blower – handed out quotes.

Councilman Pollard: Do these businesses know that you were obtaining quotes for a municipality and which tractor do you prefer?

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Keith Sabin: Yes they know it is for a municipality. I prefer John Deere. These estimates do not include a trade in.

Supervisor Heisler: What could the old machines be sold for?

Keith Sabin: I don't know, but I would guess that the tractor may be worth about \$2,000 and the snowblower \$200. The estimates are higher than expected mostly due to the hard cover.

Councilman Pollard: What is the horsepower?

Keith Sabin: 25-26

Supervisor Heisler: We will review these estimates, discuss and make a determination.

Louis Merlino: The house on Buckley Hollow Road which has been consistently in violation has been sold; the Town nor County has done anything to make the prior owner pay for his violations, he didn't have to pay any fines. Does the new owner know about the violations? Is he going to get away with not being in compliance too?

Supervisor Heisler: Are you sure the house is sold? How do you know this?

Louis Merlino: The neighbor told him. The neighbor also told Mr. Merlino that he told the new owner the house was in violation. Mr. Merlino said that he knows that the owner has been trying to sell the property in PA, and that the neighbor informed him that the new owner is from PA. Last weekend, there were 4 people there; with no septic, where is the refuse going? Something has to be done. He heard that the County lady had retired.

Supervisor Heisler: The county position was eliminated. I am going to be in Norwich on Tuesday and will check and let Mr. Merlino know. Mr. Merlino's phone number is 656-5042.

Enforcement Officer Kinney: Two violations were issued by letter 11/7/13: illegal building permit and illegal septic; the Town and County have sent letters; no certificate of occupancy has been issued. The property has been sold to Dan Demkoski and he is aware of the violations and issues which need to be repaired, he has received new letters regarding the building permit, septic violation and being in a flood zone/plane and is aware that the property is not up to code.

Adam Cobb: He owns the property next door to the Town Office Building and received a notice from his insurance company that the recent fire he had caused damage to the town building. He stated that this is false; the fire wasn't even hot enough to melt the 5 foot of snow at that side of the building and that the fire was at the opposite side of his trailer. He inquired to what extent is the Town claiming damage.

Supervisor Heisler: Contacted insurance company because of the peeling paint, bubbling paint in the back of the building; an adjuster was sent out and assessed the damage and set forth the damages and cause.

Adam Cobb: I do not agree with that assessment. The paint on the front portion was peeling before this fire and I don't think the fire is the cause of the peeling/bubbling in the back. I will have to turn this over to my attorney and insurance company to fight this out. Also, concerning another matter, when the heating and A/C work was done on the building, nobody asked for his permission to come onto his property to be able to do the work on that side of the building.

Supervisor Heisler: Where is the property line between the properties?

Adam Cobb: About 8 inches from the window. All I want is to have some respect and consideration. When work is going to be done and access needs to be had via his property, he wants a "head's up".

Supervisor Heisler: A carpenter will be coming to work on the back in the near future, he shouldn't have to go onto your property, but we will advise him of your request. Also, with regard to the insurance claim, I will contact our insurance company and request that they send another adjuster out to reassess the situation. Will that be acceptable to you? We want to be good neighbors.

Adam Cobb: Yes. Thank you.

NB5) concerns about Town roads

John Howe: I live at 534 Hammerle Rd. I spoke with Supervisor Heisler and the Highway Superintendent, Harry Schultes about our road today. Mr. Schultes told me that there isn't much that can be done with the road now. Something needs to be done – my new truck bottomed out on the way here. Who will fix the damage to our vehicles? Bring some materials in to fill/build up the road, get some base, stone, something. Last year you took the ditch cleaning and rolled it onto the road, you can't have a road with a bowl shape, you can't put the ditch cleanings back on the road. There is a 16 inch hole in one spot, the road is falling to pieces. Also, talk about snow plowing

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and sanding. The plow comes up, makes 1 swipe in the middle of the road and the last snow fall, it was after the school bus had been up the road. Unacceptable. What about the dust in the summer? Why can't the road be stoned and oiled in front of the houses?

Hwy Sup't Schultes: The plows are always out before the buses.

John Howe: Not that time. I was home and witnessed it.

Hwy Sup't Schultes: We plan on getting up there fix the problems and do new drains but cannot do anything now because the equipment will sink. There is still frost underground. We know there is a problem up there with drainage and the holes and will be taking care of it when the ground dries more in order for us to get the equipment up there without causing more damage. We can close the road.

John Howe: Not acceptable!

Hwy Sup't Schultes: Concerning the dust, last year we used chloride to keep the dust down because it was cheaper, this year we won't be using that.

John Howe: We need something done now. Some sort of fill, temporarily, understand that there is still frost in the ground.

Councilman Ludwig: I agree, the road is in bad shape.

John Howe: The last 2 weeks the road has taken a turn for the worse.

Supervisor Heisler: Harry, is this on the schedule?

Hwy Sup't Schultes: Yes, road and drainage

Supervisor Heisler: Harry, need to develop a plan and schedule and make the home owners on the road aware of the plan, type of material using etc. What is the long term answer? What is the short term?

Hwy Sup't Schultes: Can't get stone in now, only option would be to use Tucker Road.

John Howe: The whole road is pushing; water still pours; this is an ongoing problem every year!!! The ditches are always full water; need to get ditches cleaned out.

Supervisor Heisler: Harry, are the roads checked?

Hwy Sup't Schultes: Yes, every 2 weeks.

Supervisor Heisler: So what is the solution?

dig out, put cobbles/stone down until compacted, put a base down, clean ditches, install drains, Harry will do what he can, weather permitting. Harry will get up there Tuesday, will do a temporary fix and then a long term and will keep owner posted on progress, is this acceptable.

John Howe: Even if only 1 lane at the present that would work. Yes, acceptable, as long as it gets done.

NB1) consider request for monetary donation to McDonough Food Pantry *

Review and discussion of the letter requesting donation. Last year we donated \$100; if this is in the budget, good to continue

RESOLUTION # 14(2015): APPROVE DONATION TO MCDONOUGH FOOD PANTRY

On a motion by Councilman John Cammarata, 2nd by Councilman Karl Ludwig, the following Resolution was ADOPTED

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

RESOLVED to approve the donation of \$100 pursuant to the budget to the McDonough Food Pantry.

NB2) consider Resolution to advertise for Fuel/Propane bids for May 18th meeting

RESOLUTION # 15(2015): ADVERTISE FOR FUEL AND PROPRANE BIDS FOR MAY 18TH MTG.

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

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

RESOLVED to advertise in the Chenango American for Low Sulfur Diesel, Winter kerosene, heat Kerosene and LP gas for the May 18th meeting.

NB3) consider Resolution to finish bathrooms in storage building
Fred spoke with local contractor, a sole proprietor concerning finishing the bathrooms. Discussion was had and decided that Fred will get a bid from the contractor for the next meeting and hopefully the work can be done by Smithville Days.

NB4) consider Resolution to add port-a-johns in the park. How many?
Discussion of the port-a-johns.

RESOLUTION # 16(2015): APPROVE PORT-A-JOHNS IN THE PARK

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

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

RESOLVED to approve 1 port-a-john to the park for one or two months, until the restrooms are completed.

OLD BUSINESS

7:45PM

OB1) Town Barn Engineering Plans

Cost for new garage – funds have been granted, if we get additional \$100K, good to go. Discussion had on position of the building and entry to road. Building should be turned to face Rt 220; may be \$15 K more; and add ons for 2 doors;

RESOLUTION # 17(2015): APPROVE FIRST DRAW FOR NEW BUILDING

On a motion by Councilman Tom Pollard, 2nd by Councilman John Commarata, the following Resolution was ADOPTED

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

RESOLVED to approve the initial draw for the new building pursuant to the contract, when requested; move forward with the drawing, based on turning the building to face Rt. 220, any additional costs thereof will be “add ons”; and the change of the truss on one bay.

OB2) Town signs at entrance

Auwater clan expressed interest in donation to the signage costs. Supervisor Heisler brought in sketch, and will touch base with the historical society and Auwaters. Hwy Sup’t Schultes agreed to assist in installation.

RESOLUTION # 18(2015): APPROVE SIGNAGE AT ENTRY POINTS OF TOWN

On a motion by Councilman Bob Whitmore, 2nd by Councilman John Commarata, the following Resolution was ADOPTED

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

RESOLVED to move forward with the installation of signs at the entry points of the main entrances to the Town; 3 large signs, 6 smaller signs.

REPORTS

8:00PM

R1.) Highway: no report submitted – Verbally discussed that receipt for estimates for CHIPS; Sup't was advised of the importance to have plan submitted to the Board for the summer, to get the bids in. Sup't advised the need for new vehicle. Supervisor Heisler and Councilman Pollard advised Sup't of the importance of submitting reports to the Board, it doesn't have to be extensive, but need to have a report submitted. Sup't advised the need to put money into the roads. Councilman Pollard would like to see where the money is going and cannot do so without bids; need to get estimates for vehicles so prices can be seen.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: report submitted County: no report submitted *
Bruce needs to get with Alison to finalize; will be attending to school Monday; new construction questions will be referred to the planning board first; Supervisor to only approve applications for the permit and should be telling owners/applicants that they need to be in contact with planning board because of the new site review plan law.

R4.) unassigned

R5.) DCO: no report submitted

Christine Stock – received yearly evaluation; rabies clinics scheduled around the county and will put up notices around town; Discussion was had why the Town has been out of the loop. Councilman Whitmore stated that a clinic used to be held here and they haven't been approached to do so in quite some time. Ms. Stark will check into getting future clinics back in Smithville. Ms. Stark also presented a sample of a Dog Census letter which sets forth what is required of dog owners and the consequences if not in compliance and feels that this should be something the Town considers sending out, of course with the applicable changes for Town requirements.

R6.) Attorney: no report submitted

R7.) Smithville Day: no report submitted, but one is expected at the next Board meeting. Councilman Ludwig advised that things are moving along and the community turn out has been good. Smithville Days are scheduled for June 13; next meeting, April 21; the key theme was morphed into a Town Celebration. Would love to have people get the word out, via facebook, and other social media.

R8.) Custodian: report submitted *

R9.) Playground Committee: report submitted *

R10) Town Clerk: report submitted *

R11) Planning Board: written report submitted *

Planning Board Chairperson, Jackie Centerwell informed that at the last meeting Phil Montelione is opening a book/antique store in the old liquor store building and lives upstairs. The only thing pertaining to the planning board is the signage. She also advised that she reminded planning board members of annual training requirements. Community Surveys have all been entered and there were 161 responses; a hand out of the written remarks were presented. Chairperson Centerwell also mentioned that at the meeting an extensive discussion was held concerning the burial on one's own property, approval and enforcement. We need to get feed back from the Highway

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Committee concerning the Road Preservation Law. We also are awaiting feed back from the Town Attorney concerning the fee schedule, Supervisor Heisler will contact him. Supervisor Heisler inquired if she had any thoughts of who to fill the board position vacated by Doug Garnar. Regarding the Site Plan Review Law, Alison was going to follow up with the State to see if Local Law 1 is in effect. It is the understanding of the Chairperson that once the Local Law has been received by the State, it becomes in effect, that the State does not send a notice stating it is in effect, only that they received it.

R12) Supervisor's Report: report submitted *
Report was reviewed. Hwy Sup't Harry Schultes advised that he will see Virginia this week.

Motion to approve Supervisor's report made by Councilman Cammarata, 2nd by Councilman Pollard. All 5 Board members: Ludwig, Cammarata, Pollard, Whitmore and Heisler were in favor, motion carried.

WARRANTS

8:20PM

General Warrant # 4, Vouchers # 38-50 in the amount of \$4579.17

These claims were reviewed and then moved to approval to pay in a motion by Councilman Pollard, 2nd by Councilman Ludwig. 5 Board members: Ludwig, Cammarata, Pollard, Whitmore and Heisler were in favor, motion carried.

Highway Warrant # 4, Vouchers # 34-49 in the amount of \$17, 279.61

These claims were reviewed. Inquiry of Hgwy Sup't Schultes for the cost of the Western plow and shoe. This was for the replacement of a plow on his truck. Discussion was had regarding Hgwy Sup't Schultes' need to get Board approval **prior** to a purchase, as this purchase was not approved by the Board. Hgwy Sup't Schultes realized his error and in future will obtain Board approval. Supervisor Heisler advised that he will not sign any future checks for reimbursement without Board Approval. A motion was made to approve the payment of these vouchers by Councilman Cammarata, 2nd by Councilman Whitmore. 5 Board members: Ludwig, Cammarata, Pollard, Whitmore and Heisler were in favor, motion carried.

MINUTES APPROVAL for March 16th

8:35PM

The minutes of the March 16th meeting were reviewed. A motion to accept the minutes was made by Councilman Ludwig, 2nd Councilman Cammarata. 5 Board members: Ludwig, Cammarata, Pollard, Whitmore and Heisler were in favor, motion carried.

INTO EXECUTIVE SESSION

8:39PM

A motion was made by Supervisor Heisler for the Board to go into an Executive Session, 2nd by Councilman Ludwig. 5 Board members: Ludwig, Cammarata, Pollard, Whitmore and Heisler were in favor, motion carried.

OUT OF EXECUTIVE SESSION

9:02PM

OTHER/CLOSE

9:05PM

Respectfully Submitted

Suzette Valachovic, Deputy Clerk

5/1/2015

The following resolution was conducted by a phone poll in order to expedite the use of the Smithville Flats ball field located at Eagle Scout Park.

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Consider Resolution to Norwich/Oxford Little League to use the ball field for baseball games. The organization would have to comply with insurance requirements. That being the team must have their insurance waivers on file with the Town of Smithville and with the Town insurance company. A phone poll was conducted with the following results.

RESOLUTION # 19 (2015): APPROVE USE OF BALL FIELD FOR NORWICH-OXFORD LITTLE LEAGUE

Heisler Aye, Pollard Aye, Whitmore Aye, Cammarata Aye, Ludwig Aye

RESOLVED to move forward with authorization to allow the Norwich/Oxford Little League team to use the Town of Smithville ball field, pending the team's insurance waivers being on file with the Town of Smithville and with the Town insurance company approval.

ABO

5/7/2015