

Minutes of the Smithville Town Board
Public Hearing for Site Plan Review
March 16, 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:
Town Clerk Alison Owens
Shane Butler, Planning Board
Jim Kozak, Enforcement Officer
Keith Sabin, SCA Tractor Club
Bruce Kinney, Enforcement Officer
Harry Schultes, Hwy Sup't
Suzette Valachovich, Deputy Clerk
Jackie Centerwall, PB Chair
1 Townsperson

There were several late reports submitted not included in the proposed agenda. Supervisor Heisler also had a late Correspondence item.

SITE PLAN REVIEW PUBLIC HEARING 6:31PM

Supervisor Heisler announced the purpose of the Site Plan Review Public Hearing, the legal notice was read by Town Clerk Owens and Supervisor Heisler then declared the Public Hearing OPEN.

There was no Public Comment. Supervisor Heisler declared the Public Hearing closed.

MANG INSURANCE REP: 6:35PM

David Craine of Mang Insurance was available to give a synopsis to Board members of the proposed Town insurance policy for March 16, 2015-March 15, 2016

- Schedule of properties (It was noted that storage trailers at the Town Barn may come off the policy)
- General Liability (example: lawsuit against the Town, care of streets and roads— inappropriate signage, etc.; hurt on equipment) 3 mil. General aggregate limit
- Highway state permits (Hazard Schedule): there is now relaxation from NYSDOT with regard to State permits, meaning Municipalities can drop this part of the insurance policy, but if so, the Municipality would need to add the NYSDOS as additional insured—**will have small increase in policy and will share limit of liability**
- Equipment coverage: 5 years or newer are covered, replacement coverage can extend to 10 years
- Public Officials liability: this is in case of a lawsuit over a decision made by the Board, discrimination, wages, employment issues
- General Liability: 2 mil umbrella limit
- Bond: for those who have access to larger sums of money
- Total Premium for 2015/16 is \$20,512.48, about a 1% increase; the crime policy was recently paid; total due \$19,598.48.

Councilman Pollard: is only 1 truck covered if there was a fire in the barn?

David Craine: the newest truck would be covered under replacement value. The trucks older than 5 years would be classified under collision/comprehensive with a deductible, then they would be replaced at the current value at the time.

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CORRESPONDENCE

7:00PM

C1) Supervisor Heisler mentioned an Intrastate Mutual Aid Assoc. which is an executive law recently passed to allow municipalities to cooperate during times of emergency. Worker's Comp entity policies are in place during this time.

NEW BUSINESS

7:05PM

NB1) Groundskeeper's information for larger yard tractor: Groundskeeper Sabin brought in some information for a larger tractor to use for lawn maintenance which was reviewed by Board members. This will be reconsidered at Budget time.

OLD BUSINESS

7:15PM

OB1) Town Barn Engineering Plans:

The three proposals for engineering plans mentioned at February's meetings are as follows:

- 1.) Lombardini & Layton Architecture \$19,000./additional services @ \$85.00 p/hr
45 Lewis At.
Binghamton, NY

- 2.) Root 2 Architecture \$8,200./+reproduction costs of 10%
1432 Elmira St.
Endicott, NY 13760

- 3.) The Chazen Companies \$28,750. Plus additional services costs

Norwich, NY 13815

Supervisor Heisler asked Board members how they would like to proceed. Sen Libous's office says the grant money awarded to the Town but not yet received has been stuck in the Governor's office with no time limit as to passage. Could Town moneys being used for the Town Barn project be reimbursed at a later time from the grant money, if indeed it were received? Should the Town move forward with the first part of the project which would be to have an engineering firm work up drawings? All four Board members felt the Town should move forward with the engineering process as they would like to see the project well under way before next winter. With excessively high fuel and electric costs from use of the current facility, it makes sense to move forward with a more fuel efficient, size needed building.

Supervisor Heisler then discussed the three engineering firms, their costs for drawing bids and the time line the Town is working with. He recommended starting with Root 2 Architecture, have a "working" interview with them to share ideas about the Town Barn, without commitment. Different dates were discussed. Supervisor Heisler will concur and get back to everyone. A notice of Town Board work session will be posted on the door of the Community Center and on the Town website.

OB2) SITE PLAN REVIEW LOCAL LAW

Additional comments/discussion:

PB Chairperson Centerwall: the Site Plan Review is a tool to help the Comprehensive Plan be utilized

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Supervisor Heisler: what is the review process on the Planning Board if someone brings a challenge to the Board? Does a new PB member have training?

Chair Centerwall: Yes, 4 hrs training per year for all PB members is required by NYS. Chenango County is doing a Site Plan training session sponsored by NYS next month.

Councilman Whitmore: how will items in the Site Plan Local Law be enforced?

Chair Centerwall: These are complaint driven.

Supervisor Heisler: is there a plan to educate the Public? What will happen when there are complaints?

Chair Centerwall: Written complaints will be accepted. They should be reviewed by the Enforcement officer.

Following this discussion, the Board moved to adopt the Site Plan Review Local Law # 1, 2015.

RESOLUTION # 6 (2015): ADOPTION OF SITE PLAN REVIEW LOCAL LAW # 1, 2015

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

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

RESOLVED to adopt Local Law # 1 2015, the Site Plan Review, for the Town of Smithville.

REPORTS

7:45PM

R1.) Highway

The late Highway Committee report recommended Highway Sup't Schultes find out about CHIPS funds for 2015. The Highway Sup't is waiting on State prices for summer projects. There have been some problems with the new truck, but they have been fixed. The red F-550 needs to be replaced, perhaps selling the '93 Volvo to help with a new purchase. The '93 Volvo could also be used as a work truck or replacement but it would require another bay in the Town Barn to put it in.

The late Highway Sup't report was submitted for review. The Highway Sup't claimed an emergency purchase for a plow for the 2007 F350. There is a limit on the amount of money that can be spent as set forth in the Procurement Policy. Supervisor Heisler asked that Hwy Supt Schultes review the Hwy accounts with the bookkeeper.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: report submitted. No new info on Echo Lake. County: no report submitted. Town Clerk Owens has started a Lotus database to try and keep track of building permit applications signed at the Town level before they go to the County. There is a lack of communication between the County, the Town Clerk and the Town Assessor because monthly reports normally handled by the County Code Enforcement office are not being sent due to lack of office personnel. The Assessor needs updates about changes to property in order to update his files.

R4.) unassigned

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R5.) DCO: late report submitted. Loose dog at Community Center was returned to owner with a request to have it licensed. Owners were verbally abusive to the DCO and the DCO will not return to the owner. It was recommended to the DCO to call the NYS police to seize the dog and take it to the SPCA. A separate dog bite incident was also discussed.

R6.) Attorney: unassigned. Supervisor Heisler has found an Attorney to act as counsel for the Town of Smithville. Att’y David Berger, Vestal NY has sent a contract to the Town requiring the Town Supervisor and Town Clerk’s signatures. His fees will be \$150. p/hr. Att’y Berger reviewed the Time Warner contract and has made suggestions. He also is in favor of the Notice of Fees Local Law. The following Resolution was made to appoint David Berger as Counsel for the Town:

RESOLUTION # 7 (2015): APPOINT ATT’Y DAVID BERGER AS COUNSEL FOR THE TOWN FOR 2015

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

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

RESOLVED to appoint Attorney David Berger as Counsel for the Town of Smithville for 2015.

R7.) Smithville Day: no report submitted. There will be a meeting on March 24th at the Presbyterian Church to decide the direction of Smithville Day for 2015.

R8.) Custodian: nothing to report

R9.) Playground Committee: nothing to report

R10) Town Clerk: report submitted

R11) Planning Board: written report submitted: No February meeting due to cold weather. The new Attorney advised moving forward with the fee schedule. The surveys have had information input into a computer and the Planning Board is still working on the information. The Road Preservation Law is still being reviewed but the Planning Board has not yet had a chance to work with the Highway Sup’t.

R12) Supervisor’s Report: report submitted

Supervisor Heisler said the Board would have to make a decision to spend JCAP grant funds either on outside lighting or for inside security as the \$5500. Allotted by JCAP will not be enough for both projects. Board members decided inside security and a camera for Pavilion would be the priority. Supervisor Heisler also asked the Board if they should supplement the JCAP grant with some of the funds from the Building Fund Reserve Acc’t?

The new accounts authorized and created at NBT as per the Resolution from February’s meeting are now up and running after some initial delay.

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

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MINUTES APPROVAL for February 16th 8:15PM
The minutes of the February 16th meeting were reviewed. A motion to approve the minutes was made by Councilman Cammarata, 2nd by Councilman Ludwig. Four Board members: Ludwig, Cammarata, Whitmore and Heisler in favor, Councilman Pollard abstained. Motion carried.

WARRANTS 8:20PM

General Warrant # 3, Vouchers # 28-37 in the amount of \$34,742.41

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

Since the electric bills have been continuously increasing under Ambit's service and promised savings have not been realized, it was recommended to return to NYSEG Solutions. The following Resolution was made:

RESOLUTION # 8 (2015): CHANGE ELECTRIC SERVICE PROVIDER FROM AMBIT TO NYSEG SOLUTIONS

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

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

WHEREAS the change in the electric service provider from NYSEG Solutions to AMBIT has not resulted in the promised savings, and WHEREAS the amount of the bills from AMBIT has increased steadily over the last few years, BE IT THEREFORE RESOLVED to return the Town's electric service for all of its accounts from AMBIT to NYSEG Solutions.

Highway Warrant # 3, Vouchers # 22-33 in the amount of \$12,445.11

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

There was no other business to come before the Board. Supervisor Heisler declared the meeting adjourned.

OTHER/CLOSE 9:01PM

Alison B. Owens

Smithville Town Clerk

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ADDENDUM:

Several items of business were transacted over the phone by Supervisor Heisler and the 4 Board members during the week following the March 16th Town Board meeting. After discussing these items and receiving positive responses from 3 of the Board members, these Resolutions were made by **Supervisor Heisler and 2nd by Councilman Ludwig and confirmed by Councilmen Pollard and Cammarata; Councilman Whitmore absent.** The Resolutions are as follows:

RESOLUTION # 9 (2015): SIGN CONTRACT FOR TOWN BARN ENGINEERING PLANS WITH ROOT2 ARCHITECTURE FOR \$8200.

During the discussion stage at a work session held March 23rd Town Board members met with Root2 Architecture and since their plan was the least expensive initially presented, and seemed to work well with what the Town Board and the Highway Sup't were looking for, they decided to sign a contract with Root2 Engineering for \$8200. to start the engineering plans for the new Town Barn.

RESOLUTION # 10 (2015): ACCEPT RESIGNATION OF ENFORCEMENT OFFICER JIM KOZAK

Enforcement Office Jim Kozak has submitted his resignation, effective April 5, 2015.

RESOLUTION # 11 (2015): APPOINT BRUCE KINNEY AS ENFORCEMENT OFFICER EFFECTIVE APRIL 6, 2015

Bruce Kinney was the temporary Enforcement Officer through April 5, 2015, and was appointed as the sole Enforcement Officer effective April 6, 2015 through Dec. 31, 2015.

RESOLUTION # 12(2015): PURCHASE REFURBISHED LAPTOP FOR ENFORCEMENT OFFICER KINNEY AT A COST NOT TO EXCEED \$399.

This will be a new addition in office equipment and will be taken from Contingency A1990.4

Addendum finished 3/31/2015
Alison B. Owens
Smithville Town Clerk