

MINUTES OF THE PUBLIC HEARING TO REPEAL LOCAL LAW #1, 2014
SEPTEMBER 8, 2015

The Town Board Public Hearing for proposed Local Law # 2, 2015 was called to order at 6:30pm by Supervisor Fred Heisler. Present in addition to Supervisor Heisler were Board members John Cammarata, Tom Pollard, Karl Ludwig, Bob Whitmore; also Town Clerk Owens and 3 Townspersons.

Supervisor Heisler explained the purpose of the Public Hearing would be to repeal Local Law # 1, 2014 (which allowed the Town to override the tax cap in 2015) and reinstate the tax cap limits of general municipal law SS 3-C.

Town Clerk Owens read the notice advertising the Public Hearing as it appeared in the Chenango American.

The Public in attendance understood the purpose of the Local Law but Supervisor Heisler further explained the purpose for the adoption of the new Local Law, saying the Town will be within the 2% tax cap requirement in 2016.

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

RESOLUTION #39(2015): ADOPT LOCAL LAW # 2, 2015 REPEALING LOCAL LAW # 1, 2014, AND REINSTATING THE TAX CAP LIMITS OF GENERAL MUNICIPAL LAW SS 3-C, pending approval of wording by the Town Attorney.

WHEREAS on September 15, 2014, the Town Board adopted a local law to override tax cap limits set forth in GML SS 3-C and due to other NYS legislation allowing certain limited tax refunds under stated conditions, one of which is that no tax cap override may be in place at the time of adoption of a final budget for 2016, the Town Board has decided to repeal Local Law # 1 of 2014, the tax cap override local law; and

WHEREAS, a Public Hearing was held at the Town of Smithville Community Center, 5285 State Hwy 41 Smithville Flats NY on Sept. 8, 2015 at 6:30pm to consider the adoption of proposed Local Law # 2 of 2015, and all persons interested therein were duly heard and all evidences were taken; and

WHEREAS, since this action is a Type II SEQRA action for which no environmental review is required, and upon due consideration thereupon, the Town Board of the Town of Smithville has hereby

RESOLVED that Local Law # 2 of 2015 be and hereby is approved and adopted in the form as presented and in such form "be it so enacted" and it is further

RESOLVED that in accordance with SS 21 of the Municipal Home Rule Law, the final adopted version of this Local Law shall be presented to the Supervisor for approval, and it is further

RESOLVED that upon such approval by the Supervisor and within 20 days after the final adoption of this Local Law, the Town Clerk shall file a certified copy of this Local Law, together with the required certifications, if any, as follows: (i) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law SS 27.

This Resolution was so moved by Councilman Pollard, 2nd by Councilman Ludwig, with a roll call vote as follows:

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Councilman Cammarata Aye Councilman Pollard aye
Councilman Whitmore Aye Councilman Ludwig aye
Supervisor Heisler Aye

Accordingly the foregoing Resolution was approved, carried and duly adopted on September 8, 2015.

TOWN BARN ADDITION

There were 2 sets of bids for the Town Barn addition. The 1st set of 4 bids was rejected due to the cost involved. A 2nd bid was sent out in which 3 bids were received and opened as follows:

- PJF Enterprises: \$409,000.00
- Finger Lakes Construction: \$362,828.00
- Randy Hay Construction: \$311,975. 00

The low bidder was Randy Hay Construction. After several meetings between Randy Hay Construction, Architect George Haus, and the Town Board of Smithville, the Town decided to accept the bid as proposed by Randy Hay Construction in the amount of \$311,975.00.

RESOLUTION # 40(2015): AWARD BID FOR THE TOWN BARN ADDITION TO RANDY HAY CONSTRUCTION

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

AYES: Ludwig, Cammarata, Pollard, Whitmore, Heisler

NAYES: 0

RESOLVED to accept the bid by Randy Hay Construction for the addition to the Town Barn in the amount of \$311,975.00.

There was no other business to come before the Board. The meeting was declared adjourned by Supervisor Heisler at 7:15pm until the regular meeting Sept. 21st.

Alison B. Owens

Smithville Town Clerk