

Minutes of the Smithville Town Board  
May 16, 2016

OPENING

6:30PM

ROLL CALL/PLEDGE:

Board members:

Supervisor Fred Heisler Jr., left at 7:00pm  
Karl Ludwig  
John Cammarata  
Bob Whitmore  
Tom Pollard

Also Present: Alison Owens, Town Clerk  
Jackie Centerwall, PB Chair  
Gloria Micha, Assessor  
Tracy Oliver, Hwy Sup't  
Bruce Kinney, Enforcement Officer  
Ken Whitmore, Hwy employee  
DCO: Christine Stark

LATE ADDITIONS/DELETIONS/REMARKS:

Adding C5, C6, NB4, NB5

The meeting was conducted by Deputy Supervisor Karl Ludwig, Supervisor Heisler present briefly, being excused due to illness.

**Ken Whitmore** was recognized and asked to know the status of the Fire Co. purchasing 3 acres of Town property located next to the fire station.

**Supervisor Heisler:** would like direction from the Board

**Councilman Pollard:** can Town property be sold without a Public referendum? He suggested calling the Assoc. of Towns to ask an Att'y of about the appropriate procedure.

**Supervisor Heisler:** get direction from the Board 1<sup>st</sup>

**Councilmen Pollard & Cammarata:** yes move forward but would like to see sidewalks built into the purchase contract or an understanding that sidewalks would be built. This would help to prevent pedestrian highway accidents .

**Councilman Whitmore:** someone would have to take liability for the sidewalk; also the Fire Co. insurance would not cover liability for use of parking lot space for Town events

**Councilman Ludwig:** does not have a problem with selling the 3 acres

**Councilman Whitmore:** move forward with options for purchase

The Supervisor's report was also discussed at this time, the context has been moved to later in the minutes.

BID OPENING FOR FUEL AND PROPANE

6:35pm

- 1.) Paraco Gas Corp.
- 2.) Mirabito Fuel
- 3.) Economy Heating

Bids from 3 vendors were opened and read. All bids are for the period June 1, 2016 to May 31, 2017. XX= not bid. One vendor bid on fuel for heat which was not called for; this bid was dismissed.

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VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCTUATING	FIRM BID
<b>Economy Heating P.O. Box 298 Port Crane, NY 13833</b>				
ULSD	5/16/16(\$1.412)	+ .25	Cost + diff	\$2.599
ULSK Winter Blend	5/16/16(\$1.412)	+ .25	Cost + diff	\$2.649
'87 UL Gas w/10% Eth	5/16/16(\$1.4385)	+ .20	Cost + diff	\$2.899
Propane			XX	\$.999/gal
1000 gal. tank	No fee to set tank			
<b>Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902</b>	Albany OPIS			
ULSD	5/13/16 (\$1.4307)	+ .1750/gal	\$1.6057/gal	\$1.9990/gal
ULSK Winter Blend	5/13/16(\$1.7330)	+ .1750/gal	\$1.9080/gal	\$2.2990/gal
'87 UL Gas w/E10	5/13/16 (\$1.5388)	+ .2222/gal	\$1.7610/gal	XX
Propane (Selkirk)	5/13/16 (\$.6551)	+ .3324/gal	\$.9875/gal	\$1.2205/gal
<b>Paraco Gas Corp. 26741 SR 267 Friendsville, PA 18818</b>				
ULSD		xx	xx	XX
ULSD Winter Blend		xx	xx	XX
'87 UL Gas w/10% Eth		xx	xx	XX
Propane, both Town Barn and Comm. Center	Selkirk	xx	xx	\$1.129/gal
500 gal. tank	No fee to set tank			

It was noted that Economy Heating's bid lacked information on whether propane would also be delivered to the Smithville Community Center; the bid only referred to delivery to the Town Barn. The Town Board also questioned whether the tank size would remain the same at 1,000 gal or if (2) 500 gal tanks would be installed. It was suggested to call Economy Heating and confirm those 2 items.

Since Economy Heating had the lowest price for propane, Board members chose to accept their bid pending confirmation of tank size, placement and delivering to both the Town Barn and Community Center locations.

**RESOLUTION # 12 (2016): ACCEPT ECONOMY HEATING'S PROPANE BID FOR DELIVERY TO THE TOWN BARN AND COMMUNITY CENTER**

On a motion by Councilman Pollard, 2<sup>nd</sup> by Councilman Cammarata, the following Resolution was ADOPTED.

AYES: Ludwig, Pollard, Cammarata                      ABSTAIN: Whitmore  
ABSENT: Heisler

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RESOLVED to accept Economy Heating's bid for fixed rate propane of \$.999, pending confirmation of delivery to both the Community Center and the Town Barn for the period June 1, 2016—May 31, 2017

The remaining fuel product bids were reviewed. Since Mirabito Fuel's bids for ULSD of \$1.9990 and ULSK of \$2.9990 were the lowest bid, Board members moved to accept them. After further consideration, the Board decided to reject bids for '87 Octane gasoline since Hwy employees are now using local pumps.

**RESOLUTION # 13 (2016): ACCEPT MIRABITO'S FIXED RATES FOR ULSD and ULSK FOR DELIVERY TO THE TOWN BARN; REJECT '87 OCTANE GAS BIDS**

On a motion by Councilman Cammarata, 2<sup>nd</sup> by Councilman Pollard, the following Resolution was ADOPTED.

AYES: Ludwig, Pollard, Cammarata ABSTAIN: Whitmore  
ABSENT: Heisler

RESOLVED to accept Mirabito's bid for fixed rate for ULSD of \$1.9990 and ULSK of \$2.2990 for the period June 1, 2016—May 31, 2017. Further Resolved to reject bids for '87 Octane gasoline.

CORRESPONDENCE

6:50PM

C1) Letter from Mang Insurance re: builders risk policy has been deleted because the project is complete \$519.00 refund from portion we did not use.

C2) 1<sup>st</sup> quarter sales tax distribution check has been received in the amount of \$34,723.59, ahead of what was budgeted

C3) Satisfactory NYS inspection of Smithville Dog Control facility. DCO Stark commented that during the inspection it was mentioned the DCO should have a pr. of gloves to wear in handling the dogs.

C4) Letter of complaint from an unknown source regarding 386 Pollard Rd, the accumulation of trash, burning of plastics etc. was read. Enforcement Officer Kinney is aware of the problem, will be meeting tomorrow with Enforcement officials and will discuss the situation with them. There are also 16 unlicensed dogs at this address. The DCO was given information regarding them.

C5) letter from Howard & Joan Barker re: thanking the Town Board and Hwy Supt for moving forward with entry into Smithville signs. It was suggested to relocate one of the new large signs to the intersection of Round Pond Rd and Pearl St., so that a previous Eagle Scout project "Welcome to Smithville" sign could remain in place by the fire station. This was tabled as Board members would like to confer with Supervisor Heisler before making any changes.

C6) addendums to the SPCA contract were received 5/16/16 and were given to the Board for their review. Further action was tabled until the June 20<sup>th</sup> meeting.

NEW BUSINESS

7:05PM

NB1) Consider Resolution for NYS and Local Retirement:

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**RESOLUTION # 14 (2016): ESTABLISHING FOR THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM, A 6HR. WORKDAY AND 5 EMPLOYEES, and AN 8 HR WORKDAY WITH 1 EMPLOYEE AS MEMBERS OF THE RETIREMENT SYSTEM BASED ON ROA'S KEPT AND FILED IN THE TOWN CLERK'S OFFICE.**

On a motion by Councilman Cammarata, 2<sup>nd</sup> by Councilman Whitmore

AYES: Ludwig, Pollard, Cammarata, Whitmore,  
NAYES: 0  
ABSTAIN: 0

RESOLVED to establish for the New York State and Local Retirement System a Standard Work Day and Reporting Resolution (RS 2417-A) with the Standard Work Day being 6 hours and the following 5 employees: Fred Heisler Jr, Alison Owens, Gloria Micha, Bruce Kinney and Jordon Lilley as current members of the Retirement System having filed ROA's to the Town Clerk; also adding the Standard Work Day of 8 hours with 1 employee, Tracy Oliver, as a current member, he having filed an ROA with the Town Clerk.

NB2/3) Consider Resolution to co-sponsor Smithville Day 5K with Genegantslet Fire Co. and to approve use of Water St and Tarbell Rd. for 5K use on Smithville Day

**RESOLUTION # 15 (2016): CO-SPONSOR THE SMITHVILLE DAY 5K WITH FIRE DEPT;  
USE WATER ST., TARBELL RD AS PART OF THE 5K COURSE, and  
Eagle Scout Park as the ending location**

On a motion by Councilman Pollard, 2<sup>nd</sup> by Councilman Cammarata, the following Resolution was ADOPTED.

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

RESOLVED to co-sponsor the Smithville Day 5K with the Genegantlset Fire Co., and to approve the use of Water St. and a portion of Tarbell Rd. as part of the 5K course, ending the race at Eagle Scout Park.

NB4) Consider Resolution for fuel/propane bids—previously done.

NB5) Consider Resolution for flowers for Barb Nowalk funeral. The Board discussed this item, preferring to give Town Clerk Owens choice over whether to give flowers and/or financial donation to the Smithville Center Church with a limit of \$100.

**RESOLUTION # 16 (2016): AUTHORIZE EXPENDITURE OF UP TO \$100.00 FOR "IN MEMORY OF" FOR FORMER DEPUTY CLERK BARBARA NOWALK**

On a motion by Councilman Whitmore, 2<sup>nd</sup> by Councilman Cammarata, the following Resolution was ADOPTED.

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

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**RESOLVED** to authorize expenditure of up to \$100. for flowers and/or donation to the Smithville Center Church in memory of Barbara Nowalk, former Deputy Town Clerk, such decision to be made by Town Clerk Owens.

OLD BUSINESS (UPDATES)

7:30PM

OB1) lights on poles, outside bathrooms; no outside bathroom work has been done. Also discussed at this time were port-a-johns for park use. Finishing the outside bathrooms is on the agenda but there is concern for vandalism if these bathrooms are kept unlocked, neither is there personnel for upkeep. The bathrooms were installed mainly for use during Pavilion rental. After continued discussion, it was decided to rent 1 port-a-john through October and an additional one during the month of June.

**RESOLUTION # 17 (2016): AUTHORIZE EXPENDITURE OF 1PORT-A-JOHN THROUGH OCTOBER AND AN ADDITIONAL ONE FOR JUNE**

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

AYES: Ludwig, Whitmore, Pollard, Cammarata

NAYES: 0

ABSENT: Heisler

**RESOLVED** to authorize expenditure of 1 port-a-john through October and an additional one in June

It was also mentioned that the "Green spaces" clause in the Subdivision local law "in lieu of land" could possibly be used to pay for the port-a-johns in the park .

OB2) JCAP Grant update. Sentry alarm cameras will be here June 2<sup>nd</sup> . US flag is here, bullet proof vest has still not been ordered.

OB3) continued discussion on help with field work for the Assessor. Town Board members are working to help take pictures for the Assessor. The re-val has been put off until next year.

OB4) fishing access across from Town Barn: Supervisor Heisler was advised in a letter from the DEC that to purchase the right-of-way on property leading to the Genegantslet Creek could take some time. The DEC asked if the Town Board would like to have a rep come to discuss the procedure with the Board. Board members were in agreement with this. Enforcement Officer Kinney said there was a right of way previously off the Town property.

OB5) Discussion of Cincinnatus Lake Dam repairs: Supervisor Heisler has been in contact w/Scott Bramer. Two of the violations are being handled, but the 3<sup>rd</sup> is the engineering study which is expensive. Supervisor Heisler said the Town will move forward slowly. It was mentioned that an engineering study cost \$10,000. to do for Lake Ludlow. It is also possible that the Town could piggyback with another municipality to reduce the cost. There should be a special taxing authority for this lake but the lake is in 2 counties which could be problematic. There might have to be a special district created between the 2 counties.

REPORTS

7:45PM

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R1.) Highway: report submitted. The Hwy Supt. is recommending an extended cab p/u truck to fit everyone in for short commutes. It was suggested to see if CHIPS monies could be used to purchase one. This will be tabled until the next meeting. With regard to the tree situation from last month, each owner decided to take care of their own tree.

R2.) Assessor: report submitted. NYS has frozen the data on properties from the Assessors computer program until after Grievance Day. Due to the number of questions about those taking pictures, it was recommended that an article in paper and notice on website should be written informing property owners that pictures will be taken of their properties to update the assessments.

R3.) Enforcement Officer: no report submitted. There is a trailer on King Rd with no building permit and no action on the property. 2 Building permits have been signed (Charles Nye, Charles Brown) 1 of which was an approved SPR; septic for Larry Sherwood; Site Plan for Stuart Opp was approved but he did not put in the approved septic: County: report submitted—1 building permit for Lilley Farms, copy not on file in the Town Clerk's office.

R4.) move Planning Board here (R4) for next month

R5.) DCO: no report submitted. There has been a recent complaint by Mary Howey of 3 pitbulls owned by Dustin Curtis, Marvin Rd. The DCO has left note on the door of his residence. These dogs are unlicensed.

R6.) Attorney: no report submitted

R7.) Smithville Day: no report submitted.

R8.) Custodian: no report submitted

R9.) Playground Committee: no report submitted

R10) Town Clerk: monthly report submitted. Still seeking information on the disposition of the McCray stone house on German Hollow. Initial reports are that it could be fixed but the property is currently owned by Palyul Ling. The structure could be placed on the National Register of Historic Places.

R11) Planning Board: report submitted.

R12) Supervisor's Report: report submitted. Preliminary #'s for the mortgage tax are that the Town has received ½ what was budgeted for 2016. Supervisor Heisler is still working to obtain the grant \$ for the Town Barn. A motion to accept the Supervisor's report was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Pollard. All 4 Board members: Ludwig, Cammarata, Pollard and Whitmore were in favor. Heisler absent. Motion carried.

MINUTES APPROVAL for March 21, 2016 and April 18, 2016

8:10PM

The minutes of the March 21<sup>st</sup> and April 18<sup>th</sup> meeting were reviewed. A motion to approve both sets of minutes was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Pollard. All 4 Board members: Ludwig, Cammarata, Pollard and Whitmore were in favor. Heisler absent. Motion carried.

WARRANTS

8:15PM

General Warrant # 5, Vouchers # 56-66, in the amount of \$4,701.43 were considered for payment. A motion was made by Councilman Pollard, 2<sup>nd</sup> by Councilman Whitmore to pay these claims. All 4 Board members: Ludwig, Cammarata, Pollard and Whitmore were in favor. Heisler absent. Motion carried.

Highway Warrant # 5, Vouchers # 59-67, in the amount \$7,588.95 were considered for payment. A motion was made by Councilman Pollard, 2<sup>nd</sup> by Councilman Ludwig to pay these claims. All 4 Board members: Ludwig, Cammarata, Pollard and Whitmore were in favor. Heisler absent. Motion carried.

Other:

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Councilman Whitmore shared a concern about NYS purchasing additional property in Preston and McDonough to expand Bowman Lake. This takes property off tax role. Councilman Whitmore suggested writing a letter or converging with other Towns to take a stand on this. The Board asked Supervisor Heisler to look into this.

Also questioned was the status of the proposed detour of State Hwy 41 over Pond Creek in the middle of the hamlet. Nothing has been heard with regard to it. This has been a source for concern by the residents of Tarbell Rd. and for the Fire Department. It was proposed a letter be drafted to NYSDOT with regard to this proposed detour up Tarbell Rd. and express to NYSDOT these concerns.

There was no other business to come before the Board. Deputy Supervisor Ludwig declared the meeting adjourned at 9:14PM.

Alison B. Owens

Smithville Town Clerk