

Minutes of the Smithville Town Board
May 15, 2017

OPENING of Town Board meeting by Supervisor Fred Heisler Jr.@ 6:30PM

ROLL CALL/PLEDGE:

Board members:

Fred Heisler, Supervisor

Karl Ludwig, Deputy Supervisor

John Cammarata

Bob Whitmore

Tom Pollard

Also Present:

Alison Owens, Town Clerk

Bob Brooks, PB member

Tracy Oliver, Hwy Sup't

Jackie Centerwall, Co-Chair Planning Board

Dave Burger, Att'y for the Town

Jeff Lowe, Town Assessor

ROLL CALL/PLEDGE:

LATE ADDITIONS/DELETIONS/REMARKS:

OPENING OF FUEL BIDS

6:35PM

Town Clerk Owens read the legal notice as posted in the Chenango American regarding the fuel bids and Supervisor Heisler open bids from 2 vendors. The Fuel Bids for the 2016/2017 season were read as follows:

VENDOR/PRODUCT	POSTING DATE/ RACK PRICE	DIFFERENTIAL	FLUCTUATING	FIRM BID
Economy Heating P.O. Box 298 Port Crane, NY 13833				
ULSD	5/03/2017(\$1.554)	+.20	Cost + diff	\$2.099
ULSK Winter Blend	5/03/2017(\$1.797)	+.20	Cost + diff	\$2.299
'87 UL Gas w/10% Eth	5/03/2017(\$1.580)	+.25	Cost + diff	\$2.089
Propane(Hwy &CC)	5/03/2017		XX	\$1.199/gal
1000 gal. tank	No fee to set tank			
Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902	Albany OPIS			
ULSD	5/14/2017 (\$1.5717)	+.1650/gal	\$1.7367/gal	\$2.0361/gal
ULSK Winter Blend	5/14/2017(\$1.7955)	+.1850/gal	\$1.9805/gal	\$2.4361/gal
'87 UL Gas w/E10	5/14/2017 (\$1.6258)	+.1975/gal	\$1.8233/gal	XX
Propane (Selkirk) (both Hwy & CC)	5/17/2017 (\$1.8405/gal)	+.2975/gal	\$1.1380/gal	\$1.0750/gal

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AWARD OF FUEL BID

This occurred later in the meeting but is placed here for continuity.

The Board discussed the bids noting the bid for '87 octane unleaded gas was requested last month to be withheld from the legal ad as the Highway employees are purchasing this product on the road. Town Clerk Owens was not present at the April meeting and did not receive the message. Both bids for '87 octane unleaded gas were then disregarded.

All fixed price bids for the remaining products except for USLK were bid lower by Mirabito. Board members and the Hwy Sup't felt it would be more consistent to use the same provider for USLD and USLK so the fixed price bids for all remaining fuel products were then awarded to Mirabito.

RESOLUTION # 15 (2017): AWARD FIRM PRICE FUEL BIDS TO MIRABITO

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

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

RESOLVED to accept Mirabito's Firm price bids for the following products:

ULSD	\$2.0361 p/gal	
ULSK	\$2.4361 p/gal	
LP Gas	\$1.0750 p/gal	to be delivered to both the Town Barn and the Community Center

CORRESPONDENCE 6:55PM
C1) none

NEW BUSINESS 7:00PM
NB1) Series of Public Hearings in Chenango County with regard to State mandated shared services. June 1st @ noon and 5:30pm; June 12th @ noon. The County has responsibility to come up with a plan for shared services. There is no penalty for not participating in shared services at this time.

OLD BUSINESS (UPDATES IF ANY) 6:10PM

OB1) information on speed limit signs for hamlet/Town signs: Flashing speed limit signs are ready to be installed, probably by the end of this week or next.

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OB2) status of the Communications Tower: This is up and running. Town-wide coverage is not 100% but has made gains over the previous system. It was suggested to communicate with the Union that these items, which were part of the negotiations, have been taken care of.

OB3) **Cowles Cemetery discussion** w/Att’y Dave Berger. Cowles Cemetery, classified as abandoned and having its own tax map #, had a burial in February this year, previously two other burials in the last 20 years. By a 1958 deed from Harold Cowles to John and Myrtle Warren, the cemetery was excepted from the purchase so Att’y Berger feels the Cowles family has retained ownership of the cemetery. Town Law says there are 3 classes of a burial ground, 1 of which says the title of the cemetery can be vested in the Town if outside the legal 14 yr period; but because there have been burials in the cemetery since its abandonment, the Town is not legally required to be vested in it. Questions were: who will maintain the cemetery and who will control who is buried there? Is the cemetery considered private? The Att’y will write a letter to the Brown/Cowles family and also the current owner of the surrounding property explaining the ownership belongs to the Cowles family and/or its descendents, because of the 1958 deed, and the family will be asked to maintain it. It will be considered a private cemetery and permission for burials would have to be requested from the family.

There are 7 other cemeteries in the Town of Smithville that are classified abandoned that have their own tax map #'s.

OB4) **Town Road Agreement w/Att’y**. The Att’y reviewed the draft copy of the proposed Road Use Agreement. This Agreement should be considered as a Local Law and would be under the requirement to be subject to a Public Hearing. He suggested restrictions in the proposed Local Law to repair roads for timber processing, but the law has to have an enforcement mechanism, either word of mouth or by web access; perhaps also a Post Bond procedure and insurance requirements. The current Draft Agreement says the Hwy Sup’t and Town Clerk are involved in the Enforcement/Accounting process. The two biggest concerns are logging and moving trailers/manufactured homes.

Bob Brooks, Planning Board member: With regard to the Road Use Agreement, the bidding process for timber doesn’t guarantee a purchase. He said the Planning Board’s main idea was to start small and work into something larger

The Planning Board can put penalty clause in the agreement but the Planning Board may not support a penalty. The Town Board felt there should be a penalty for not getting a permit. Planning Board will review the Road Use Agreement.

OB5) **Status of ’97 MACK truck and purchase of used truck from the Town of Sherburne:** The Town of Pharsalia would like to buy the ’97 Mack which will be sold as “salvage”. Pharsalia is checking to see if it can be insured. Truck will be sold for a net of \$5,000.

The Town of Sherburne has offered Smithville a truck for \$75,000. that is next on their list to be rotated out. The 2010 International is ready to go, is in good shape, and comes with plow, and wing; Sherburne trucks are replaced every 6 years. Pictures of the proposed truck were reviewed. The money

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to purchase the Sherburne truck would come from the \$25,000 insurance co. settlement for the salvaged truck + \$34,000. from the New Equipment account DA5130.2; an additional \$10,350 from Interfund Transfer DA9950.9, the remaining from Highway Savings. \$16,000. (NBT account 8001634217). Councilman Whitmore recommended buying the truck.

RESOLUTION # 16 (2017): PURCHASE USED 2010 INTERNATIONAL TRUCK FROM SHERBURNE FOR \$75,000.

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

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

RESOLVED to purchase a used 2010 International truck from the Town of Sherburne for \$75,000.

OB6) Eagle Scout project update: there is no current update as the project is just beginning
OB7) Port-a-John rental for the year: Cook's of Greene rental fee is \$86.40 per month, no tie downs, and \$10.80 to clean per instance. It was suggested Town Clerk Owens contact the previous company to see if a port-a-john unit can be rented for \$75.00 month. The following Resolution was brought forward:

RESOLUTION # 17 (2017): PORT-A-JOHN RENTAL NOT TO EXCEED \$80.00 MONTHLY

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

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

RESOLVED to rent a Port-a-John from now through October at a cost not to exceed \$80. monthly.

OB8) Discussion/Award of Fuel Bids (previously noted)

REPORTS

7:45PM

R1.) Highway: report submitted. Tires changes on vehicles, updating speed limit signs on Round Pond; cleaning up downed trees from wind storm. sweeping done on 1st round, Hwy employees done with OSHA training, replaced steering cylinder on 2002 Volvo

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R2.) Assessor: report not submitted. Verbal report given. Change of Assessment letters were sent out. Grievance Day coming up May 31st. Assessor has met with Karl Ludwig to go over updating area. The Assessor has also put an assessment on the solar farm on Pearl St. as there should at least be a land value on the property. Still updating properties.

R3.) Enforcement Officer: no report submitted. Enforcement Officer not present. County: report not submitted. We have had no County building reports submitted since November 2016

R4.) Planning Board: report submitted. Murn site plan review was approved and Stuart Opp changed his site plan from last year—approval was given and building permit signed. The Planning Board is working on the Comprehensive plan.

R5.) DCO: no report submitted. DCO reported verbally to Town Clerk Owens there is still a problem with an owner who lives on Roger Connelly’s property who has not yet licensed his dog.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) vacant

R10) Town Clerk: report submitted.

- An additional invoice from Sentry Alarms for \$24.21 was submitted late for payment. The Town previously paid the invoice in March but Sentry is now requesting the change in the amount due to “prevailing wage”, plus 2 months interest. The Town did not receive notification of the higher amount of the invoice until May 11th.

RESOLUTION # 18 (2017): PAY SENTRY ALARMS FOR UPDATED INVOICE PLUS INTEREST

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

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

RESOLVED to pay the additional invoice from Sentry Alarms for \$24.21, which includes an interest charge. This bill will be put on June’s warrant but will be paid early.

- Groundskeeper Sabin has noticed owners are not picking up after their dogs in the park. It was suggested to purchase signs to “Clean up after your Dog”. Town Clerk Owens will make the purchase.
- Groundskeeper Sabin has also requested some help with weed-whipping. Board members suggested finding a volunteer over the age of 18.
- Town Clerk Owens has a County approved application from Kathy McLaughlin as a Deputy Town Clerk but currently there are no openings.

R11) vacant

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R12) Supervisor's Report: report submitted. The quarterly sales tax check was over \$40,000. and has been deposited in the general side of the budget. Supervisor Heisler asked the Board if they wanted to put all of it into Hwy, or zero out from the General side and put it into Highway savings which would allow it to be transferred out. Board members were in favor of transferring to Highway Savings.

RESOLUTION # 19 (2017): TRANSFER SALES TAX DEPOSIT TO HIGHWAY SAVINGS

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

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

RESOLVED to transfer the quarterly sales tax check deposited in General Savings to Highway Savings.

MINUTES APPROVAL for April 17, 2017 9:15PM

The minutes of April 17th were reviewed. Councilman Whitmore commented on the 1st page, Richard Buckley was told it would be "dust oil" that would be put down, not "stone and oil" as it read in the minutes.

A motion by Councilman Pollard, 2nd by Councilman Whitmore to accept the minutes with correction All five Board members, Ludwig, Cammarata, Pollard, Whitmore and Heisler, were in favor, motion carried.

WARRANTS 9:20PM

General Warrant # 5, Vouchers # 53-62, in the amount of \$ 2504.34 were reviewed for payment. A motion to pay these claims was made by Councilman Pollard, 2nd by Councilman Ludwig. All five Board members, Ludwig, Cammarata, Pollard, Whitmore and Heisler, were in favor, motion carried.

Highway Warrant # 5, Vouchers # 75-93 in the amount of \$14202.62 were reviewed for payment. Voucher # 75 to Chemung Supply for road signs and posts should have been on the General Warrant. Bookkeeper Smith has made the adjustment. A motion to pay these claims was made by Councilman Cammarata, 2nd by Councilman Pollard. All five 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 until June 19th.

OTHER/CLOSE 9:30PM

Alison B. Owens
Smithville Town Clerk