

Minutes of the Smithville Town Board  
July 16, 2018

OPENING of Town Board meeting by Supervisor Fred Heisler @ 6:30PM  
ROLL CALL/PLEDGE:  
LATE ADDITIONS/DELETIONS/REMARKS: letter for Executive Session

ATTENDANCE in addition to Supervisor Heisler:

Councilman Mike Evans  
Councilman John Cammarata  
Councilman Bob Whitmore  
Councilman Karl Ludwig

ALSO:  
Alison Owens, Town Clerk  
Tracy Oliver, Hwy. Sup't.  
Jeff Lowe, Assessor  
Shane Butler, PB Chair  
Angelo and Deborah Cioffi, residents  
Darin and Shani Mills, residents

CORRESPONDENCE 6:35PM

C1) 2<sup>nd</sup> communication from Angelo/Deborah Cioffi regarding a noise ordinance  
Mr Cioffi was recognized and asked again for a Noise Ordinance in the Town of Smithville. He is prepared to start collecting names to submit a petition for noise control. Other people have expressed concern to him about noise in the Town. People come here to live as they want and it shouldn't be that way. There are laws available to take control over excessive living. He is going to move forward with a petition. This is a frustrating situation because no one wants to help them.

Councilman Whitmore: The Town Board had public hearing several years and the Public did not want to have a noise ordinance.

Councilman Evans: This needs to come before the Public as a referendum. He directed Mr. Cioffi to get a petition together and go before the Planning Board to show cause for a Noise Ordinance.

Councilman Cammarata: There is no Noise ordinance in Chenango County and the Right to Farm law allows these kinds of noises such as a cannon. Farmers do not want a noise ordinance in effect because they sometimes need to farm during the night; I myself have a farm. A noise ordinance would umbrella everyone in the community. Please do not accuse the Board of not doing anything to try and help you.

Planning Board: This seems more to be a property dispute between neighbors and until other complaints come forward, the process will proceed slowly.

Mediation: Mr. Cioffi indicated not all property owners have been able to meet with the Mediator provided by Catholic Charities.

Darin and Shani Mills: neighbors in the hamlet have ATV's racing in the middle town and nothing can be done as Police cannot catch them. The noise is loud.

Councilman Evans: Get a petition, come before the Planning Board, have them draw up a Noise Ordinance and have a Public Hearing,

Supervisor Heisler will contact the Sheriff's Dept to see if some extra patrols could cover Smithville Flats or if there were other ideas they might have.

Minutes of the Smithville Town Board  
July 16, 2018

NEW BUSINESS

6:45PM

NB1) none

OLD BUSINESS (UPDATES IF ANY)

6:45PM

OB1) Sale of land to NYSDEC for fishing access: no new information

OB2) update on phone system. Town Clerk Owens has heard from Frontier that installation will take place on Thursday July 19<sup>th</sup>. This will free up 2 of the 4 lines the Town pays for.

OB3) update on back-up generator: has no information yet

OB4) update on electronic signpost for Community Center: The units have arrived and are at the Town Barn. The Hwy Dept can dig the trench for the electric line. Decisions will be forthcoming on location of the signs and how to put them together. It was suggested to uncrate the signs and make a plan for the structure which will hold them in place.

OB5) **update on outdoor restrooms:** Central Plumbing and Heating came to do an inspection of the outdoor restrooms; the well does not work which could be because of winter problems; toilets will need to be replaced. For \$155.00 each season Central Plumbing and Heating will take care of the maintenance of opening and closing the outdoor restrooms. This was put to Resolution.

**RESOLUTION # 27 (2018): CONTRACT WITH CENTRAL PLUMBING AND HEATING FOR TWICE YEARLY MAINTENANCE**

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

AYES Ludwig, Cammarata, Evans, Heisler, Whitmore

NAYES 0

RESOLVED to contract with Central Plumbing and Heating to do a twice yearly opening and closing of the outdoor restrooms at a cost of \$155.00 each season.

OB6) update on DOT parking survey: Councilman Whitmore said he should have some info by next month. He also questioned if the bulb changeover on the streetlights would be taking place soon. It was replied that the end of July was the time frame originally expected.

REPORTS

7:10PM

R1.) Highway: report submitted:

- CHIPS work on Camp Spaulding and Hoyt Rds. Work for black top is bid out.
- Dept of Homeland Security ck for FEMA severe winter storm in 2017, \$12, 98.89 was received and deposited into the General Acc't. This will need a Resolution to transfer to Hwy Savings

**RESOLUTION # 28 (2018): TRANSFER FEMA FUNDS FROM GENERAL TO HWY**

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

AYES Ludwig, Cammarata, Evans, Heisler, Whitmore

NAYES 0

Minutes of the Smithville Town Board  
July 16, 2018

RESOLVED to transfer the FEMA funds received from the 2017 winter storm damage in the amount of \$12,998.89 from the General Acc't to Hwy Savings.

- Another smaller check for the 2017 winter storm damage from FEMA should be coming
- ¾ dust oil done
- '02 International has had transmission work done
- New Employee Mark Howe started Monday
- Storm from last week resulted in several trees down on Hattie Clark, King and Williams Rds.
- Tarbell Rd work has been ongoing

Councilman Whitmore said he has been out driving roads in the Town of Smithville and has been concerned about the condition of them. The road to Ludlow has holes in it. The Town is behind in road work because maintaining these dirt roads takes more time, effort and materials. He feels the attitude or concept of road maintenance in the Town has to change, perhaps hire out some of the work to be done. Dust oil only lasts so long, not even a year and by the following year it has to be done again. He recommended considering paving companies black top the road instead of stone and oil. In the long run a paved road would be easier to maintain.

There was continued discussion on this topic. Hwy Sup't Oliver said he hopefully would be able to tie paving into Cummings Rd and Robbins Rd next year. Since both of these roads are in adjoining Townships, paving from one Township could be continued into the Town of Smithville, depending on the cost. Councilman Evans suggested coming up with a CHIPS plan that would allow for maintenance on Town roads but also paving 1 or 2 roads a year. There would be some prep work in repairing holes and digging ditches before a dirt road could become a paved road. Councilman Cammarata said every year Pollard Rd is stone and oiled and it isn't worth it. More discussion will be forthcoming.

R2.) Assessor: report submitted. He has finalized the assessment roll and is working on building permits.

R3.) Enforcement Officer: no reports submitted County: report not submitted.

R4.) Planning Board: report not submitted. If the Planning Board hears more complaints about noise problems then the Planning Board will work on a Noise Ordinance but right now, there are not enough complaints to implement an ordinance. Planning Board Chair Butler said there is no Planning Board vice chairman and suggested Adam Whitbeck be appointed as vice chair. This was put to Resolution.

**RESOLUTION # 29 (2018): APPOINT ADAM WHITBECK AS VICE CHAIR FOR PLANNING BOARD**

On a motion by Councilman Evans, 2<sup>ND</sup> by Supervisor Heisler, the following Resolution was ADOPTED.

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

RESOLVED to appoint Planning Board member Adam Whitbeck as Vice Chair for the Planning Board.

R5.) DCO: no report submitted.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee/Eagle Scout project: no report.

Minutes of the Smithville Town Board  
July 16, 2018

R10) Town Clerk: report submitted.

R11) vacant

R12) Supervisor's Report: report submitted.

Smithville Day accounts are in the General budget. This was used to create a new line item for Park maintenance at the May meeting. There is a total of \$2544.52 in the account..

Union negotiations have been suspended until August. Work on the 2019 Budget should be started soon. It was decided to set a work session for July 25<sup>th</sup>. 6:30pm.

A motion to accept the Supervisor's report was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Cammarata. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

**MINUTES APPROVAL** for June 18th, 2018

7:45PM

The minutes of the June 18<sup>th</sup> meeting were reviewed. A motion to accept these minutes was made by Councilman Whitmore, 2<sup>nd</sup> by Councilman Cammarata. Four Board members were in favor: Cammarata, Evans, Whitmore and Heisler, Ludwig abstained.

**WARRANTS**

7:50PM

**General Warrant # 7**, Vouchers # 79-97, in the amount of \$ 10,578.19 were reviewed for payment. A motion to pay these claims was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Evans. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

**Highway Warrant # 7**, Vouchers # 82-91, in the amount of \$121,637.04 were reviewed for payment. A motion to pay these claims was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

**OTHER:** It was mentioned that a \$50 donation in Fred Urda's memory should be made to the Genegantslet Fire Dept. A motion to do so was made by Councilman Whitmore, 2<sup>nd</sup> by Councilman Cammarata. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

It was mentioned that an evaluation of the Genegantslet Fire Co. Inc. would be an item of interest.

**EXECUTIVE SESSION**

A motion to go into Executive Session at 8:19pm to discuss an employee situation was made by Supervisor Heisler, 2<sup>nd</sup> by Councilman Ludwig. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

A motion to come out of Executive Session at 8:26pm was made by Supervisor Heisler, 2<sup>nd</sup> by Councilman Ludwig. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

There was no other business to come before the Board. The next meeting is August 20, 2018. The meeting was declared adjourned by Supervisor Heisler at 8:30pm.

Alison B. Owens

Smithville Town Clerk