

Minutes of the Smithville Town Board  
May 21, 2018

OPENING

by Supervisor Heisler

6:30 p.m.

ATTENDANCE in addition to Supervisor Heisler:

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

ALSO:

Alison Owens, Town Clerk  
Tracy Oliver, Hwy. Sup't.  
Jeff Lowe, Assessor  
Christine Stark, DCO  
Shane Butler, PB Chair  
Judy McIntyre, Frontier Communications  
George Phillips, ReClaim NY  
Several Townspeople

OPENING of Town Board meeting

6:30PM

ROLL CALL/PLEDGE:

LATE ADDITIONS/DELETIONS/REMARKS: George Phillips, ReClaim NY for short presentation NB1, NB2, NB3 from Board meeting attendees, as noted

The FUEL BIDS as received from Mirabito and Blue Ox were noted and opened by Supervisor Heisler.

6:32PM

VENDOR/PRODUCT	POSTING DATE/ RACK PRICE	DIFFERENTIAL	FLUCTUATING	FIRM BID
<b>Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902</b>	Albany OPIS			
ULSD	5/18/2018 (\$2.4099)	.1875	2.5974	\$2.715/gal
ULSK Winter Blend	5/18/2018 (\$2.7138)	.1635	2.8772	\$3.1115./gal
'87 UL Gas w/E10	5/18/2018 (\$2.1689)	.2500	2.4189	Not Bid
Propane (Selkirk) (both Hwy & CC)	5/18/2018 (\$1.1132/gal)	.3600	1.4732	1.64
<b>Blue Ox Energy 38 N. Canal St. Oxford, NY 13830</b>	Buckeye/Vestal			
Propane (both Hwy & CC) No charge for setting tanks	1300 g	Not Bid	Not Bid	\$1.659
USLD	18,000 g	.35	+ daily fluctuating	Not Bid
ULSK Winter Blend	5,000 g	.35	+ daily fluctuating	Not Bid
'87 UL Gas w/E10	4,000 g	.35	+ daily fluctuating	Not Bid

The bids were so noted and a decision was tabled until later in the meeting.

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CORRESPONDENCE

6:50PM

C1) A letter of **noise complaint on Collyer Rd** by Angelo and Debra Cioffi was received by the Town Board. Both Mr. and Mrs. Cioffi were present at the meeting. Mr. Cioffi requested a committee be established to work on a noise ordinance in the Town of Smithville. His particular complaint was the noise of a propane “cannon” going off on property next to him measuring 35-70 decibels per blast. The unattended cannon serves no purpose as there are no animals, no crops on the property. The noise of the cannon has potential to affect their health as “impulse” noise. The police have been called several times but cannot enforce anything because there is no noise ordinance in the Town. The Covenant restrictions say only non-commercial agriculture or recreation may be utilized on properties within the subdivision.

Supervisor Heisler: Have you tried talking to/negotiating with the neighbor?

Mr. Cioffi: The neighbor is unreasonable. He has ignored the fact that portions of both properties are Federally protected wetlands.

Supervisor Heisler: There is a free NYS mediation service available from Farmland Protection Agency if both parties are in agreement to the mediation.

Mr. Cioffi: yes, no problem.

Jordon Lilley: Yes, within reason. There are no federally protected wetlands on my property.

C2) **letter of junk/dog complaint on Pollard Rd** by unidentified resident:

Enforcement Officer Kinney was not able to be in attendance at tonight’s Board meeting but in a message to Supervisor Heisler will draft a letter to the property owners in response to the complaint and will take measures to deal with the offenses.

Councilman Cammarata indicated a couple of vehicles have been removed, but the cleaning and debris from the kennels is still being discharged by creek, and tires are being burned, etc.

Supervisor Heisler recommended that in the future letters of complaint should be signed by the author in order to be dealt with by the Town Board.

**PRESENTATION by Judy McIntyre of Frontier Communications** for updated telephone system  
7:10PM

Updating phone system: The recommended phone system is the Mitel 8568 with MiVoice 5330e. This will eliminate the Town Barn phone and they will have extension from the CC to handle calls. Calls coming in can be forwarded to each office in the building and to the Town Barn. Internet speed can be increased to either 15m/2, 20m/2 or 30m/1. Forwarding messages can be emailed, and a separate phone can be used in the office to avoid carrying a corded phone around.

Action was tabled until later in the meeting.

NEW BUSINESS

7:30PM

NB1) **Richard Buckley, Hattie Clark Rd**: there has been a lot of traffic on Hattie Clark. The dust is terrible, is there a schedule for paving?

Tracy Oliver, Hwy Sup’t: Paving will be done in the next 2-3 years. Dust oil will be coming shortly.

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NB2) **Patty Castaldy, Fred Wilcox Rd.:** neighbors trailer caught fire and burned, the lingering smell is overwhelming, especially in the wind. Would like it cleaned up.  
Supervisor Heisler asked Town Clerk Owens to contact the Enforcement Officer for this.

NB3) **Karen Cammarata, Pollard Rd:** the potholes on Pollard Rd are terrible. When will they be fixed?  
Tracy Oliver, Hwy Sup't: We are working on it and will be there shortly.

PRESENTATION: by George Phillips of ReClaim NY.

OLD BUSINESS (UPDATES IF ANY) 8:00PM

OB1) Sale of land to NYSDEC for fishing access: DEC rep has not heard from DEC att'y and has recommended moving forward with sending in the original Resolution to see if it will be acceptable.

**OB2) consider action on phone system**

After discussion, Board members decided it was most important to upgrade the internet speed to the best possible and to upgrade the telephone lines with new equipment to cut the # of lines from 4 to 3.

**RESOLUTION # 22 (2018): INCREASE INTERNET SPEED AT TOWN OFFICES,  
DECREASE 1 LINE, AND ADD MITEL 8386 PHONE SYSTEM**

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

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

RESOLVED to upgrade the Town Office internet speed to "extreme", cut the phone lines from 4 to 3 and add the Mitel 8386/ with MiVoice 5330e phone system at a cost of \$3300. to the Town Office.

OB3) **update on back-up generator:** The generator has been installed and is awaiting connection to the propane line. Town Clerk Owens was asked to contact Mirabito Fuel to ask what the connection would entail. There are 3 options: 1) put new propane tank at end of building next to "Founders Monument", 2) dig 18" trench from current tank across back and up side of Community Center, either through or under sidewalk and connect with the generator, or 3) move generator to back of building where propane hook up is closest and rewire electric. Supervisor Heisler will contact Mirabito to discuss these options.

OB4) **update on NYSEG grants:** PB Chair Shane Butler has received info the \$50,000 grants have already been used up, and there will not be any more. \$5,000 grants are still available The LED street light program has been pushed back until July. The Town Board will still need to do a Resolution for Benchmarking for the NYSEG street lighting grant and Supervisor Heisler would still like to do the EVO charging at the Community Center.

OB5) update from Genegantslet Fire Co. on land purchase: nothing yet

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OB6) update on insurance from Mang insurance. The Town has added cyber insurance

**OB7) update on electronic signpost for Community Center:**

Supervisor Heisler released a sketch he has drawn to hold the electronic sign. Discussion took place on where to place the sign post, mentioning that it should be within 200' of an electric source, the one mentioned was the light pole by the Pavilion. It will be necessary to purchase 2 electric signs to place back to back so as to be visible. The vendor is TV Liquidator US Distributor of LED signs at a cost of \$1785. Each with free shipping and tech support. Programming the sign is done with a program on the computer.

**RESOLUTION # 23 (2018): PURCHASE 2 LED SIGNS FROM TV LIQUIDATOR AT A COST OF \$1785. EA, FREE SHIPPING**

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

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

RESOLVED to purchase from TV Liquidator US Distributor of LED signs 2 36"x 48" electronic signs with free shipping and tech support,

OB8) **update on CC digital door lock from Bennendum's:** door lock has been ordered and the Town will be notified when it can be installed.

**OB9) Birdsall Painting Service** update

The new contract amount \$10,592. is up from \$9272. because prevailing wages were not included in the first quote.

OB10) **update on outdoor restrooms:** Supervisor Heisler has spoken with Custodian Mindy Eldred. The intention never was to keep then outside restrooms open 24/7. The Custodian is willing to clean the restrooms after Pavilion rental usage. Since the restrooms were not winterized last fall it was recommended someone check the plumbing and see if it needs repair.

Also discussed was how to fund some of the park maintenance as currently everything is pulled from the Community Center accounts or the Bottle Fund. It was suggested to create a line item in the Budget for park maintenance and to have all rental monies gained from either the Community Center or the Pavilion go into this account. It was also recommended to fund this line item initially with leftover funds from the defunct Smithville Day account. Supervisor Heisler will check into that possibility.

**RESOLUTION # 24 (2018): CREATE NEW LINE ITEM IN BUDGET FOR PARK MAINTENANCE**

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

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

RESOLVED to create a Park maintenance line item in the Budget, to fund it initially with leftover funds from the defunct Smithville Day account, and to continue funding the line item from Community Center/Pavilion rentals.

OB11) update on re-opening stone quarry: nothing more on the stone quarry, at this point it is being handled by the DEC.

OB12) update on DOT parking survey: NYSDOT personnel have been in town and have been conducting the next phase of their survey.

PRESENTATION by George Phillips: Reclaim NY presentation

REPORTS

8:30PM

R1.) Highway: report submitted:

- For Storm Stella, NYS will give the Town an extra 12 % towards cost of repairs.
- Doing more work on equipment. The Grader has been returned after having extensive work done
- JD tractor has new hydraulic pumps; some welding work on 2010 International. Burrell's have sweeper.
- Installing driveway pipes, grading roads and ditching
- New medical cabinet/new company.
- There is an employee vacancy at the Town Barn

R2) Assessor: report submitted: Tentative roll filed, Grievance Day next Wednesday May 30<sup>th</sup>; properties were added to final assessed valuation, picked up 9 new houses.

R3.) Enforcement Officer: no report submitted, will not be at meeting County: report not submitted.

R4.) Planning Board: report submitted: site plan tentative for chicken processing plant on CO RD 2. Supervisor Heisler asked the Planning Board to look into a Noise ordinance. He would want to do it for the entire Town.

R5.) DCO: no report submitted. NYS Ag&M inspection is ok. There are 2 dogs at large on Echo Lake. The DCO will check in at 386 Pollard Rd. for unlicensed dogs.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

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

R10) Town Clerk: report submitted. An individual paying taxes online through the Town website submitted his payment 3 times inadvertently. The bank would not return his payment; the refund for his overpayment was given by the Tax Collector. This is the 2<sup>nd</sup> incident this year where there has been a problem with the tax collection program.

R11) vacant

R12) Supervisor's Report: report submitted:

- Sales tax revenue: \$40,000. +; the amount is more than what was budgeted this year
- Completed SAM grant material and sent it in

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A motion to accept the Supervisor's report was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Whitmore, all 5 Boardmembers: Ludwig, Cammarata, Evans, Whitmore, and Heisler were in favor, motion carried.

MINUTES APPROVAL for April 16, 2018

9:00PM

The minutes of the April 16, 2018 were reviewed. A motion to accept these minutes was made by Councilman Whitmore, 2<sup>nd</sup> by Councilman Ludwig. All 5 Boardmembers: Ludwig, Cammarata, Evans, Whitmore, and Heisler were in favor, motion carried.

WARRANTS

9:05PM

General Warrant # 4, with Vouchers # 46-63, in the amount of \$ 4,354.56 was reviewed by the Board. A motion to accept and pay these claims was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Ludwig. All 5 Boardmembers: Ludwig, Cammarata, Evans, Whitmore, and Heisler were in favor, motion carried.

Highway Warrant # 5, with Vouchers # 51-68, in the amount of \$ 27510.81 was reviewed by the Board. A motion to accept and pay these claims was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore. All 5 Boardmembers: Ludwig, Cammarata, Evans, Whitmore, and Heisler were in favor, motion carried.

**OTHER BUSINESS:** Consider action on Fuel Bids

9:15PM

Boardmembers considered both bids from Mirabito and Blue Ox. The Board decided to accept Mirabito's fixed price bids for all products as Blue Ox did not bid fixed except for propane and Mirabito's fixed price bid for propane was lower than Blue Ox's. The '87 Octane bids were not considered because the product is purchased at the pump.

**RESOLUTION # 25 (2018): ACCEPT MIRABITO'S FIXED BIDS FOR ALL FUEL PRODUCTS**

On a motion by Supervisor Heisler, 2<sup>nd</sup> by Councilman Cammarata, the following 4Resolution was ADOPTED.

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

Accept Mirabito fixed bids for all fuel products and because of the fixed bids and the lower of the propane bids. The '87 Octane bid was not considered.

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**EXECUTIVE SESSION**

A motion to go into Executive Session to discuss an Employee matter was made by Supervisor Heisler, 2<sup>nd</sup> by Councilman Ludwig into Executive session @ 9:10pm.

A motion to come out of Executive Session was made by Supervisor Heisler, 2<sup>nd</sup> by Councilman Ludwig @ 9:27pm

CLOSE by Supervisor Heisler 9:28PM

Alison B. Owens  
Smithville Town Clerk