

Minutes of the Smithville Town Board
June 17, 2019

OPENING of Town Board meeting by Supervisor Heisler 6:30PM

ROLL CALL/PLEDGE:

ATTENDANCE in addition to Supervisor Heisler:

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

ALSO:
Alison Owens, Town Clerk
Vince Witkowski, Hwy Sup't
Bob Brooks, Planning Board; Shane Butler, Planning Board Chair
Pam Holcomb, Patty Heisler, Cheryl Evans
Bruce Kinney, Code Enforcement; Jeff Lowe, Assessor
Ken Whitmore III, Fire Chief
Angelo Cioffi, BAR; Marie Kehl, resident
Chris Lum, Hwy Employee

PUBLIC HEARING ON RIGHT TO FARM LOCAL LAW 6:35PM

Town Clerk Owens read the legal ad as posted in the Evening Sun and Supervisor Fred Heisler Jr. declared the Public Hearing OPEN @ 6:32pm. There was 1 question:

Ken Whitmore: does it (the Right to Farm Local Law) include the cannons that were going off before?

Planning Board Chair Butler: According to the Local Law as presented, if it is "reasonable and necessary", then yes. There were no other questions. Supervisor Heisler declared the Public Hearing CLOSED @ 6:33pm.

Discussion: Supervisor Heisler asked if the Board wanted to take action on the proposed Local Law or if they had any discussion concerning it. Board members indicated they were ready to move forward with adopting it as Local Law # 1 (2019).

RESOLUTION # 32 (2019): ADOPT "RIGHT TO FARM" LOCAL LAW # 1 (2019)

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

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

Resolved to ADOPT and enact the "Right to Farm" Local Law as Local Law # 1(2019), to be effective immediately upon notification of its acceptance by the Dept. of State.

CORRESPONDENCE 6:45PM

C1) A proposed 2020 budget for the Genegantslet Fire Co. was received. The suggested budget is within the 2% increase expected.

NEW BUSINESS 6:50PM

NB1) Consider approval of proposed member of the Genegantslet Fire Co., Matthew Scharran

RESOLUTION # 33 (2019): APPROVE MATTHEW SCHARRAN AS A PROBATIONARY MEMBER OF THE GENEGANTSLET FIRE CO, INC.

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

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

Resolved to approve Matthew Scharran as a Probationary member of the Genegantset Fire Co., Inc.

NB2) Consider approval of parts and repair for JD 2305. The Community Center lawn tractor was found to need extensive parts for repair of the engine. Supervisor Heisler gave pre-approval for purchase of the parts which were expected to be \$700. Groundskeeper Sabin will repair the tractor himself with the purchased parts. Supervisor Heisler asked for approval for the purchase of the parts.

RESOLUTION # 34 (2019): APPROVE PURCHASE OF PARTS FOR JD2305

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

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

Resolved to approve purchase of parts for the JD 2305 (the Community Center tractor) in the amount of approximately \$700. Groundskeeper Keith Sabin will do the repairs and will be reimbursed by the Town.

OLD BUSINESS (UPDATES IF ANY)

7:00PM

OB1) complaint of unkempt properties on Pearl St./Fred Wilcox Rd. There are no new reports

OB2) LED upgrade at the Town Barn.

Hwy Sup't Witkowski reported that Eastern Energies has come back to the Town and will rebid the project to be more closely in line with what Hwy Sup't Witkowski would like to hopefully close the gap between what was previously bid and the bid that was accepted last month.

OB3) consider action on rear façade of Town Barn

Supervisor Heisler reported the cost of siding for back of the Town Barn by the contractor who previously did the rest of the work was received by email at a cost of \$26,455. And which would include removing and replacing all the siding on the back, replacing a walk-in door and roof leak.

DISCUSSION:

Does it need to be bid out again? It was part of the original plan. The cost seems high but it's because of prevailing wage. Payroll has to be certified as it was before. Perhaps the entire roof on the old part should be put out to bid as there are other spots that could potentially break through. Councilman Whitmore said the roof should be done, and it should probably be bid out again. It was decided the Highway Committee (Councilmen Cammarata and Whitmore) should do a walk-through of the area to make a determination as to exactly what needs to be done.

OB4) consider action on back door replacement on Pavilion:

Supervisor Heisler said the official quote to replace the back door of the Pavilion submitted by Overhead Door is \$1280. It was decided to move forward with the replacement.

RESOLUTION # 34 (2019): REPLACE BACK DOOR OF PAVILION FOR \$1280. (OVERHEAD DOOR)

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

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

Resolved to approve purchase replacement back door of Pavilion for \$1280. From Overhead Door and to have it installed.

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OB5) considerations for addition to Community Center:

Supervisor Heisler has considered the possibility of applying for a JCAP grant to help with expenses in building an addition onto the Town Offices portion of the Community Center. There is a better potential, financially, to move the Judge's office and have a Sheriff's office in the new addition as the JCAP grant could cover about ½ of the projected \$90K cost. The application deadline for a JCAP grant is July or August. Supervisor Heisler is working on a commitment from the Chenango County Sheriff's Dept to man a small office in Smithville. All Board members were in verbal favor of continuing the effort for an addition.

OB6) update on street lights:

Town Clerk Owens emailed a copy of the Cobra Streetlight Replacement to NYSEG but it was rejected. Another form was emailed to Clerk Owens, signed by Supervisor Heisler and then re-emailed. This one stands approved.

REPORTS

7:10PM

R1.) Highway: report submitted:

- Flags were put up
- Pot holes have been taken care of, cold patching done
- Small repairs on JC5410 and have been mowing sides of roads
- Beavers constantly a problem
- Sexual harassment and work place violence training
- Breakdowns have been minimal
- Mr. Bedford fixed locks \$1566.75 quote to replace entry door. Will not go in that direction.
- Appointment with Auctions International for surplus equipment; would like to get approx \$20,000 for all
- Getting ready to do dust oil
- Needs to file paperwork for CHIPS \$; holding but not firm on the amount
- Enagaard Rd may have soft spot in middle up by Truck Trail

R2) Assessor: report submitted

- 4 people showed up; 2 officially grieved
- Continues to work on updating roll

R3.) Enforcement Officer: no written report submitted. Enforcement Officer will be present

No updates on other properties, approval of Echo Lake, other questions on properties going up for sale

R4.) Planning Board: minutes submitted

The Planning Board has updated the **Road Preservation Local Law**, copies provided to Town Board members. One change submitted allows the Hwy Supt the authority to shut down an operation, another was a change in the title to "Road Preservation" Law rather than "Road Use". An item kept in the Local Law was the property owner having co-responsibility with the contractor for payment of road damages if a project was started without a properly completed Road Preservation Agreement Worksheet.

Councilman Ludwig: asked if the Road Use Local Law is really necessary? Is there really an issue with damage on the roads? What about logging on State Land? Is there a way to enforce the State when they log? Roads in the winter time are damaged anyway; he feels it is wasteful with regard to time and paperwork.

Hwy Sup't Witkowski: feels something should be in place. He has talked with other Municipalities about damage to roads and feels the Road Use/Road Preservation Local Law is a smart way to go at least as a start. Loggers call and work things out with him. He has not had any problems.

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Town Board members were given a breakdown of Road Use/Road Preservation Local Laws in place in other communities by Planning Board Chair Butler. This was reviewed by Board members. Additional questions were asked. Supervisor Heisler asked each Board member their opinion on the Road Preservation Law as presented.

Councilman Evans: is happy with the original, and also with this last revision.

Councilman Cammarata: This is good

Councilman Ludwig: Is not good with the recent revision.

Supervisor Heisler: He is pleased with the Planning Board's efforts in this difficult situation; he is in favor.

Councilman Whitmore: has problem with the land owner being responsible for damages if the contractor doesn't fix the roads; feels a property owner should not have to pay additional monies if a road is damaged.

Planning Board Member Holcomb: feels that taxpayers should co-pay with contractor.

There was also some discussion that oil trucks do as much damage as logging trucks. Supervisor Heisler asked for a motion on the matter.

RESOLUTION # 34 (2019): ACCEPT THE ROAD PRESERVATION LAW AS REVISED AND CALL FOR A PUBLIC HEARING JULY 15TH

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

AYES Evans, Heisler, Cammarata

NAYES Ludwig, Whitmore

Resolved to accept the Road Preservation Law as revised and to call for a Public Hearing July 15th @ 6:30pm. A legal ad will be placed in the Evening Sun for 1 week.

R5.) DCO: no report submitted.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee/Eagle Scout project: verbal report by Town Clerk Owens. The Playground Eagle Scout project has been slow due to the weather. There will not be a June 22nd event to officially open the playground.

R10) Town Clerk: report submitted

R11) vacant

R12) Supervisor's Report: submitted

- DEC has requested permission to investigate inactive landfill for water quality
- Also, the DEC report on Cincinnatus Lake Dam has reported a couple of problems. It looks like the DEC may be responsible for fixing the problems.
- A letter sent by the JCAP grant says the Town did not send in the reconciliation report on the last JCAP grant (2017-2018). According to Grant Administrators, The Town of Smithville could owe around \$300. Any future JCAP grants for the Town of Smithville will not be processed until this has been cleared up.
- On the spreadsheet-- large unexpected expenses would be where money for the addition would come if needed
- Bldg Fund Reserve would be where the money would come for Town Barn expenditures
- The Town of Greene is setting up JRC program for the summer and needs the Town of Smithville's balance of \$4100. To be paid.

A motion to accept the Supervisor's report was made by Councilman Evans, 2nd by Councilman Ludwig. All 5 Board members present: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

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MINUTES APPROVAL for May 20th

7:30PM

Councilman Whitmore advised he abstained from voting for fuel bids at last month's meeting. He advised correction to the minutes and then approval. Councilman Cammarata 2nd the motion. All 5 Board members present: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

WARRANTS

7:35PM

General Warrant # 6, Vouchers # 63-78 in the amount of \$ 4,035.75 were reviewed for payment. The account # for Voucher # 67 changed to A5010.4

A motion to pay these claims was made by Councilman Whitmore, 2nd by Councilman Cammarata. All 5 Board members present: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

Highway Warrant # 6, Vouchers # 77-82, in the amount of \$2,186.84 were reviewed for payment.

A motion to pay these claims was made by Councilman Cammarata, 2nd by Councilman Ludwig. All 5 Board members present: Ludwig, Cammarata, Evans, 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 July 15th.

CLOSE

by Supervisor Heisler

7:42PM

Alison B. Owens

Smithville Town Clerk