

Minutes of the Smithville Town Board
June 21, 2021

OPENING of Town Board meeting by Supervisor John Cammarata 6:30PM

ATTENDANCE in addition to Supervisor Cammarata:

Councilman Bob Whitmore
Councilman Karl Ludwig
Councilman Mike Evans, arrived at 6:37pm
Councilwoman Pam Holcomb

ALSO:
Alison Owens, Town Clerk
Vince Witkowski, Hwy Sup't,
Enforcement Officer Bruce Kinney
Assessor Jeff Lowe
PB member Marie Kehl
PB Chair Shane Butler

Townsperson: Lindsay Fey

ROLL CALL/PLEDGE/LATE ADDITIONS:
NB2 and NB3 of the original agenda were reversed

CORRESPONDENCE 6:35PM
C1) none

NEW BUSINESS
NB1) Acknowledgement of Assessor resignation, ad created. 6:35PM

A formal Resolution to acknowledge the resignation of Assessor Jeff Lowe, effective July 1 2021, and to advertise the open position was so done.

RESOLUTION # 36 (2021): ACKNOWLEDGE RESIGNATION OF ASSESSOR JEFF LOWE

On a motion by Councilman Ludwig, 2nd by Councilwoman Holcomb to acknowledge the resignation of Assessor Jeff Lowe, effective July 1 2021 and to authorize advertising the vacancy.

AYES	Ludwig, Holcomb, Whitmore, Cammarata
NAYES	0
ABSENT	Evans

The following 2 Resolutions, **RESOLUTION # 37 TYPE II ACTIONS FOR SEQRA ACT**
And **RESOLUTION # 38 BOND RESOLUTION FOR 2022 MACK TRUCK**

are required for bonding for the new truck. These Resolutions have been numbered for consistency in the Town of Smithville minutes. Councilman Evans arrived late and abstained from voting on the SEQRA Resolution but did vote for the Truck Bond. These Resolutions are listed on the following pages as thus:

RESOLUTION # 37

**RESOLUTION DETERMINING THAT PROPOSED ACTIONS
ARE TYPE II ACTIONS FOR PURPOSES OF
THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

Introduced by __Councilman Ludwig__ who moved its adoption, seconded by __Councilman Whitmore__.

WHEREAS, the Town Board of the Town of Smithville, Chenango County, New York (the "Town") is considering undertaking the purchase of machinery and apparatus to be used for constructing, reconstructing, repairing or maintaining Town improvements, including a 2022 Mack Highway Truck (the "Project") the cost of which is \$30,000 or more; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SMITHVILLE, CHENANGO COUNTY, NEW YORK AS FOLLOWS:

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(31) and no further action under the SEQR Act and the Regulations is required.
2. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Ayes

Supervisor John Cammarata
Councilor Karl Ludwig

Councilor Pam Holcomb
Councilor Bob Whitmore

Noes

Abstained

Councilor Mike Evans

Minutes of the Smithville Town Board
June 21, 2021

STATE OF NEW YORK)
) SS.:
COUNTY OF CHENANGO)

I, Clerk of the Town of Smithville, Chenango County, New York (the "Town"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Town Board, held on the 21st day of June, 2021, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full Town Board consists of five (5) members; that five (5) members of the Town Board were present at such meeting, that four (4) of such members voted in favor of the above resolution; and that the above resolution has not been amended or repealed.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 22 day of June, 2021.

Clerk, Town of Smithville
Chenango County, New York

(SEAL)

RESOLUTION # 38
BOND RESOLUTION DATED JUNE 21, 2021

BOND RESOLUTION OF THE TOWN OF SMITHVILLE, CHENANGO COUNTY, NEW YORK AUTHORIZING THE ISSUANCE OF \$273,000 SERIAL BONDS TO FINANCE THE PURCHASE OF MACHINERY AND APPARATUS FOR THE HIGHWAY DEPARTMENT.

Introduced by Councilman Ludwig who moved its adoption, seconded by Councilman Whitmore.

BE IT RESOLVED by the Town Board of the Town of Smithville, Chenango County, New York (the "Town"), as follows:

Section 1. The Town is hereby authorized to purchase machinery and apparatus to be used for constructing, reconstructing, repairing or maintaining Town improvements, including a 2022 Mack Highway Truck (the "Project") the cost of which is \$30,000 or more at an estimated maximum cost of \$273,000 and to issue an aggregate \$273,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid class of objects or purposes.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$273,000, said amount is hereby appropriated therefore and the plan for financing thereof shall be the issuance of not to exceed \$273,000 serial bonds (the "Bonds") or bond anticipation notes of the Town authorized to be issued pursuant to this resolution; PROVIDED, HOWEVER, that to the extent that any Federal or State grants-in-aid are received for such class of specific objects or purposes, the amount of Bonds to be issued pursuant to this Resolution shall be reduced dollar for dollar; and

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of specific objects or purposes is fifteen (15) years, pursuant to subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and

Minutes of the Smithville Town Board
June 21, 2021

credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver Bonds providing for substantially level or declining annual debt service, is hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by this Bond Resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the Town Supervisor, the chief fiscal officer of the Town, with the serial bonds and bond anticipation notes authorized by other bond resolutions adopted by the Town Board for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolution. All matters relating to the sale of the Bonds, including the date of the Bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the Town, and the serial maturity of the Bonds, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 10. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

Minutes of the Smithville Town Board
June 21, 2021

(c) such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 11. This resolution, or a summary hereof, shall be published in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. The Town Supervisor, as chief fiscal officer of the Town, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the Town to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. The Town Supervisor, as chief fiscal officer of the Town, is further authorized to sell all or a portion of the Bonds to the United States Department of Agriculture, Rural Development ("Rural Development") in the form prescribed in one or more financing, grant or similar agreements (the "Financing Agreements") between the Town and Rural Development; to execute and deliver on behalf of the Town one or more Financing Agreements with Rural Development and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain financing from Rural Development for all or a portion of the costs of the expenditures authorized by this Bond Resolution, and perform the Town's obligations under its Bonds delivered to Rural Development and the Financing Agreements.

Section 14. The Town Board hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 15. This resolution is subject to permissive referendum pursuant to Article 7 of the Town Law of the State of New York and Section 35.00 of the Local Finance Law. The Town Clerk is hereby authorized and directed to, within ten (10) days of the adoption of this resolution by the Town Board, post and publish a notice in the manner and form prescribed in Article 7 of the Town Law. This resolution shall take effect thirty (30) days after its adoption or if a petition is filed pursuant to Article 7 of the Town Law, upon the affirmative vote of a majority of the qualified electors of the Town voting on the referendum.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

ROLL CALL VOTE

	<u>Ayes</u>	<u>Noes</u>	<u>Absent</u>
Supervisor John Cammarata	Aye	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Karl Ludwig	Aye		
Councilor Michael Evans	Aye		
Councilor Pam Holcomb	Aye		

Minutes of the Smithville Town Board
June 21, 2021

Councilor Bob Whitmore

Aye

STATE OF NEW YORK)
) SS.:
COUNTY OF CHENANGO)

I, Clerk of the Town of Smithville, Chenango County, New York (the "Town"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Town Board, held on the 21st day of June, 2021, including the resolution contained therein, with the original thereof on file in my office, and the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that the full Town Board consists of five (5) members; that five (5) members of the Town Board were present at such meeting, that five (5) of such members voted in favor of the above resolution; and that the above resolution has not been amended or repealed.

I FURTHER CERTIFY that (i) all members of the Town Board had due notice of the meeting, (ii) pursuant to Article 7 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public, and due notice of the time and place of such meeting was duly given in accordance with Article 7 of the Public Officers Law, and (iii) the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 22 day of June, 2021.

Clerk, Town of Smithville
Chenango County, New York

(SEAL)

Minutes of the Smithville Town Board
June 21, 2021

NB2) see RESOLUTION # 37

NB3) see RESOLUTION # 38

NB4) Consider approval of storage shed for fuel tanks at Town Barn

- Supervisor Cammarata attempted to obtain 4 quotes to revamp or reconstruct a new storage facility for gasoline storage tanks. The following were quoted:
 - Evon Construction 24x24 pole barn with concrete pad, frost protection \$48,690
 - Rogers Construction: would not bid
 - H&H Construction bid \$53,960
 - Rich Barnes (underground electric only) \$9,500.
 - Big Buildings: 24'x24' steel building 12'H delivered and installed \$9783.00 plus electric costs and if Hwy workers can do the concrete pad and Binghamton Overhead Door for the entry door.
- Councilman Whitmore said the Town Highway does not need a building, just poles and a roof. Supervisor Cammarata said he would go back and price just poles and a pavilion style roof.

NB5) Consider installation of attic fan in upstairs attic for ventilation purposes as it is a closed attic, and very hot up there where the Grange and the Town have storage. Supervisor Cammarata will get pricing on a gable end style vent

OLD BUSINESS (UPDATES IF ANY)

7:05PM

OB1) update on Cincinnatus Lake Watershed Protection District

The new owner has filed for 503c tax exempt for the Watershed Protection District and Lake Association. Supervisor Cammarata will meet with the NYSDEC to try to delete the Watershed Protection District.

OB2) update on Spectrum contract: this has been signed and mailed to Spectrum.

OB3) historical sign for Hansmann's: Town Clerk/Historian Owens has been working with the Auwarter family to finish wording for the marker. They are almost at the finalization point.

OB4) update on waste oil burner: the electric is done, installation will be in July

OB5) continued discussion on dog enumeration, 2nd DCO: Continuing the discussion from May's meeting, Town Clerk Owens had met with the Town Clerk in Greene who used "DogEnumeration.com" with some success, and she has also spoken with the Town Clerk in German where a dog enumeration was conducted in 2016. The Town of Greene experienced an increase of about 200 dog licenses using the outside service. The Town of German used mailers in the January tax bills and experienced a significant increase in licensed dogs. Board members decided to further explore the options and to table discussion again.

OB6) feed-back from Councilman Whitmore's proposal

A couple of gas stations were asked if they would like to come in to Smithville. Supervisor Cammarata is still exploring the possibilities.

OB7) update on Shipton farm: the farm has not yet changed hands but will do so soon. NYSDEC is planning to take down the buildings as they are not safe. The property will be kept mowed and not allowed to grow up to forest. There is a possibility of stocking for pheasant and 3 day camping will be allowed on the property.

OB8) part-time Hwy help: There is approval for part-time help for the Highway Dept., starting at \$15.00 p/h

NEW SERVICE REQUESTS SINCE LAST MEETING

13 Culvert under driveway 7:50PM

REPORTS

7:55PM

R1.) Highway: report submitted

- 8 minor breakdowns

Minutes of the Smithville Town Board
June 21, 2021

- Would like charge account @ Tractor Supply
- Guys are working well

R2.) Assessor: report submitted. No Grievance Day complaints this year. The final roll is complete.

R3.) Enforcement Officer: no report submitted.

R4.) Planning Board: minutes were available. A Subdivision Public Hearing is scheduled for County Rd.3 July 7th; glamping site on Marvin Rd, will have a Site Plan Review the same evening as they want to have event parties and commercial gatherings.

R5.) DCO: report submitted. Appearance ticket sent to Eric Wells for failure to license his dog.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee: no report

R10) Town Clerk: report submitted. Town Clerk Owens and volunteer help have transferred Town information from crates, totes and boxes stored offsite to authorized storage boxes which need to find a temporary home while they are continued to be sorted. About ½ of these records can probably be destroyed but they will need to be reviewed before being given authorization for final destruction. Plans to tentatively store these records at the Community Center will need to be approved by the Grange who co-shares the building with the Town. There is little room left for storage in the Records room. Supervisor Cammarata will speak with the Grange.

R11) vacant

R12) Supervisor's Report: submitted.

- A 2017 receipt from the Chenango County youth services program was found in the previous records mentioned in the Town Clerk's report. Supervisor Cammarata checked with the County and found additional receipts from from 2018 and 2019, but no check was issued in 2020 and it is questionable whether a 2021 check will be issued. This goes to support the JRC program.
- Supervisor Cammarata indicated the Hwy equipment needs to be repaired and suggested the sales tax checks be specifically used for that purpose.
- A motion to accept the Supervisor's report was made by Councilman Ludwig, 2nd by Councilman Evans. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

MINUTES APPROVAL for May 17, 2021

8:30PM

- Councilman Whitmore noted the check he received from snow plowing at the Presbyterian Church he was donating to the Town for use of purchasing flags/Christmas lights. Town Clerk Owens will make the correction. Councilman Whitmore then moved the minutes be approved with the correction. This was seconded by Councilman Evans. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

WARRANTS

8:35PM

General Warrant # 6, Vouchers # 77-99, in the amount of \$ 16,408.54 were submitted for payment. After reviewing the claims, a motion to approve payment was made by Councilman Ludwig, 2nd by Councilwoman Holcomb. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

Minutes of the Smithville Town Board
June 21, 2021

Highway Warrant # 6, Vouchers # 62-75 in the amount of \$ 39,248.29 were submitted for payment. After reviewing these claims, a motion to approve payment was made by Councilman Whitmore, 2nd by Councilman Evans. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

WORK ON LOCAL LAWS: tabled until another time

EXECUTIVE SESSION TO REVIEW CANDIDATES FOR ASSESSOR

Into Executive session @ 8:45pm on a motion by Councilman Ludwig, 2nd by Councilman Evans, All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

Out of Executive Session at 9:11pm on a motion by Councilman Evans, 2nd by Councilman Ludwig, All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

No action was taken

Next Board meeting is July 19, 2021. There will be a Budget work session on July 8th at 6:30pm.

OTHER/CLOSE: by Supervisor Cammarata @ 9:20PM

Alison B. Owens

Smithville Town Clerk