

Minutes of the Smithville Town Board  
May 17, 2021

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

ROLL CALL/PLEDGE/LATE ADDITIONS:

ATTENDANCE in addition to Supervisor Cammarata:

Councilman Bob Whitmore  
Councilman Karl Ludwig  
Councilman Mike Evans  
Councilwoman Pam Holcomb

ALSO:  
Alison Owens, Town Clerk  
Vince Witkowski, Hwy Sup't, arrived 7:52pm  
  
Assessor Jeff Lowe  
DCO Christine Stark

Townspersons: Shane Butler, Lindsay Fey, Larry Sherwood

**FUEL BID OPENING** 6:35PM

There were 2 Vendors submitting fuel bids which were acknowledged and opened by Supervisor Cammarata. They are as follows:

| VENDOR  | PRODUCT    | RACK PRICE   | DIFFERENT'L | FLUCTUATING  | FIRM BID PRICE |
|---|------------|--------------|-------------|--------------|----------------|
| Mirabito Energy Products<br>PO Box 5306<br>Binghamton, NY 13902 | LSD        | \$2.1421/gal | \$.1550/gal | \$2.2971/gal | \$2.3868/gal   |
|   | Winter Bld | \$2.5325/gal | \$.1550/gal | \$2.6875/gal | \$2.7868/gal   |
|   | Propane    |              |             |              | \$1.1850/gal   |
| Reese-Marshall<br>6254 County Rd. 32<br>Norwich, NY 13815       | LSD        | \$2.124/gal  | \$.15/gal   | \$2.274/gal  | \$2.349/gal    |
|   | Kerosene   | \$2.454/gal  | \$.15/gal   | \$2.604/gal  | \$2.349/gal    |
|   | Winter Bld |              |             |              | \$2.509/gal    |
|   | Propane    |              |             |              | \$1.378/gal    |

After discussion of the bids, Board members decided to award the Low Sulfur Diesel and Winter Blend bids to Reese-Marshall of Norwich NY, as they were low bidders for those products. The propane bid was awarded to Mirabito Fuel of Binghamton NY as that was the lower of the 2 bids for propane.

**RESOLUTION # 31 (2021): AWARD LOW SULFUR DIESEL AND WINTER BLEND FIRM BIDS TO REESE-MARSHALL OF NORWICH**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Evans, this Resolution was ADOPTED.

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

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**RESOLVED** to award the Low Sulfur Diesel and Winter Blend **firm** bids to Reese Marshal of Norwich NY for the period June 1, 2021-May 31, 2022. (LSD \$2.349/gal, WB \$2.509/gal)

**RESOLUTION # 32 (2021): AWARD PROPANE BIDS TO MIRABITO ENERGY PRODUCTS, BINGHAMTON, NY**

On a motion by Councilman Evans, 2<sup>nd</sup> by Councilwoman Holcomb, this Resolution was ADOPTED.

|         |                                   |
|---------|-----------------------------------|
| AYES    | Ludwig, Holcomb, Evans, Cammarata |
| NAYES   | 0                                 |
| ABSTAIN | Whitmore                          |

**RESOLVED** to award the propane bids to Mirabito Energy Products, Binghamton NY for the period June 1, 2021-May 31, 2022. (\$1.1850/gal)

**PUBLIC HEARING FOR SPECTRUM CONTRACT**

6:50PM

The Public Hearing for a cable contract with Spectrum was read by Town Clerk Owens and the Public Hearing was declared OPEN by Supervisor Cammarata @ 6:44pm. There was no Public comment. The Public Hearing was declared CLOSED at 6:45PM.

**RESOLUTION # 33 (2021): AWARD THE LOCAL CABLE TELEVISION CONTRACT TO SPECTRUM NORTHEAST LLC.**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore, this Resolution was ADOPTED.

|         |   |
|---------|---|
| AYES    | Ludwig, Holcomb, Evans, Whitmore, Cammarata |
| NAYES   | 0   |
| ABSTAIN | 0   |

**RESOLVED** to enter into a contract with Spectrum Northeast, LLC. To grant a cable television franchise agreement between the Town of Smithville and Spectrum Northeast LLC.

**TRUCK BID OPENING:** moved to later in the meeting \*\*

**CORRESPONDENCE**

6:35PM

C1) none

**NEW BUSINESS**

6:45PM

NB1) consider part-time help for the Highway Dept.

Hwy Sup't Vince Witkowski has asked for part-time help at the Hwy Dept for grass mowing along the roads. The trucks have been off the road for repair work and are just coming back. The Highway guys are needed for road maintenance which has fallen behind. The Gradall is still in Syracuse being fixed.

It was also mentioned that abandoned cemeteries could also be mowed or weed whipped at the same time. It is a Town responsibility to make sure these cemeteries are mowed twice a year. Town Clerk Owens identified 6 abandoned cemeteries that would need mowing. The rest are either on private property or under another maintenance agreement. Board members suggested the Town check with the County Personnel to find out about the part-time position name which is supposedly listed with the Highway and whether there has to be a wage associated with it. It would be 19 hours

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a week. Supervisor Cammarata will find out the information first from Personnel and then discuss with the Town bookkeeper on how it would impact the budget. It was suggested to table NB1 until more information is obtained.

NB2) Resolution to sell property between fire station and post office at November voter referendum: Supervisor Cammarata said he has had several calls from interested persons in the property between the post office and the fire station. In order for the Town to sell it, it would have to go through Public Referendum on November's ballot. Century 21 was called to do an evaluation for price. Four comps were used with a final value of \$21,900-40K. Would the Board be interested in selling the property?

Board members responses were on the cautious side.

Councilman Ludwig: voiced concern--wouldn't that be a possible water supply location?

Councilwoman Holcomb: what would be the implications if it were sold for a Sr Center?

PB Chair Shane Butler: someone could buy the property and could do anything they want with it.

Councilman Whitmore: The Town should hold on to it

Code Enforcement Officer Kinney: The Chenango County Board of Health would be in control of the property if a water system were to be put in.

Due to the cautious responses, Supervisor Cammarata suggested this be put on hold.

**OLD BUSINESS (UPDATES IF ANY)**

7:00PM

OB1) update on Cincinnatus Lake Watershed Protection District:

Att'y Neuman for Charles Malmberg, new owner of the property the Cincinnatus Lake dam is located on has filed for a 503c (LLC) for a Lake Association for both the Town of Willet and the Town of Smithville properties that have Cincinnatus Lake frontage. This LLC is being created to allow for a fee based Lake Association, with a Board of Directors, to take care of any maintenance costs to the dam plus insurance. If the property owners around the lake do not wish to pay, they would lose lake use privileges

OB2) update on Spectrum contract: previously done

OB3) historical sign for Hansmann's Mill property: Town Clerk Owens reported she has been in contact with property owner Tim Braman to find out if he would object to having an Historical marker at the Mill site. He indicated he has been working on a homemade sign to put up and is willing to work with the Town and the Auwarter family to find a compatible solution. Councilman Whitmore gave information on the Greene Brass/Iron Foundry in Greene who could make a cast iron marker. The Auwarter family has still volunteered to help with any cost.

OB4) update on waste oil burner. Will be installed in the next couple of weeks

OB5) proposal for a dog enumeration by "DogEnumeration.com". Town Clerk Owens had received a proposal from this company who sends letters to addresses within the Town boundaries requesting owners of dogs to license them according to NYS Ag & Markets law. The amount of the proposal was \$880. for approximately 2000 letters being sent to Town residents. Town Clerk Owens was unable to get a specific letter content nor an answer to other questions such as "what happens if a resident uses a P.O, Box"? Nor was she able to find out other communities who have successfully used the company despite their success. Board members were concerned about expending monies for something that still had many questions.

DCO Stark was present and said a door to door approach was best. She did one in the Town of German a couple of years ago where she was paid for mileage. She is not sure if an enumeration fee was charged but suggested contacting the German Town Clerk for additional information. Upon Supervisor Cammarata's direct question, she indicated she would be willing to do a dog enumeration for Smithville if there was someone to help. This will be discussed more next month.

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OB6) feed-back from Councilman Whitmore's proposal last month: Last month Councilman Whitmore detailed his suggestions for improvements in the Town of Smithville which would be of value to its citizens and perhaps be useful for land not being utilized at the moment. Supervisor Cammarata suggested sending proposals to Mirabito, BlueOx and a couple of others to build a gas station in Town. Other suggestions were a pheasant release program at the Shipman farm or other wildlife conservation programs there or on the Tarbell property. It was also suggested perhaps Cornell Co-operative extension might be willing to do educational programs here in Smithville. Supervisor Cammarata will also check and/or co-ordinate with Chenango County.

Other Old Business:

**NYSEG poles:** some poles are going to be changed. Councilman Whitmore has a check [for snowplowing done (at the church)]\*\*\*\* in the amount of \$200. which he is donating toward flags/lights for the poles. This will be deposited into line item A7550.4.

The **water situation** by the bridge is now in NYS hands. A Public Infrastructure grant was recommended by PB Chair Shane Butler.

**NEW SERVICE REQUESTS SINCE LAST MEETING: # 12 (1637) CO RD 3**

7:30PM

This was for trash from one property blowing onto a neighbor's property. The situation has evidently been taken care of.

**REPORTS**

7:30PM

R1.) Highway: report submitted.

R2) Assessor: report submitted. Grievance day June 2<sup>nd</sup>. Change notices went out and the Tentative Roll is out.

Addendum \*\*\*

R3.) Enforcement Officer: no report submitted. Code Enforcement Office Kinney recommended sending letters to junk/garbage offenders. Supervisor Cammarata mentioned the Town of Preston has an additional code enforcement officer to deal directly with junk. They have a 30 day grace period, then \$1.00 per day.

The Town of Smithville Justice Court will comply with dog discretions and junk offenders. Code Enforcement Officer Kinney again recommended to write letters to the offenders, pick a time from of 3-60 days to comply and then send them an appearance ticket. It was questioned who has the authority to write the ticket?

R4.) Planning Board: minutes supplied, Redoing the Comprehensive Plan this next year. There will be a subdivision application next month.

R5.) DCO: no report submitted. Yearly evaluation. There was a dog complaint on Buckley Hollow Rd. A 2<sup>nd</sup> complaint was filed against Eric Wells' dog killing chickens on Shane Butler's property. DCO Stark spoke with Wells and asked him to license the dog but it remains unlicensed.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee: no report

R10) Town Clerk: report submitted.

R11) vacant

R12) Supervisor's Report: submitted.

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Lamont Engineering wrote a USDA grant for the Town of Smithville for 3 tandem trucks for the Town. A USDA loan specialist has been in contact with both Lamont Engineering and with Supervisor Cammarata.

- The grant award/acceptance provides for three trucks to be purchased with \$120,000 grant and balance of \$667,000. to be paid at 2.25% for 15 years with the total amount due of \$698,000 and a monthly payment of \$3,878.
- To take 2 trucks would be \$80K for the grant @ 2.5% for 15 years with a \$2,535.46 monthly payment
- 1 truck might work but the payment would go up
- Supervisor Cammarata mentioned that sales tax checks should not be incorporated into the budget but should be left as unexpended balanc. He said the Town has committed to purchase a 2017 MACK truck from the Town of Sherburne. His recommendation would be to purchase 2 trucks and get rid of the 2002 and the 2010 International 2002 truck. He asked if the Board wanted to accept the USDA loan offer at a 20% grant?

Board members were cautious in their responses with most of them saying the Town could not afford a nearly 4K monthly expense for 3 trucks that would probably not last the life of the 15 year loan. Enforcement Officer Kinney said CHIPS monies for next year have gone up to which it began to be questioned whether the USDA 20% grant could be combined with the extra CHIPS money to buy 1 truck? It was also questioned whether a better interest rate could be obtained to purchase just 1 truck at the dealer without the grant \$ involved.

Councilman Evans made a motion to purchase 1 truck if the USDA grant money (20%) could be combined with the 2022 CHIPS money. There were no 2<sup>nd</sup>'s so Councilman Evans retracted this motion.

After continued discussion the following 2 Resolutions were made and ADOPTED:

**RESOLUTION # 34 (2021): REJECT THE USDA GRANT AND THE BURR TRUCK BID (VOLVO) \*\***

On a motion by Councilman Whitmore, 2<sup>nd</sup> by Councilman Ludwig, this Resolution was ADOPTED.

|         |   |
|---------|---|
| AYES    | Ludwig, Holcomb, Evans, Whitmore, Cammarata |
| NAYES   | 0   |
| ABSTAIN | 0   |

**RESOLVED** to reject the USDA grant offer of \$120K for three trucks for a term of 15 years @ 2.25%, total of \$698K, and to reject the BURR Truck offer for a Volvo truck.

**RESOLUTION # 35 (2021): AUTHORIZE HWY SUPT WITKOWSKI TO GET QUOTE FROM UTICA MACK \*\***

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore, this Resolution was ADOPTED.

|         |   |
|---------|---|
| AYES    | Ludwig, Holcomb, Evans, Whitmore, Cammarata |
| NAYES   | 0   |
| ABSTAIN | 0   |

**RESOLVED** to have Hwy Supt Witkowski get a separate quote from Utica MACK truck, with loan information.

Both Burr Truck and Utica truck bids are on State contract.

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See addendum\*\*

**MINUTES APPROVAL** for April 19, 2021

7:50PM

The minutes of the April 19<sup>th</sup> meeting were reviewed. A motion to approve these minutes was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore. All five Boardmembers: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

**WARRANTS**

7:55PM

General Warrant # 5, Vouchers # 63-76, in the amount of \$2,467.95 were reviewed for payment. Voucher # 62 in the amount of \$100. For the Chenango County Hwy Association (for the Town Hwy Supt) was added from the Hwy Warrant as it is a General expense. A motion was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Evans to approve these claims. All five Boardmembers: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

Highway Warrant # 5, Vouchers # 47-61, with the exception of #48 and in the amount of \$15,951.13 were reviewed for payment. It was recommended to hold the check from Voucher # 53 until the tree stumps were ground up. These claims were approved, including the hold, in a motion by Councilman Evans, 2<sup>nd</sup> by Councilman Ludwig. All five Boardmembers: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

The Southern Tier Antique Tractor Association has made a \$200 donation to the Town for using the Town property for its tractor pulls.

The next Board meeting is June 21, 2021.

CLOSE: By Supervisor Cammarata

8:20PM

Alison B. Owens

Smithville Town Clerk

Addendums:

\*\* as an after the Town Board meeting item, both Resolutions 34 & 35 were not acted upon. In working with Lamont Engineering and the USDA, it was agreed the Town of Smithville would be able to purchase 1 MACK truck for \$276K, less \$41K with the USDA grant monies, financing a total of \$233K at 2.25% for 15 years. The payment would be approximately \$1527. Per month +/- . There was no formal Resolution but each Board member was contacted and after listening to the terms of the agreement each Board member voted affirmatively.

|                      |     |
|----------------------|-----|
| COUNCILWOMAN HOLCOMB | AYE |
| COUNCILMAN LUDWIG    | AYE |
| COUNCILMAN EVANS     | AYE |
| COUNCILMAN WHITMORE  | AYE |
| SUPERVISOR CAMMARATA | AYE |

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The truck would not need to be paid for immediately but also would not be available to the Town until the summer of 2022. The loan agreement also requires an EEOE symbol or wordage on the documents, a survey questionnaire for Board members to be filled out and a separate survey to be sent to Town citizens for feedback. More business concerning the adoption of the bond note for the truck will be conducted at the June 21, 2021 meeting.

\*\*\* Also, the resignation of Jeff Lowe, Sole Appointed Assessor for the Town of Smithville was accepted by Town Clerk Owens on June 2, 2021. Since the resignation is effective July 1 2021, a notice was generated for the vacancy in the Norwich Pennysaver. This will be approved by the Board at the June 21, 2021 Town Board meeting. The County was also notified of the vacancy.

\*\*\*\* revised