

MINUTES OF THE SMITHVILLE TOWN BOARD  
20 September 2021

OPENING of Town Board meeting by Supervisor John Cammarata 6:29PM

ATTENDANCE in addition to Supervisor Cammarata:

	ALSO:
Councilman Bob Whitmore	Alison Owens, Town Clerk
Councilman Karl Ludwig	Christine Stark, DCO
Councilwoman Pam Holcomb	Shane Butler, Planning Board
Councilman Mike Evans	Mandy & Gary Boardman, residents
	Darin and Debbie Mills, residents
	Marie Kehl, PB
	Judge Jordon Lilley
	Johanna, daughter of Christine Stark

**PUBLIC HEARING: OPTING OUT OF CBD DISPENSARIES** 6:30pm

Supervisor Cammarata opened the Public Hearing and Town Clerk Owens read the legal notice as published in the Evening Sun. Supervisor Cammarata asked for questions.

Resident Debbie Mills: asked for clarification on the Local Law’s purpose, if it had to be voted on (in the General Election).

Supervisor Cammarata and Councilman Whitmore: Each gave an explanation to the audience as to the procedure for opting out of cannabis sales. If no opt-out is allowed, then NYS can open a store in Smithville and sell the cannabis commodity. With the Opt-out, a Dr. can still provide a prescription but a person would have to travel to Binghamton to purchase cannabis.

Mandy Boardman: What is the process if this can be reversed?

Cammarata: It would be voted on by the Town Board, then be put on the ballot as a permissive referendum the next available voting date.

There were no additional comments. Supervisor Cammarata declared the Public Hearing CLOSED at 6:39pm.

**CORRESPONDENCE** 6:45PM

C1) Marie Kehl donation of paycheck from Planning Board attendance. The money will be used toward either flags or decorations for the street. This was acceptable to Mrs. Kehl who was present.

Hwy Supt Witkowski mentioned most of the electric outlets on the remaining electric poles (those poles that were not replaced) were burned out. Supervisor Cammarata is awaiting direction for the permit now required by NYSEG to use lights for the poles.

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**NEW BUSINESS**

6:46PM

NB1) Consider adoption of LOCAL LAW # 4, CANNABIS LAW~131 OPT-OUT of NYS's CDB law.

Since there were no presentations of petitions for a referendum during the 40 day required posting, the Town Board of Smithville has declared the Local Law binding in the following Resolution.

**RESOLUTION # 51 (2021): BINDING LOCAL LAW # 4, CANNABIS LAW~131 OPT-OUT**

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On a motion by Councilman Evans, 2<sup>nd</sup> by Councilman Ludwig, the above Local Law was ADOPTED.

AYES Ludwig, Holcomb, Evans, Whitmore, Cammarata; each Councilmember voting affirmatively  
NAYES 0

RESOLVED to bind Local Law # 4, the CANNABIS LAW~131 OPT-OUT, which will opt out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Town of Smithville boundaries.

NB2) Consider setting Oct. 18<sup>th</sup> for Snowmobile, Seasonal Rds Public Hearing. The list of Snowmobile and Seasonal roads were previously ok'd by the Highway Sup't and reviewed by the Town Board. A Resolution authorizing advertisement was made:

**RESOLUTION # 52 (2021): ADVERTISE FOR PUBLIC HEARING FOR SNOWMOBILE/SEASONAL RD**

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On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore, the above Local Law was ADOPTED.

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

RESOLVED to advertise for a Public Hearing October 18, 2021 for the annual list of Snowmobile and Seasonal Roads. The Snowmobile Rds Public Hearing will be held at 6:35PM; the Seasonal Rds Public Hearing at 6:40pm.

**OLD BUSINESS (UPDATES IF ANY)**

7:00PM

OB1) consider any updates to Dog Control Local Law, advertise for PH October 18<sup>th</sup>  
The proposed, updated Dog Control Local Law was distributed September 9<sup>th</sup> to Board members. After review, Town Clerk Owens recommended adding the following statement to the proposed Dog Control Local Law:

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“Penalties for Redemption of the owner’s dog from the SPCA or other specified shelter shall be fixed by the Town Board of Smithville and added to the Town Fee Schedule annually.”

**RESOLUTION # 53 (2021): REVISE WORDING OF PROPOSED LOCAL DOG LAW 2021 AND ADVERTISE FOR PUBIC HEARING OCT. 18<sup>TH</sup>.**

- On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Holcomb, the added wording in the above proposed local Law on page 3, Section 9, was added as paragraph 2, and the proposed Local Law was scheduled for a Public Hearing on October 18, 2021.

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

RESOLVED to add paragraph 2 to page 3 section 9 of the proposed Local Law which gives the Town Board the authority to set the fees annually for licensing dogs and penalties for redemption; and then to advertise for a Public Hearing October 18, 2021 at 6:45pm.

OB2) updates on electronic sign board: after another conversation with company who sold the electronic sign to the Town of Smithville, it looks like the sign board is probably broken. The Town can send it back at their own expense but it would be costly to do so, not knowing how much it would cost to fix it. Does the Board want to purchase 2 other ones as a replacement? The Board was in favor of searching out options for replacements.

Additionally, the repeater on County Rd 3 the Town uses for communication between the highway trucks has been vandalized, is missing parts and is being looked over.

OB3) updates on buildings and grounds camera’s: Technical advisor for the Town, Tim Hanna, has spent considerable time troubleshooting the computer and software used for the video system which monitors areas inside the Community Center and around the park. It appears the small form computer installed 5 years ago by Sentry Alarms is no longer working properly. An older laptop was hooked up to the surveillance system to try and do further diagnostics but there continues to be problems with passwords, etc of the cameras. Maximum Security was called to help with the diagnostics as they also service the fire alarm system at the Community Center, which needs an update, and the security system at the Town Barn. They will be in this week.

OB4) consider ADOPTION of 2022 Tentative Budget to Preliminary Budget (this was done at the end of the meeting)

**RESOLUTION # 54 (2021): ADOPTION OF THE 2022 TENTATIVE BUDGET TO PRELIMINARY BUDGET**

- On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilwoman Holcomb, 2022 Tentative Budget was adopted as the Preliminary 2022 Budget.

AYES Ludwig, Holcomb, Evans, Whitmore, Cammarata

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NAYES 0

RESOLVED adopt the 2022 Tentative Budget for the Town of Smithville as the Preliminary Budget.

OB5) other considerations for Town land use in the hamlet: Another company from Norwich has spoken with Supervisor Cammarata and wants to lease Town land or purchase it for a Senior Citizen housing complex. The water system grant applied for earlier this year did not pan out but will be applied for again next time around. The 1<sup>st</sup> company wanting to propose a Senior building opted out. What does the Board think?

Councilman Whitmore: The Town will need water and sewer. It is a good idea but he would like to see the plan before making a commitment. He would like to see 55+ age group and would prefer to sell the land.

Councilwoman Holcomb: yes to seeing a plan first

Supervisor Cammarata indicated there is also a NYSEG right of way that goes through the park area.

Resident Marie Kehl: Is it subsidized housing?

Answer: unknown

Councilman Whitmore also suggested a mobile DMV for the Town of Smithville.

**REPORTS**

7:45PM

R1.) Highway: report submitted

- \* finished grading roads

- \* started work on Collyer Rd, and also patching roads

- \* waiting for parts for the mower and repairing trucks

- \* getting winter sand delivered

- \* Monday morning FEMA meetings \$9790.10 for Waldon Rd; Art Lake \$13719.60 The ACH deposit has already been made of \$23,509.70

- \* installation for the burner for waste oil has started and should be operational tomorrow. The intent is to save on propane. There seems to be several places to obtain the used oil. Once the fuel shed is in then oil should be able to be pumped directly into the waste oil burner.

R2) Assessor: No report submitted. The new Assessor has started and is ready to go.

R3.) Enforcement Officer: no report submitted.

- \* Supervisor Cammarata signed Richard Crow's building permit for a garage installation on prepared ground on his property

- \* The County has signed a septic application for the house by the bridge, as has also the contractor. Town Clerk Owens is awaiting signature by the property owner. The application has written on it that the Town is not liable for errors on this system.

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R4.) Planning Board: no minutes submitted. PB Chair Butler was present. New housing on a previously authorized County Rd 3 subdivision is planning on being constructed.

R5.) **DCO: report submitted.** Other issues discussed:

\* A Good Citizen took a dog the Norwich SPCA. This was arranged by her as the DCO in a call to the SPCA

\* a dog bite incident is being taken care of

\* there will be no resignation on the part of the DCO

\* would like to have a Deputy to both help with seizure of dogs and to cover in case of absence. DCO Stark also added there are times when it would be helpful to have someone go with her to investigate a dog incident

\* when asked by the Town Board if she could submit a report every month she replied yes.

\* she did not feel it was right to have her name mentioned as the DCO in Resolution # 45 of August 10, 2021.

\* submitted a letter to the Town Board (via daughter Johanna) which was not read until the end of the Executive Session in which she asked to be paid for September 1<sup>st</sup> thru the 20<sup>th</sup>.

The dismissal of the July 2021 ticket Court ticket was also discussed.

Those in the audience felt there should be more communication of items/problems/issues between the Board and the DCO.

Supervisor Cammarata said the Board would like to discuss some additional items in Executive Session after the main part of the meeting and get back to the DCO.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee: no report

R10) Town Clerk: report submitted. The Junk Local Law and Refuse Collection Local Law need to have fees removed. Board members said this should be referred to the Planning Board.

Town Clerk Owens also asked for members to be added to the Records Advisory Committee but said it could be done at the Organizational meeting in January.

R11) vacant

R12) Supervisor's Report: submitted

\* cones and signs have been taken from road work areas. Looking for non-removable signs or some kind of Town of Smithville identification to be placed on the inside of the cones

\* safety issue with radios not working—the repeater had grounding missing so it is not working. The repeater is being worked on

\* red p/u truck has now had both seals replaced

\* ARP fund is continuing to grow slowly

\* No information about the 2017 truck yet from Sherburne

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\* the cost of paving some of the Town roads will deplete that portion of the Hwy account

A motion to approve the Supervisor's report was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Evans. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

**MINUTES APPROVAL** for August 16<sup>th</sup> and September 9<sup>th</sup> 2021 7:45PM

A statement regarding snowplowing was removed from the Sept. 9<sup>th</sup> minutes  
Both sets of minutes were then approved in a motion by Councilman Evans, 2<sup>nd</sup> by Councilman Ludwig. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

**WARRANTS** 7:50PM

**General Warrant # 9**, Vouchers # 137-154, in the amount of \$ 3,988.95 were reviewed by the Board. A motion to pay these claims was made by Councilman Evans, 2<sup>nd</sup> by Councilman Ludwig. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried. Town Clerk Owens was asked to contact Portable John Rentals and ask for an EOW clean out rather than every week.

**Highway Warrant # 9**, Vouchers # 92-105 in the amount of \$22,817.29 were reviewed by the Board. A motion to pay these claims was made by Councilman Whitmore, 2<sup>nd</sup> by Councilwoman Holcomb. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

**JRC**

Debbie Mills from the audience asked if the Town would be continuing to financially sponsor the JRC program for the kids on an annual basis? There was a FOILED request to the JRC. Was a response received?

Supervisor Cammarata and Councilwoman Holcomb responded: funds were made to the JRC by Chenango County and that was the reason for the FOIL request. The Town is awaiting a response from the JRC. Board member Holcomb said she did receive an answer to the FOIL request.

Mrs. Mills said that 20 children from Smithville participated in the JRC this summer. She felt it was very important for the children and the community to provide this service and wanted to see it continue.

INTO EXECUTIVE SESSION @ 8:42pm Motion by Councilman Ludwig and 2<sup>nd</sup> by Councilman Evans All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

Purpose: To discuss Union negotiations and an Employee situation.

OUT OF EXECUTIVE SESSION @9:15pm in a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Evans. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

