

MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

The regular meeting of the Smithville Town Board was called to order at 6:05pm Monday April 21, 2008 by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson

**Board members:**

Roger Connelly

Vince Coletta

Holly Mohr

Kay Borne

Also: Town Clerk Alison Owens

Highway Sup't Bruce Kinney

Bookkeeper Virginia Smith

Mindy Eldred, Wayne Eldred II

Jacob Owens, Scout from Troop 162

Enforcement Officer Neal Root

**ADDITIONS TO THE AGENDA:**

**C10:** email forwarded from Selective Insurance to Mang Insurance

**NB8:** item of business from Bookkeeper Virginia Smith

**CORRESPONDENCE:** Items were noted as received:

C1: written letter of resignation from Larry Sherwood, PB

C2: letter of resignation from Beverly Giles, PB clerk

C3: Chenango County: current list of unpaid's

C4: Curtis Lumber letter: \$15.00 fuel surcharge

**C5: update on Walking Track grant**

A letter has been received from NYS OPRHP congratulating the Town of Smithville on receiving the \$15,000. grant for the Walking Track in the Community Park. The project will need to be submitted according to State guidelines with the work to be completed by Aug. 31, 2009. Highway Sup't Kinney suggested the Town Board Playground Committee decide the placement of the track and bid the project. One of the Deputy Clerks could help with the paperwork. Highway Sup't Kinney will contact the Town of Coventry to see how they approached a similar grant.

**C6: letter from property owner on Collyer Rd. re: gas rights**

Board members reviewed the letter from Chris and Jennifer Rice who were concerned about the restrictive covenants on the property they purchased from the Genegantslet Farms subdivision, specifically gas rights. Supervisor Johnson had spoken with Alan Lord of New York Land & Lakes who said the concern needed to be addressed to New York Land & Lakes and not to the Town of Smithville.

**C7: letter from Sen. Libous re: \$10,000. in funds toward paving parking lot**

A letter has been received from Sen. Thomas Libous announced the procurement of \$10,000. in discretionary Senate funds from the State Budget to help in paving the parking lot at the Community Center. The Board asked that a decision be made on the area to be paved and that estimates be obtained for paving both the track and the parking lot. Highway Sup't Kinney will look into different vendors.

C8: letter from NYS Division of Alcoholic Beverage Control re: changes

C9: NYSDOT CHIPS Budget proposal 2008

MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

**C10: Selective Insurance re: Sexual Harassment policy for Town Employees**

Town Clerk Owens will advise Mang Insurance the 2008 Guidelines Package does not contain a Sexual Harassment Policy.

**NEW BUSINESS:**

**NB1: Smithville Day Committee: letter requesting port-a-john, voucher**

A letter from the Smithville Day Committee was received asking the Board for a 2<sup>nd</sup> port-a-john during the month of June (Smithville Day is June 14<sup>th</sup>). The Town usually rents 1 port-a-john from May-Oct. Town Clerk Owens had called for prices: Rentals To Go, used for the last couple of years, is now \$90. per month, Portable John Rentals, located in Upper Lisle, is \$75.00 per month.

**RESOLUTION # 8 (2008): RENT FROM PORTABLE JOHN RENTALS**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne, the following resolution was:

ADOPTED    AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to use Portable John Rentals of Lisle, NY to rent 1 port-a-john from May 1<sup>st</sup> to Oct. 31<sup>st</sup> for \$75.00 per month; if not available, use Rentals To Go.

**RESOLUTION # 9 (2008) RENT 2<sup>ND</sup> UNIT FOR JUNE**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Connelly, the following resolution was:

ADOPTED    AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to rent a second unit for the month of June from Portable John Rentals.

A voucher in the amount of \$300. was presented to the Board to be used by the Smithville Day Committee specifically for Smithville Day. Town Clerk Owens explained funds had previously been allowed to the Smithville Day Committee in past years. Town Board members asked that the Smithville Day Committee specify what the funds were to be used for. The Chair of the Committee was not present at the Board meeting so the voucher will be returned to the Committee until the Board's request can be fulfilled.

**NB2: letter of intent from Bob Brooks for Planning Board vacancy**

An email sent by Planning Board Chair Tim Hanna expressed his and other Planning Board members approval of Mr. Brooks for the position. Town Board members agreed. This was the only letter of intent submitted for the vacant position.

MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

**RESOLUTION # 10 (2008): APPOINT BOB BROOKS TO PLANNING BOARD**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Coletta, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to appoint Bob Brooks to a vacant position on the Planning Board beginning immediately and expiring Dec. 31, 2011.

**NB3: Hammerle Rd. complaint**

Highway Sup't Kinney and Town Board members reviewed the letter from Tim & Kathleen Harrington of Hammerle Rd. who wrote concerning run-off water coming from the road onto their property. Highway Sup't Kinney explained a prior diversion ditch on the Harrington property had been blocked, causing the water overflow. There is not another easy way to divert the water other than re-opening the diversion ditch. He will write to the Harrington's.

The letter also asked questions about CHIPS money and the Walking Track.

**NB4: Fuel Bids—advertise for May 19<sup>th</sup> mtg.**

Fuel bids for the period June 1, 2008-May 31, 2009 will need to be advertised in the Chenango American for the May 19<sup>th</sup> Board meeting.

**RESOLUTION # 11 (2008): ADVERTISE FUEL BIDS IN CHENANGO AMERICAN**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to advertise the following products for bid in the Chenango American for the Town Board meeting May 19<sup>th</sup>: 1.) Low Sulfur Diesel, 2.) Unleaded regular gasoline, 3.) Kerosene for winter blend, 4.) Kerosene for heat at the Town Barn, and 5.) propane for heat for the Community Center.

**NB5: Report from the Bicentennial Committee**

A report from the Bicentennial Committee gave information about the events being planned for this year's Bicentennial. The Committee Chair, Alison Owens, asked the Board if the Town could donate 2 rolls of stamps to help the Committee with a mailing for their fund raising efforts. Board members were opposed to this idea.

Boy Scout Jacob Owens (Troop 162) was recognized and apprised the Board of a change to his original Eagle Scout project. He has been asked by the Historical Society/Bicentennial Committee if he would take the "monument" project which the

## MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

Bicentennial Committee had previously chosen and work it for his Eagle project. The Monument project consists of:

- using a large stone, preferably a bluestone from the Smithville Quarry,
- placing it on Town property,
- having it engraved with “*Town of Smithville, established 1808*”
- and possibly, later, a brass plaque with early settlers names or names of the original Town Officials engraved on it;
- raised flower/evergreen bed around the stone
- a bench nearby

Two locations on Town property were selected by the Bicentennial Committee. Location 1 is in front of the light pole nearest the front sidewalk of the Community Center. Location 2 is near the Town Bulletin Board, along the same sidewalk on the north end of the property.

It was recommended the Town Board approve Jacob’s revised project and select one of the 2 locations for the monument. The following resolutions were brought forth:

### **RESOLUTION # 12 (2008): APPROVE MODIFICATION OF EAGLE PROJECT**

On a motion by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to approve the modification to Jacob Owens Eagle Scout project as outlined above.

### **RESOLUTION # 13 (2008): APPROVE LOCATION # 1 FOR THE MONUMENT**

On a motion by Council Coletta, 2<sup>nd</sup> by Councilman Connelly, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson

NAYES: 0

RESOLVED to allow the Bicentennial Monument to be placed on the north side of the Community Center near the wooden light pole closest to the sidewalk.

The tentative date for installation of the Monument is May 17<sup>th</sup>; tentative date for dedication of the Monument is during Smithville Day June 14<sup>th</sup>.

### **NB6: Using Bottle Fund to fix Gazebo, garden beds, swings; buy wood chips**

Mindy Eldred approached the Board with a list of repairs needing to be done in the Eagle Scout park this year. The report is included in the archival copy of the minutes. The following items are targeted to be done before Smithville Day:

MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

- removal of old swing set
- install mats around basket ball poles, previously purchased
- fix gazebo

The rest of the items: landscape timbers replaced, red curved bricks, benches, wood chips, sand, and replacement swing set can be done at a later date. The Port-a-John has already been acted upon. Mrs. Eldred asked if funds from the Bottle Fund could be used to make these purchases. The following resolution was brought forth.

**RESOLUTION # 14 (2008): RELEASE BOTTLE FUNDS FOR PARK REPAIRS**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to release funds from the Bottle Fund account at NBT to handle the necessary repairs in the Eagle Scout Park, pending the approval of the Bottle Fund Committee. (The Bottle Fund Committee consists of Thomas Bottle, Mindy Eldred, Kay Borne, Roger Connelly)

Highway Sup't Kinney will oversee the installation of the pole covers and removal of swing set. The Bottle Committee will recommend replacement swing sets.

**NB7: Application for Laborer/Groundskeeper: Wayne Eldred II**

Wayne Eldred II approached the Board with an application for Laborer/Groundskeeper. The previous person in the position was to have been written a letter of dismissal in February. This was not immediately done as the substitute laborer/groundskeeper was under 18 and he could not be hired for the position. Board members interviewed Mr. Eldred and felt he would be a good fit for the position of laborer/groundskeeper. Therefore the following Resolution was offered.

**RESOLUTION # 15 (2008): HIRE WAYNE ELDRED II AS LABORER**

On a motion by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to hire Wayne Eldred II as part-time Laborer/Groundskeeper for the Town of Smithville at a wage of \$8.00 per hour effective immediately. The duties as outlined include but are not limited to: mowing of lawn (in its entirety if the volunteer cannot mow larger section this year), cleaning, caring for and opening/closing the Park/Pavilion

MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

for rental use, emptying trash, and shoveling the sidewalks in winter. The substitute laborer will work under Mr. Eldred's direction as needed.

Supervisor Johnson will write letters to Brandon Utter releasing him from his responsibilities and to Raymond Whitmore, notifying him of the new appointment for Laborer, that he will be working under Mr. Eldred and asking for a voucher for any previous work done.

**NB8: Virginia Smith re: Trust and Agency Account**

Bookkeeper Virginia Smith was given the opportunity to speak to Board members about creating a Trust and Agency Account at NBT. The Trust and Agency Acc't is a holding account and would enable funds from the Highway and the General budgets to be deposited into it to pay a combined bill with one check where payment was required of both accounts. Examples are taxes, NYS retirement system payments, Health Insurance payments. This non-interest bearing kind of account is common in Municipalities. After some discussion, the Board brought forth the following resolution.

**RESOLUTION # 16 (2008): CREATE "TRUST AND AGENCY" ACCOUNT**

On a motion by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr, the following resolution was:

ADOPTED

AYES: Borne, Mohr, Coletta, Connelly, Johnson  
NAYES: 0

RESOLVED to create a "Trust and Agency" non-interest bearing Checking Account at NBT to allow holding of General and Highway deposits for in process payments requiring funds from both accounts.

The Deputy Town Supervisor, Councilman Connelly, should also be able to sign checks from this account.

**OLD BUSINESS:**

**OB1: District 1 Polling Place**

The Smithville Center Methodist Church was revisited by members of the Chenango Co. Board of Elections and some Town Officials to see if it would pass inspection as a Polling place for District 1. A subsequent phone call from the Pastor of the Church to Supervisor Johnson indicated the Church congregation was not in favor of the Church being used as a Polling Place. The issue has currently been dropped.

**OB2: LUCA update**

There is nothing new to report.

## MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

### **REPORTS:**

**R1:** Planning Board: no written report. An email was sent to indicate the Planning Board is still working on the Comprehensive Plan.

**R2:** Assessor: No report submitted.

**R3:** Enforcement Officer: report submitted. Enforcement Officer Root asked about

- the septic system for Echo Lake. Is it a holding tank situation? Holding tanks are only allowed for temporary purposes.
  - *Town Clerk Owens will provide Mr. Root with a copy of the septic work done at Echo Lake*
- The numerous information on schools available to attend
  - *Town Board members asked Mr. Root to identify which would be the most helpful and make plans to attend that one.*
- Whether a community wide septic system had been considered.
  - *A community wide water system had been considered about 6-7 years ago with the Planning Board doing most of the preliminary work. A Public Hearing was held. The decision in the end was that such a system, even with grant monies available, would be too costly for those living in the hamlet.*
- Maintained the storage trailer on the Curtis lot, corner of Round Pond and State Hwy. 41 is occupied but is not hooked up to septic or water. With the current septic system in place, Mr. Root feels the system could handle the small trailer if the need did arise to hook it up.

**R4-R6:** Justice, DCO, Attorney: No reports submitted

**R7:** Mitigation: No official report. The FEMA severe repetitive loss monies cannot be applied for until the Town mitigation plan is in place.

**R8:** Community Center: no report on railings for the front steps,

**R9:** Community Park: It was suggested to price a dumpster for Smithville Day June 14<sup>th</sup>.

**R10:** Town Clerk report: submitted and copied into the Archival copy of the minute book

**R11:** The Highway report: submitted and copied into the Archival copy of the minute book. Other points discussed were:

\* 4O.) part-time position through Highway Dept. for cemetery maintenance, mowing Community Park, snow removal for sidewalks, etc. Highway Sup't Kinney asked the Board to consider this for the 2009 Budget.

\* 4P.) considering purchase of loader and possibly other equipment at upcoming auctions throughout the area.

\* 7B.) Sand on hand is low and will need to be replaced, estimating \$10,000.; salt replacement about \$1500.

\* 8E.) Overtime: generally 1-2 people work on Friday's only when necessary. There is money in the budget to cover this.

**R12:** Supervisor's report: submitted. A motion to accept this report was made by Councilman Coletta, 2<sup>nd</sup> by Councilman Connelly. All five Board members: Borne, Mohr, Coletta, Connelly, Johnson in favor, motion carried.

MINUTES OF THE SMITHVILLE TOWN BOARD

April 21, 2008

**MINUTES:** The minutes of the March 17<sup>th</sup> meeting were reviewed. 2 wording changes were noted on p. 3, one of which correctly changed the expiration date of the Genegantslet Fire Contract to 12/31/08. The minutes were approved pending corrections by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Coletta. All five Board members: Borne, Mohr, Coletta, Connelly, Johnson in favor, motion carried.

**GENERAL WARRANT:**

General Warrant # 4, Vouchers # 55-75 in the amount of \$ 3062.93, was submitted for payment. A motion to accept and pay these bills was made by Councilman Coletta, 2<sup>nd</sup> by Councilwoman Mohr. All five Board members: Borne, Mohr, Coletta, Connelly, Johnson were in favor, motion carried.

[Town Clerk Owens subsequently found Voucher #56 to the Smithville Historical Society for \$300. was a duplicate from Warrant # 3. This Voucher was deleted from Warrant # 4 bringing the total to \$ 2762.93.]

**HIGHWAY WARRANT:**

Highway Warrant # 4, Vouchers # 50-69 in the amount of \$8579.91, was submitted for payment. A motion to accept and pay these bills was made by Councilman Connelly, 2<sup>nd</sup> by Councilman Coletta. All five Board members: Borne, Mohr, Coletta, Connelly, Johnson were in favor, motion carried.

There was no JRC business.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 9:05PM.

Alison B. Owens

Smithville Town Clerk