

MINUTES OF THE SMITHVILLE TOWN BOARD  
November 17, 2008

The regular meeting of the Smithville Town Board was called to order at 6:04PM by Supervisor Allan Johnson. The following persons were in attendance:

**Supervisor:** Allan Johnson  
**Councilpersons:**  
Holly Mohr  
Kay Borne  
Roger Connelly

Highway Sup't Bruce Kinney  
Town Clerk Alison Owens  
Highway Employees  
Evening Sun Reporter

Vince Coletta, absent

There were no additions/deletions. Highway Sup't Kinney was given priority as he was leaving to attend a class. His report is included in the REPORTS for continuity.

**CORRESPONDENCE:** The following items of Correspondence were received:

**C1:** Collier Road pipe Grant deobligation amount to be received is \$61,730.31. The information is being processed and should be received shortly.

**C2: Annual watershed inspection report for Cincinnatus Lake.** The inspection was completed on Oct. 17, 2008. The report notes "small saplings are beginning to grow [along the dam] and will need to be removed. As referenced in the 9/28/07 report, the Lake Association [Cincinnatus Lake Association], or the Town of Smithville must assume maintenance." Board members had questions as to the responsibility of the Town in this matter. The Cincinnatus Lake Association needs to be revamped as it is not functioning right now. Mr. English is no longer able to care for and maintain the property as he had in the past. Supervisor Johnson suggested Lauren Johnson would be available to come and talk to the Town Board about the responsibilities. Board members agreed to see if he was available.

**C3:** Liability Insurance for Ridge Riders Snowmobile Club

**C4:** Workers' Comp. Requirements: A new form effective 12/1/08 will require Towns to ensure "that businesses applying for permits, licenses, or contracts have appropriate workers compensation and disability benefits insurance coverage, whether the Town is having the work done or is issuing the permit, license or contract."

**C5:** NYSEG: select electricity supplier for 2009. There was no desire of the Board to change to a different electric supplier.

**C6:** Association of Towns invoice for 2009 will be \$500.

**NEW BUSINESS:**

**NB1:** Approve Training Class for Enforcement Officer--VOID

**NB2:** Tony Zdobylak letter of intent for BAR. Tony has agreed to be reappointed as a BAR member for a 5 yr. term. This will require a resolution from the Board.

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**RESOLUTION # 47 (2008): REAPPOINT TONY ZDOBLYAK TO BAR**

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

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

RESOLVED to appoint Tony Zdoblyak to the Smithville Board of Assessment Review for a 5 yr. Period from Oct. 1, 2008 through Sept. 30, 2013.

**NB3:** NYS Retirement System invoice. The invoice if paid by Dec. 15<sup>th</sup>, will be \$10,734.00 and will save \$104.00 over the \$ amount if paid by February 1, 2009. Board members were in agreement to pay this bill by the December due date.

**RESOLUTION # 48 (2008): PAY NYS RETIREMENT INVOICE BY  
DECEMBER 15, 2008 DUE DATE**

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

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

RESOLVED to pay the NYS Retirement invoice the amount of \$10,730.00 for the 2009 Retirement contribution by December 15, 2008. Such payment will be a \$104.00 savings over the "if paid by" February 1, 2009 amount.

**NB4:** The SPCA contract for 2009 remains the same as for 2008 with the exception of the clause in item # 9: "beyond the five day holding period if the DCO, Municipality official or police officer requests additional holding, a boarding fee of \$15.00 per day will be charged to the Municipality." Board members directed Supervisor Johnson to sign the contract by the following RESOLUTION.

**RESOLUTION # 49(2008): SIGN 2009 SPCA CONTRACT**

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

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

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RESOLVED to accept and authorize Supervisor Johnson to sign the 2009 SPCA contract on behalf of the Town of Smithville.

**OLD BUSINESS:**

A Public Hearing for potential Local Law # 1 was held November 6, 2008. There were a number of concerns addressed during the Public Hearing with regard to who should obtain the permit and if a yearly permit could be written into the local law. Highway Sup't Kinney brought in a similar local law from the Town of Berkshire which has some different features and is more simplified than the proposed local law. This was introduced to Board members.

Supervisor Johnson suggested deferring a decision on the local law until the Board could review the Berkshire local law to see if the simpler one fits more into line with what Smithville wants to do. It was recommended Att'y Monaco review the Berkshire law and to also ask him to suggest a clause for a 1 yr. permit.

Additional questions still remaining are: Should the permit be obtained by the hauler or the cutter? How long should the permit be for? Should there be a multiple contract per year permit? The Highway Sup't also had additional questions submitted in his report (see Highway Report 4d). Board members were in agreement to review the Berkshire law and discuss the options at the December mtg.

**2009 Budget**

The 2009 Preliminary Budget was discussed briefly. There have been some last minute revisions of the assessed valuation for the Oxford fire District and the Genegantslet Fire District. This will affect the per/thousand rate for both the Oxford and the Genegantslet Fire districts by .01 ea. There were no other changes. The Board approved the Preliminary Budget to be the Final 2009 Budget in the following Resolution:

**RESOLUTION # 50 (2008): APPROVE THE 2009 FINAL BUDGET**

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

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

WHEREAS, a Public Hearing was held on November 6, 2008 concerning the 2009 Preliminary Budget and all Public Opinion was considered and  
WHEREAS all revisions to the Preliminary 2009 Town of Smithville Budget have been considered, and  
WHEREAS all Board members present this night are in agreement as to the figures presented in the Preliminary 2009 Budget for the Town of Smithville,

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BE IT THEREFORE RESOLVED that the Town Board of Smithville approves the 2009 Preliminary Budget as the Final, Adopted Budget for 2009.

### MINUTES

The minutes of the Sept. 29<sup>th</sup> Budget work session, Oct. 20<sup>th</sup> Town Board meeting and the Nov. 6<sup>th</sup> Public Hearings were reviewed. A motion to approve all 3 sets of minutes was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne. All four Board members: Mohr, Borne, Connelly and Johnson were in favor, motion carried. Councilman Coletta was absent.

### REPORTS

R1.) Planning Board: There was no official report but the Planning Board has advertised for a Public Hearing Nov. 26<sup>th</sup> for a minor subdivision on Pollard Rd., property owned by Greg Nasarenko.

R2.) Assessor: no report submitted

R3.) Enforcement Officer: report submitted

R4.) Justice: no report submitted; no confirmation of receiving or not receiving grant for computer software.

R5.) DCO: no report submitted

R6.) Attorney; report submitted

R7.) Mitigation: no report

R8.) Community Center: Supervisor Johnson has not yet checked with Alron Corporation about additional railings for the Community Center front steps.

R9.) Playground: Kay Borne reported that there is a proposed Eagle project for putting shade trees in the park. A question arose with regard to the lights for the ball field from a previous Eagle project. What happened to the lights? Was the project ever finished?

R10) Town Clerk: monthly report submitted and reviewed. The Town Clerk's computer has confronted a stubborn virus, despite being under virus protection. She is working to correct the problem. As Historian, she gave a power point presentation on November 14<sup>th</sup> about some early background of people and homes in Smithville.

R11) **Highway: report submitted.** Additional comments were made on

4b: **Collyer Rd.** previously discussed in CORRESPONDENCE

4c: **INVOICES FOR THE WALKING TRACK & PARKING LOT**

have been collected and should be acted on tonight. The Lynk invoice is for topsoil, Page Seed for grass seed mix, the Town Highway Dept. for their part in providing trucking, Tri-City for gravel, Gorrick for gravel. For the Town Highway Dept., funds can be transferred from General to Highway (offset summer contractual). Nothing was figured into the original accepted bid for the extra gravel, dirt, seed, and rock picking. The Highway Sup't feels these prices were fair and they finished the project. The paperwork for the Grant \$ can now be completed and submitted to NYS for payment.

4d: proposed **local law # 1**: The Highway Sup't. has some questions previously discussed under OLD BUSINESS

4f: **FUEL BIDS**: the form to submit the Town of Smithville for OGS contract is due 11/28/08. The Highway Sup't is hesitant to submit the application because

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it commits the Town to purchasing under the OGS contract (State bid). The Town would have to commit to the price today without being able to make a change next summer. OGS is not always the best price; a better price can often be obtained on the open market. There may be a limit to what the price can be on OGS. Also, if the fuel is bid for 1000 gal, what would happen if the Town used all of that and couldn't get any more because we had not contracted for it? Highway Sup't Kinney agreed to make some phone calls and get back to the Board before the deadline for sending the application.

4g: Highway employee Chuck Schultes is officially retiring Dec. 31, 2008.

4i: **PESCHA** safety in section has passed, updates made. Funding assistance is available to municipalities for the repairs.

8a,b: **EMPLOYEE WAGES & BENEFITS:** Highway

Sup't Kinney asked the Board to consider raising Highway employee **hourly rates** to \$13.00 p/h. The Highway Employees had asked for a \$2.00 p/h raise but indications are they will be getting only a \$1.00 p/h raise. They are still in the lower 1/3 of paid Highway employees of the Towns in the County. Sup't Kinney also asked the Board to consider the same rate of pay for each employee rather than using a graduated schedule. Many other Towns are similar in their approach to paying each individual the same. He has an idea how monies can be shifted around to allow for the increase. The Board would like to see his justification figures for an additional pay increase.

Highway Sup't Kinney also requested the **new employee rate** be raised \$.54 and pay for holidays rather than waiting for 1 year for those benefits. The savings would be realized as one employee retires at a higher wage and a new one is hired at a lower wage. Councilwoman Mohr indicated the new benefit package is still being discussed but one of the items under consideration is adding a new employee at the same wage as the other employees. Holidays would be paid but vacation would not be realized until after 1 year employment. Councilwoman Borne said there would be no seniority that way. Councilman Connelly indicated seniority can be paid in other ways like vacation and sick days.

Also discussed was wearing **uniforms** vs. not wearing uniforms and cost to maintain them.

R12) Supervisor's Report: submitted and reviewed. A motion to accept the Supervisor's report was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne. All four Board members: Mohr, Borne, Connelly and Johnson were in favor, motion carried. Councilman Coletta was absent.

**GENERAL WARRANT**

General Warrant # 11, vouchers # 175-191 in the amount of \$6839.77 was submitted for payment. Additional Vouchers will need to be created for and applied to this warrant.

They are:

192: Lynk Construction	\$ 360.00
193: Highway Dept.	\$2430.00
194: Page Seed	\$ 62.67
195: Tri City	\$1757.70
196: Gorrick Construction	\$ 534.00

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197: Highway Dept. \$2527.50

198-206: Election Inspectors/Cust.

Town Clerk Owens noted Planning Board member Jackie Centerwall is also taking the minutes for the Planning Board.

A motion to accept and pay the General Bills was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne. All four Board members: Mohr, Borne, Connelly and Johnson were in favor, motion carried. Councilman Coletta was absent.

There were no JRC bills.

**OTHER:** a **RURAL IMPACT DOCUMENTARY** focusing on the effects of gas drilling and horizontal fracturing will be shown Thurs. Dec. 4, 2008 at 7pm at the Community Center.

**EXECUTIVE SESSION**

A motion to go into Executive Session to discuss personnel was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne. All four Board members: Mohr, Borne, Connelly and Johnson were in favor, motion carried. Councilman Coletta was absent. Into Executive Session at 8:15PM.

A motion to come out of Executive Session was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Borne. All four Board members: Mohr, Borne, Connelly and Johnson were in favor, motion carried. Councilman Coletta was absent. Out of Executive Session at 9:20PM.

No actions were taken.

Supervisor Johnson declared the meeting adjourned at 9:20PM. The next meeting will be December 15<sup>th</sup>.

Alison Owens

Smithville Town Clerk