

MINUTES OF THE SMITHVILLE TOWN BOARD

August 17, 2009

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

SUPERVISOR Allan Johnson
BOARD MEMBERS:
Roger Connelly
Holly Mohr
Kay Borne

ALSO PRESENT:
Town Clerk Alison Owens
Hwy Sup't Bruce Kinney (arrived later)
Geneg. Fire Chief Robert Whitmore
Life Scout Logan Mowatt
2 Townspeople

Absent: Board member Vince Coletta

NO ADDITIONS TO AGENDA

FUEL BIDS from 4 vendors were noted and opened later in the meeting.

CORRESPONDENCE

- C1: Notice of Final Equalization Rate:
- C2: Mang Insurance: coverage added for 2007 Loader
- C3: FEMA: new flood maps available; Community Coordination mtg. schedule
- C4: request from SV Grange to have port-a-john in park until after Oct. 10th.
- C5: Mang Ins. Notification of additional premium for Case Loader
- C6: Planning Dept.-FEMA funding projects
- C7: Budget data—Retirement & ORPS Dec. payment. Payment is projected to be \$13,840. if paid in December 2009, or if in February 2010, the amount would be \$13,974. Board members were interested in making the December 2009 payment. An invoice will be received in November.
- C8: letter from Court system re: annual audit. Councilwomen Borne and Mohr have agreed to do the audit. Town Clerk Owens will make arrangements for the Town Justices to bring their records to the Town Offices.

NEW BUSINESS

NB1: A letter of resignation from Board member Vince Coletta has been received by Town Clerk Alison Owens. The resignation requests the effective date to be August 1, 2009. Mr. Coletta no longer resides in the Town of Smithville.

RESOLUTION # 30: ACCEPT RESIGNATION OF BOARD MEMBER VINCE COLETTA

On a motion by Councilwoman Mohr, 2nd by Councilwoman Borne the following resolution was

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

RESOLVED to accept the resignation of Vince Coletta from the Smithville Town Board, date effective August 1, 2009.

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Also discussed were procedures to replace Mr. Coletta and election options for the November ballot. An elective office will be determined in the year the vacancy occurred if the date is before Sept. 20th. The vacant position does not need to be advertised. Supervisor Johnson will check with the Association of Towns for further direction.

NB2: Community Center concern: Those wishing to use the Community Center have reported problems with getting the door unlocked when they need entrance. The application states the name of the person for renters to call and make arrangements with, and to call as soon as possible. Some renters are not coming at the scheduled time, others want to obtain access earlier. Councilwoman Mohr felt the policy should be changed. Highway Sup't Kinney suggested a key to the Community Center/Pavilion be made available to those renting the building as early as the day before the rental. The renters deposit would not be returned until the key(s) is returned. The keys could be put on a large key fob.

Board members were in agreement to try this procedure for rentals. Supervisor Johnson will work with a key fob. Town Clerk Owens will change the Community Center Rental application to reflect the new procedure.

OLD BUSINESS

OB1: EAGLE PROJECT—Life Scout Logan Mowatt, Troop 162 Greene, approached the Board and announced the completion of his Eagle project done in the Park. He has placed 2 trees and 2 benches on concrete pads in the park. One is located on the south side of the walking track and the other is located on near the children's playground area. The standing BBQ grill was not eventually part of his project. Board members expressed their appreciation for his endeavors.

OB2: LOCAL LAW # 1 (2009)—There was no new information to discuss.

MINUTES APPROVAL

The minutes of the July 20, 2009 meeting were reviewed. Approval of these minutes was made by Councilwoman Mohr, 2d by Councilwoman Borne. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried.

REPORTS

RI: The Planning Board has worked for a long time on the Comprehensive Plan. Al has met with Milly Auwarter and Bob Brooks who would like to finish the Plan and get it in place. They would like to have a Public Hearing this year to start educating the Public. Milly is not currently serving on the Planning Board but is willing to be re-appointed to the Planning Board to finish work on the Comprehensive Plan. The next Planning Board meeting is Sept. 9th

RESOLUTION # 31 (2009): APPOINT MILLY AUWARTER TO THE PLANNING BOARD

On a motion by Councilwoman Mohr, 2nd by Councilwoman Borne, the following resolution was: (ADOPTED)

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

RESOLVED to appoint Milly Auwarter to the Planning Board for the remainder of the 5 yr. term from Aug. 17, 2009- Dec. 31, 2013.

R2: No Assessor report

R3: Report submitted. The Enforcement Officer feels some frustration when dealing with building permit complaints. He can only refer them to Chenango County Code Enforcement. The County charges the Town a fee to come and investigate. Councilwoman Borne suggested the Town could look into sharing Greene's building permit system. If Town residents had only to go to Greene to obtain a building permit, it might be easier. Supervisor Johnson will contact the Greene Town Supervisor.

R4: JUSTICE REPORT: Service Education, Inc. is offering Towns their Justice software free in anticipation of the NYS Court requirement to have all Towns submit their reports by computer. Normally the software purchase price is \$2695.00 but the cost is being waived if a purchase contract is made in 2009. An annual maintenance fee of \$800. and a one-time remote training fee of \$150. would be charged to the Town. The Town has been rejected for the past 2 years for grant money for the software. This vendor is the one being used by the District Court to which Smithville belongs. Smithville is one of 2 Towns in Chenango County not yet set up to electronically transmit reports. Supervisor Johnson said he would speak to other Supervisors in Chenango County.

R5: DCO: Two faxed pages of the dog enumeration were received by Town Clerk Owens. It is unknown if this is all of the enumeration or only part. About 20 new dogs have been registered since July 1st.

R6: ATTORNEY: report submitted

R7: MITIGATION: no report

R8: COMMUNITY CENTER: A quote to clean the Community Center floors was provided by Jerry Mann. A complete quote with floor finishing was not provided. Supervisor Johnson will talk with other people to identify vendors.

R9: PLAYGROUND: The Playground Committee was told the cost of the building was changed by the vendor due to different specs in the model for possible bathrooms. The committee has decided to find quotes from local builders to offset the addition cost of adding changes in the original building. Supervisor Johnson will contact Playground Committee member Larry Sherwood.

R10: TOWN CLERK: Sporting License sales could be down this year because of the increase in costs to purchase licenses. Lifetime licenses sales have dominated because of the savings involving of purchasing a lifetime before Oct.1, 2009. Town Clerk Owens expects the # of sales to drop from last year.

R11: HIGHWAY: There was widespread damage from the flooding a couple of weeks ago, mostly in the east part of Smithville; 14 Roads have damage, 6 with heavy damage: Hammerle Rd, Stone Quarry, Buckley Hollow. Tucker, N. & S. Tyner. The Highway crew is doing repairs

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and cleaning up. The four worst roads may be eligible for Emergency Disaster funds of about \$15,000. CHIPS paperwork will not be in until November. General permits will be needed for DEC water work.

R12: SUPERVISOR'S REPORT: The Supervisor's report for July 2009 was reviewed. A motion to accept the report was made by Councilwoman Mohr, 2nd by Councilwoman Borne. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried.

FUEL BIDS

Discussed and resolved; information later in minutes

GENERAL WARRANT

General Warrant # 8, vouchers # 121-133, in the amount of \$1668.90 were submitted for payment. A motion to pay these bills was made by Councilman Connelly, 2nd by Councilwoman Mohr. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried.

HIGHWAY WARRANT

Highway Warrant # 8, vouchers # 110-128, in the amount of \$41,155.11 were submitted for payment. A motion to pay these bills was made by Councilman Connelly, 2nd by Councilwoman Mohr. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried.

JRC

There are no JRC bills. The JRC will need fund raising to continue to cover expenses this year.

OTHER

Fire Chief Bob Whitmore mentioned the Fire Dept. has run into problems with liens on their new property. They cannot get a loan to build a new fire station because of the liens.

Highway Sup't Kinney mentioned there has been a request to build a tractor pull area in back of the ball field, or to purchase additional property in back of the Post Office for a tractor pull area. The Grange's Harvest Celebration is Oct. 10th and people would like a tractor pull. It was suggested to get measurements on the available property in back of the ball field and size requirements for a tractor pull.

There was no other business to come before the Board. The next meeting will be Sept. 21st. Supervisor Johnson declared the meeting adjourned at 9pm.

Alison B. Owens

Smithville Town Clerk

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FUEL BIDS: Fuel bids for Low Sulfur Diesel, Unleaded regular gasoline 87 Octane, Kerosene for winter blend and Kerosene for heat were received from 4 vendors. Board members reviewed the legal ad as printed in the Chenango American. Supervisor Johnson opened the bids and read them as follows:

VENDOR	PRODUCT	POSTING	FLUCT. PRICE	DIFF/DEL IV	FIRM PRICE
Economy Heating P.O. Box 298 Port Crane, NY 13833	ULSD	8/13/2009	1.9755/gal	+.25	N/A
	Kerosene for heat		2.1790/gal	+.40	N/A
	K100				50./1000gal
S&D Petroleum 2761 State Hwy 26 Cincinnatus, NY 13040	Kerosene for heat	N/A	Rack	+.27	N/A
Blue Ox Corporation 38 N. Canal St. Oxford, NY 13830	ULSD	8/17/09	2.0097/gal	+.28	
	Kerosene		2.3153/gal	+.28	
	Kerosene for heat		2.3153/gal	+.28	
	Unleaded Gas		2.0335/gal	+.28	N/A
Mirabito Energy Pr. P.O. Box 5306 Binghamton, NY 13902	ULSD	8/06/09	2.0878/gal	+.1750	2.6250
	Kerosene		2.4834/gal	+.20	2.7750
	Kerosene for heat		2.4103/gal	+.20	2.7750
	Unleaded Gas		2.4142/gal	+.35	N/A

Board members reviewed the bids. Highway Sup't Kinney suggested the Board decide whether they wanted a firm or fluctuating bid. The best firm bid appeared to be Mirabito; best ULSD bid is Mirabito. Best Unl. Gas bid would be Blue Ox. Hwy. Sup't. recommends the fluctuating bids. After considerations, Councilman Connelly suggested the Board accept all bids through Mirabito Energy Products to keep the same supplier for all products. The following resolutions were offered with regard to the fuel bids:

RESOLUTION # 32 (2009): ACCEPT MIRABITO FLUCTUATING ULSD BID

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

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

RESOLVED to accept Mirabito Energy Products for Ultra Low Sulfur Diesel at the fluctuating bid price of \$2.0878/gal plus \$.1750 delivery. Bid period is 9/01/2009-6/30/2010.

RESOLUTION # 33 (2009): ACCEPT MIRABITO FLUCTUATING KEROSENE BID

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

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

RESOLVED to accept Mirabito Energy Products for kerosene at the fluctuating bid price of \$2.4834/gal plus \$.20 delivery. Bid period is 9/01/2009-6/30/2010.

RESOLUTION # 34 (2009): ACCEPT MIRABITO FLUCTUATING KEROSENE FOR HEATING BID

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

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

RESOLVED to accept Mirabito Energy Products for kerosene for heating at the fluctuating bid price of \$2.4103/gal plus \$.20 delivery. Bid period is 9/01/2009-6/30/2010.

RESOLUTION # 35 (2009): ACCEPT MIRABITO FLUCTUATING UNLEADED GAS

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

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

RESOLVED to accept Mirabito Energy Products for unleaded gas at the fluctuating bid price of \$2.4142/gal plus \$.35 delivery. Bid period is 9/01/2009-6/30/2010.

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