

MINUTES OF THE SMITHVILLE TOWN BOARD
JULY 20, 2009

The regular meeting of the Smithville Town Board was called to order at 6:02pm 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
Playground Committee Mindy Eldred
about 5 Townspeople

Absent: Board member Vince Coletta

ADDITIONS TO AGENDA:

C12: Grant information from NYS Parks and Recreation
Executive Session at the end of the meeting to discuss negotiations with the Union
Some items were discussed outside of noted times. For continuity, these items have been placed at the appropriate place on the agenda.

CORRESPONDENCE:

C1: Att'y Monaco re: response to Fees by Local Law (discussed further under OB2)
C2: **JCAP Grant info:** Justice Lenga is handling the JCAP grant this year. He has applied for monies for Justice robes (now required), a NYS flag and case management software. This will be the third year applying for the software. The grant application can be filled out online but approval of the Town Board and signature of the Town Supervisor is needed on the front page of the application.

RESOLUTION # 25 (2009): APPROVE JCAP GRANT & AUTHORIZE SIGNATURE

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

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

RESOLVED to approve the JCAP grant application for the Town of Smithville and to authorize Town Supervisor Allan Johnson to sign said application.

C3: Regional Computer Recycling Program

Information was provided to Board members from the RCR&R company, an organization dealing with regional computer recycling and recovery. Their efforts are to keep electronic waste out of the landfills by facilitating an electronic recycling collection event. Board members discussed this with most of the Board indicating they did not have an interest in pursuing the recycling event as other options for recycling are available to the public.

C4: Tentative financial report from Smithville Day Committee
C5 NYS Public Relations Board letter of June 29th

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C6 NYS Public Relations Board letter of July 10th

C7 letter from The Hartford re: Notice of Compliance. These notices will be positioned on the boards in the Clerk's Office and the Town Board.

C8 Chenango United Way re: Day of Caring. This is a day of volunteer work for requests from non-profit agencies. An application needs to be in by July 31, 2009 for the work day scheduled Sept. 26, 2009.

C9 Chenango County Mowing Schedule 2009

C10 Request from Smithville Valley Grange for security drive bys for Heritage Days Oct. 10th and for \$150. from the children's fund A7310.4 for Heritage Days.

RESOLUTION # 26 (2009): APPROVE \$150. ADVANCE FOR HERITAGE DAYS

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

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

RESOLVED to approve \$150. advance for children's activities at Heritage Days, sponsored by the Smithville Valley Grange, on Oct. 10, 2009. Check to be advanced to Mindy Eldred.

Supervisor Johnson will alert the State Police an event is taking place in the Town that day and request a security drive by.

C11 Letter from Boy Scout Troop 79 notifying the Town Board that replacement of the timbers around the gardens has been completed.

C12: information from NYS Parks and Recreation describing grant monies available. Application deadline is Sept. 14, 2009.

NB1: Eagle Scout/Bottle Park Committee new storage building

Mindy Eldred of the Committee approached the Board and spoke of the need for an additional storage building to house the Town's mowing and maintenance equipment. The back of the Pavilion could then be used safely for food, and without moving all of the equipment out of the building for a scheduled event. The larger size storage shed was recommended for possible future bathrooms. An exact location has not been determined but it would be in back of the current Pavilion

The proposed shed is either 12'x30' for \$4,700. or 12'x36' for \$5,650. with free delivery, purchased from Mid Way Sales in Whitney Point. The additional expenses are a concrete pad estimated at \$2250. and \$100. for a building permit. The project is expected to be completed by October 1st. Volunteer help from the Chenango United Way Sept. 26th (see C8) might be considered. The current amount in the Bottle Fund is just short of \$41,000.

Board members considered the proposal and recommended buying the larger shed to accommodate future bathrooms. The following resolution was brought forth.

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RESOLUTION # 27 (2009): APPROVE PURCHASE, INSTALLATION OF STORAGE BUILDING FOR PARK

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

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

WHEREAS the Pavilion is rented out to the Public for picnics, reunions and other Town activities and WHEREAS a safer storage solution is needed for Town lawn equipment and fuels used, BE IT THEREFORE RESOLVED to authorize purchase and have installed a storage shed of up to 12'x36' in dimension plus concrete pad and rough plumbing for possible future restrooms at a cost not to exceed \$10,000. Such funds used to pay for the storage building would come from the Bottle Youth Fund, currently held in an Investment Clearing Account.

OLD BUSINESS

OB1: PROPOSED LOCAL LAW # 1 2009 Road Preservation

A letter dated June 18th from David Sinclair, Regional Forester Region 7 DEC, Cortland, NY was reviewed. Mr. Sinclair's letter gave comments and possible scenarios based on the proposed Local Law. Supervisor Johnson asked Board members how they wished to proceed.

Councilman Connelly: preferred a Local Law to be defined as heavy industry usage.

Supervisor Johnson: reminded the Board the Town's insurance agency said a company should name the Town as additional insured.

Hwy Sup't Kinney added: posting weight limits doesn't stop fuel trucks from using a road to deliver fuel; a contract might stop some but not all.

Townsperson Carol Omalyev: how do you protect roads with a small budget?

Kinney: The gas company put in a well in the Town of Preston and tore up 2 roads to do it. They paid to rebuild the roads.

Omalyev: They will fix the dirt roads but not the paved?

Kinney: They say the paved roads are not built to spec, therefore they won't rebuild those.

Councilwoman Mohr: Can this be covered by posting weight limits?

Johnson: We will find out the legal ramifications of posting limits.

Townsperson John Cammaratta: Could not an Ordinance be put in place that would require them to take a designated route?

Kinney: The problem with that is, who would enforce it and who would it limit?

Johnson: We will work on finding out this information.

OB2: Fees by Resolution

The legal comment by Attorney Monaco was reviewed again. Based on his comments, Board members felt the process to introduce a single Resolution for local fees was too complicated at this time. Instead, Board members discussed the feasibility of changing a local fee on an as needed basis, rather than doing Public Hearings on each Local Law first.

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MINUTES:

Approval of the June 15th minutes was made in a motion by Councilwoman Borne, 2nd by Councilwoman Mohr. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried. Councilman Coletta absent.

REPORTS:

R1.) Planning Board: There was no direct report. Minutes of the March, April and May meetings were available for review.

R2.) Assessor: Assessor Keith Klein was available to talk to the Board about the possibility of doing **re-evaluation of assessments in the Town of Smithville**. It has been several years since the last one. Having a Town wide re-assessment done would correct the inequities currently existing. Assessor Klein was asked if the market would balance itself back down over the next year or two and how many sales occur with a years period.

R3.) Enforcement Officer: report submitted; County building permit report also submitted.

R4.) Justice: previously discussed

R5.) DCO: report submitted. DCO has begun the enumeration. Town Clerk Owens indicated the legal ad had previously indicated the enumeration would be conducted during the month of June and that an enumeration fee would be collected for any dogs found unlicensed during that time. Since the enumeration did not take place in June, no money can be collected for the enumeration fee. Ag & Markets has suggested a new legal ad be printed with new dates. The DCO feels the enumeration can be completed by the end of September. The following resolution was brought forth.

RESOLUTION # 28 (2009): APPROVE ENUMERATION DATES THROUGH SEPT. 30TH, AND ADVERTISE LEGAL AD

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

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

RESOLVED to approve new dog enumeration dates good through September 30, 2009 and to advertise such in the Chenango American.

R6.) Attorney: report submitted

R7.) Mitigation: no report

R8.) Community Center: Town Clerk Owens said the floors in the Community Center have not been finished in quite a few years. It was suggested to ask Keith Sabin if he would be interested in refinishing the floors and painting the benches. An estimate for materials should be obtained. It was also suggested to contact the Historical Society and the Grange to get approval first.

R9.) Playground Committee: previously discussed.

R10) Town Clerk/Tax Collector: report submitted

R11) Highway: report submitted. Items discussed were:

8a: some interest in used equipment. If there are no bids resulting from this, then in September, a bid will be put in the paper.

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8d.: Both companies submitting fuel bids have asked why the bids were rejected. Highway Supt. Kinney explained to the Board that companies may not deliver in the winter if supplies get short and if the Town does not have a contract. The Town does not have enough storage to buy on the open market and store enough fuel. There is a need to buy every 2 weeks. Bidding bids the service, not the price. The Town will run the risk of not always getting the fuel it needs if there is no service contract. He proposed rebidding all fuels except for propane for the September meeting at the latest. Board members offered the following resolution.

RESOLUTION # 29 (2009): REBID FUEL FOR AUGUST 17TH MEETING AND ADVERTISE IN THE CHENANGO AMERICAN

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

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

RESOLVED to rebid ...for the August 17th meeting and to advertise such for 2 weeks in the Chenango American. The bid period would be from September 1, 2009-June 30, 2010.

4d: Hwy Sup't Kinney has had an individual express a desire to make a donation to the Town but was unsure how to do it. The individual would like to see something done that would benefit the park, somewhere in the \$3500.-\$10,000. range. Some ideas were given: finishing the ball field, and perhaps putting in a tractor pull area behind Connelly's house.

R12) Supervisor's Report: The June 2009 Supervisor's report was reviewed. A motion was made by Councilwoman Mohr, 2nd by Councilman Connelly. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried. Councilman Coletta absent.

GENERAL WARRANT

General Warrant #7, with vouchers # 105-120 totaling \$3774.57, was reviewed for payment. A motion to accept and pay these bills was made by Councilman Connelly, 2nd by Supervisor Johnson. Councilwomen Mohr and Borne questioned vouchers # 117 & 118 to The Water Bottle for \$36.00 and Sam's Club for \$75.60, calling the use "excessive" for bottled water and 2 Sam's Club memberships. Supervisor Johnson called for a vote. The vote was 2 members for (Connelly, Johnson), and 2 members against (Borne, Mohr). The General Warrant was considered not paid.

HIGHWAY WARRANT

Highway Warrant # 7, with vouchers # 94-109 totaling \$34,817.95, was reviewed for payment. A motion to accept and 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. Councilman Coletta absent.

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GENERAL WARRANT

Councilwoman Borne asked the Board to revisit the General Warrant. General Warrant #7, with vouchers # 105-120 totaling \$3774.57, was reviewed for payment. A motion to accept and pay these bills was made by Councilman Connelly, 2nd by Councilwoman Borne. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried. Councilman Coletta absent.

EXECUTIVE SESSION

A motion to go into Executive Session to discuss Union Contract Negotiations was made by Councilman Connelly, 2nd by Councilwoman Borne. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried. Councilman Coletta absent. Into Executive Session at 8:35pm.

A motion to come out of Executive Session was made by Councilwoman Mohr, 2nd by Councilwoman Borne. All four Board members, Borne, Mohr, Connelly and Johnson were in favor, motion carried. Councilman Coletta absent. Out of Executive Session at 9:05pm.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 9:06pm. The next meeting will be August 17th.

Alison B. Owens

Smithville Town Clerk