The regular meeting of the Smithville Town Board was called to order at 6:05PM by Supervisor Allan Johnson. The following were in attendance:

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

ALSO PRESENT: Bruce Kinney, Hwy Sup't. Keith Klein, Assessor Robert Whitmore, Genegantslet Fire Chief Bill Lenga, Justice Carrie Converse, DCO Neal Root, Enforcement Officer Alison Owens, Town Clerk And several Townspeople

There were no additions or deletions to the agenda.

### CORRESPONDENCE

- C1: NYSERDA funds available for energy conservation study, see also C1B
- C2: Value added service for Town of Smithville from Mang Ins.
- C3: Mang Insurance: delete 1996 Ford Dump Truck & 1989 Ford Ranger

C4: **New Data Deadline Town Board Policy**; Thursday before the Board meeting at noon is the deadline for claims, correspondence and committee reports to give Board members a chance to read through the paperwork before the meeting.

C5: 2010 Census: NYS grant information

**C6: People's convention to Reform New York Act**: a request for support for a grassroots program to address needed reforms in NYS government policy. After reviewing the correspondence, Board members asked to have the included sample Resolution drafted into a Resolution by the Town of Smithville.

# **RESOLUTION # 37 (2009):** SUPPORT GRASSROOTS PROGRAM FOR THE PEOPLE'S CONVENTION TO "REFORM NEW YORK ACT"

On a motion by Councilman Connelly, 2<sup>nd</sup> by Councilwoman Graves, the following resolution was ADOPTED AYES: Borne, Mohr, Graves, Connelly, Johnson NAYES: 0

RESOLVED to support the Grassroots program for the People's Convention to "Reform New York Act". The Resolution in its entirety appears on the last page of the minutes.

C7: NYSEMO—single audit certification; this was faxed in.

C8: Community Center rental to the Board of Elections on Oct. 20, 2009 to demonstrate new voting machine and how to use it. This is for the General Public. The Board of Elections will take care of the news items.

## NEW BUSINESS

**NB1:** Angelo Chioffi, part-time resident on Collyer Rd., was recognized and addressed the Board concerning **street lighting** on his section of Collyer Rd. He is concerned about trespassers and also

concerned for the safety of his family and visiting guests. He asked if street lights could be installed near his house on Collyer Rd. Mr. Cioffi has seen other single street lights on properties in Smithville. Supervisor Johnson and Highway Sup't. Kinney responded it would be best to contact NYSEG and inquire about a private pole with a light. Many other residents in Smithville install these on their property and privately pay for the monthly bill through NYSEG. The Town does not have plans to increase the number of street lights in the hamlet. Mr. Chioffi said he would check into that option.

**NB2**: A group of Tyner residents was recognized and spoke of a concern with a Tyner resident holding **large, loud, drinking parties** at his house periodically during the summer months. Attendance ranges from 60-100+ people, damage to other neighbors' property occurs (from parking on lawns, tearing up grass, knocking over mailboxes), music is loud enough to vibrate windows in nearby houses, and the parties do not end until 2-3AM. A bonfire on the property was noted to be 30-40'.When the offending resident was approached and asked to please quiet the party down, he agreed but did nothing. Later, he was heard to have used vulgar language and made threats against the neighbors. The Sheriff's Dept and the State Police have been contacted numerous times but have done nothing except drive-by. The residents would like to know if a local law or ordinance could be established with respect to noise or a mass gathering permit.

Supervisor Johnson expressed sympathy with the situation. He confirmed several calls had been made to the Sheriff's Dept and the State Police regarding the situation in Tyner. He also asked the County Health Dept. if they had a Mass Gathering Law and was told yes but it would not apply to the Tyner situation. He encouraged the residents of Tyner to keep calling the Sheriff's Dept and the State Police. The Town does not have a police department to enforce a local law or ordinance.

Later in the meeting, comments came from Justice Lenga and other Townspersons that the State Police can write a ticket for a justifiable offense, and the offender can be brought into the Town of Smithville Court. Other possibilities: a C-summons can be issued; an order of protection can be applied for; a request for an application for a Mass Gathering can be considered; a request for written reports of the calls into and action taken by the police agencies can be requested; Steve Dutcher, Constable for the Town of Smithville, can be called upon to provide help for Town of Smithville problems.

Justice Lenga will look into the NYS laws further and Supervisor Johnson will continue to pursue other avenues discussed.

NB3: Ross Joscelyn approached the Board and asked permission for a young man in the Oxford School District to work with him in **Loomis Cemetery, cleaning out brush** and perhaps repairing some of the stones. The young man is in the 8<sup>th</sup> grade and needs to complete 30 hours of volunteer work for a class he is taking. The student will be under Ross's supervision and will not be operating power equipment. Town Board members did not have any objections under the above stated conditions.

NB4: The Oxford Fire Companies 5 yr. contract for fire protection in the Town of Smithville was presented to Supervisor Johnson. The 1<sup>st</sup> year (2010) of the contract calls for a decrease in annual cost to \$14,554.00 followed by annual increases for the next 4 years through 2014: 2011 \$14,984.00; 2012 \$15,439.00; 2013 \$15,900.00; 2014 \$16,374.00. The contract will require a Public Hearing. Board

members suggested during the next Board meeting Oct. 19<sup>th</sup>. The following resolution was brought forth.

# **<u>RESOLUTION # 38 (2009)</u>**: PUBLIC HEARING FOR OXFORD FIRE CONTRACT SET FOR OCTOBER 19<sup>TH</sup>

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

RESOLVED to hold a Public Hearing on October 19, 2009 at 6PM at the Smithville Community Center during the regular meeting of the Smithville Town Board for the purpose of Community response to the proposed five year fire contract between the Oxford Fire Dept. and the Town of Smithville. The amounts of the 5 year contract vary each year as stated above. Such Public Hearing will be advertised in the Chenango American.

NB5: Genegantslet Fire Chief Bob Whitmore submitted the 2010 Budget for the Genegantslet Fire Co. to the Town Board. The presented 2010 Budget does not provide for any increase, standing at last year's rate of \$77,285.00. This will also require a Public Hearing.

## **RESOLUTION # 39 (2009): PUBLIC HEARING FOR GENEGANTSLET FIRE CONTRACT** SET FOR OCTOBER 19<sup>TH</sup>

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

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

RESOLVED to hold a Public Hearing on October 19, 2009 at 6:15PM at the Smithville Community Center during the regular meeting of the Smithville Town Board for the purpose of Community response to the proposed fire contract between the Genegantlset Fire Company and the Town of Smithville. The amount of the 2010 Budget remains the same as 2009, \$ 77,285.00 Such Public Hearing will be advertised in the Chenango American.

The Genegantslet Fire Company will have to pay the lien on the property they purchased from Mike Flanagan.

## OLD BUSINESS

**OB1: Justice Software:** Service Education, Inc. provides Justice software to many towns and villages in Chenango County. The company is waiving the cost of the software for those additional communities who sign up to purchase the program's annual license/maintenance fee and remote training program for \$950.00 in 2009. Thereafter, the annual update would be \$800.

Justice Lenga indicated the NYS Justice Court System is mandating all Towns/Villages be automated. Tickets will be issued electronically. Justice Meddleton had to dismiss a ticket last month because the

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

Town was not set up with the software. With the automated system, reports and background checks are done electronically. Board members discussed whether to make the commitment now or at the beginning of 2010. A Resolution to purchase the software now using Contractual funds was brought forth.

## **RESOLUTION # 40 (2009):** PLACE ORDER FOR JUSTICE SOFTWARE

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

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

RESOLVED to contract with Service Education, Inc. 1777 Penfield Rd., Penfield, NY 14526 for the Justice software package, with purchase price of \$2695.00 waived if the program is ordered before Dec. 31, 2009; the responsibility for the Annual License Fee of \$800. and the one time remote training fee of \$150. being paid for from the Contingency fund A1990.4.

## MINUTES

The minutes from August 17<sup>th</sup> and Sept. 8<sup>th</sup> were approved in a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Connelly. All five Board members: Borne, Mohr, Graves, Connelly and Johnson were in favor, motion carried.

## REPORTS

## R1 PLANNING BOARD: No report

**R2** ASSESSOR: no written report; reports included were the "to date" sales report showing the disparity between 2009 home sales in the Town of Smithville and their assessment. Supervisor Johnson pointed out that a re-val should be considered in the next couple of years. Also included from the County were the preliminary taxable values and the exemption impact report for Smithville to be used in planning the 2010 Budget. These were reviewed by the Board.

**R3** ENFORCEMENT OFFICER: written report submitted, also a letter with regard to building permit applications or complaints. The Enforcement Officer needs clarification as to the County's responsibility for complaints. Partial trailer demolition can be considered an offense under the Refuse Disposal Law of 1977 and the E.O. can write a citation for that. Supervisor Johnson will pursue the building permit complaints problem with County Code Enforcement.

**R4** JUSTICE: The quarterly statement report was available for review. The audit completed by Board members Holly Mohr and Kay Borne was also available for review. A resolution accepting the audit report is needed to send in to the NYS Court Administration along with the audit. The following Resolution was brought forth.

## RESOLUTION # 41 (2009): ACCEPT 2009 JUSTICE AUDIT

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

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

RESOLVED to accept the 2009 Justice audit prepared by Board members Holly Mohr and Kay Borne.

**R5** DCO: Enumeration about 50% +/- done. The list will be given given to the Town Clerk who will review the list to see what dogs from the 911 address have been licensed. The Town Clerk will then return the list to the DCO so she can send out "needs to be licensed" letters

## R6 ATTORNEY: Report submitted

**R7** MITIGATION: No report

**R8** COMMUNITY CENTER: A list of 3 more vendors was given to the Board in addition to one Board member Connelly provided for an estimate, and a previous one from last month who gave an estimate for cleaning. Supervisor Johnson will contact all the vendors and ask them to provide a quote for sanding and finishing the floors, a separate quote for upstairs and down; the front stairs and hallway have been painted and will also be quoted separately.

**R9** PLAYGROUND: Larry Sherwood, who is overseeing the storage shed building project on the playground, said vendors for the shed had been changed due to the increase in the size of the shed. Tim Simpson Construction is now handling the project. While the voucher is in the bills for this month, it should not be processed until the project is completed. A check will be drawn directly from the Bottle Fund.

R10 TOWN CLERK: report submitted. An additional item of concern is the Town website.

**R11** HIGHWAY REPORT: submitted and copied into the archive copy of the Minute Book **R12** SUPERVISOR'S REPORT: submitted. A motion to approve the Supervisor's report was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Connelly. All five Board members: Borne, Mohr, Graves, Connelly and Johnson in favor, motion carried.

## **GENERAL WARRANT**

General Warrant # 9, vouchers 134-147, was presented for payment. Voucher # 146 to Timothy Simpson Construction will be held until the storage shed project is completed. A motion to accept and pay these bills was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Graves. All five Board members: Borne, Mohr, Graves, Connelly and Johnson in favor, motion carried.

#### HIGHWAY WARRANT

Highway Warrant # 9. Vouchers 129-147 were presented for payment. Questions had been previously asked by Board members. A motion to accept and pay these bills was made by Councilwoman Mohr,  $2^{nd}$  by Councilwoman Connelly. All five Board members: Borne, Mohr, Graves, Connelly and Johnson in favor, motion carried.

## 2010 BUDGET MATERIAL:

Supervisor Johnson distributed a working draft of the 2010 Budget. These figures were only a guideline and were not considered to be the preliminary Budget, which will be presented to the Town Clerk by Sept. 30<sup>th</sup>. A Town Board Budget work session was scheduled for Thursday October 8<sup>th</sup> at 6PM.

The next Town Board meeting will be Monday October 19<sup>th</sup> at 6PM. There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 8:37PM

Alison B. Owens

Smithville Town Clerk