

MINUTES OF THE SMITHVILLE TOWN BOARD

March 15, 2010

The regular meeting of the Smithville Town Board was called to order at 6:01pm by Supervisor Allan Johnson. Present in addition to Supervisor Johnson were Board members Elizabeth Vanderweyde and Holly Mohr. Absent were Board members Charles Schultes and Roger Connelly.

Also present were Bruce Kinney, Highway Sup't; Alison Owens, Town Clerk; Deputy Town Clerk Beverly Giles; Bruce Braman and Bill Lenga, Town Justices; Fire Chief Bob Whitmore and Smithville Day Committee members BarbaraAnn Whitmore and Marie Henninge.

There were no additions or deletions to the agenda. Some Committee and Organization reports were out of agenda order. For continuity sake, they are included as listed on the agenda.

**PRESENTATION:** David Craine of Mang Insurance was recognized and gave a presentation for the renewal of the Town's insurance policy for 2010-11. The package policy can be renewed either through Selective Insurance at \$19,590.49, or through NYMIR at a cost of \$24, 589.18. The following are items were noted:

- It should be noted there is another storage building on the Town Park property which may not be on the covered buildings portion.
- It should also be reviewed to see if the 2 storage trailers at the Town Barn are on the covered buildings portion.
- There is no bond coverage for the Deputy Clerks.
- No flood insurance was requested.
- Five Star Equipment should be deleted from additional insured.
- Can also do 10 years replacement cost on the recently bonded case loader.
- The Town Clerk/Tax Collector are 2 separate positions held by 1 person
- The Town should consider additional coverage for cyber crimes, also referred to "breach of security", which would particularly pertain to the Justices who will soon be accepting credit card payments; computer fraud coverage is also available.

After further discussion, the following Resolution was brought forth:

**RESOLUTION # 4 (2010): STAY WITH SELECTIVE INSURANCE PROPOSAL**

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

ADOPTED	AYES:	Mohr, Vanderweyde, Johnson
	NAYES:	0
	ABSENT:	Schultes, Connelly

RESOLVED to stay with Selective Insurance

**CORRESPONDENCE**

C1: Haefle TV Inc.: rate increase effective April 1, 2010

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### C2: Chenango County Planning: **changes to FEMA maps**

#### **FLOOD ZONE MAPS**

New proposed Flood Zone maps have been introduced. Enforcement Officer Neal Root reported he could not see differences in the old vs. proposed Flood Zone Maps. He does not understand why lending institutions are requiring flood insurance when the homeowner's residence, elevation wise, is not within the flood mark.

Supervisor Johnson commented on information he had received from the Chenango County Planning Department with regard to recently updated maps. Existing zone A properties and proposed zone A properties were identified in the report he received. Supervisor Johnson wrote approx. 35 letters to property owners who appeared on the proposed zone list A but were not on the existing A zone list, inviting them to consider "grandfathering" their property for flood insurance through their insurance agent. Doing so might prevent the property from being unsalable.

It was mentioned when the proposed flood maps become official, the cost of flood insurance will increase dramatically. Enforcement Officer Root indicated the new official maps would need to be adopted by the Town Board.

### C3: NBT Bank: Bond Payment/Amortization Schedule

#### **C4: Shannon Root: letter with regard to noise on Collyer Rd.**

Shannon Root, a resident of Collyer Rd. had written a letter of noise complaint and unsafe driving on Collyer Rd. by a particular resident further up the road. She requested a speed bump on the road to help slow him down, and also requested further information on the proposed Noise Control Ordinance.

Verbally responding to the letter were Highway Sup't Bruce Kinney and later in the meeting, Collyer Rd. resident Gene Kehoe. Highway Sup't Kinney said while a speed limit could be an option, it would have to be approved by Chenango County and then NYS. If it were approved, it would be hard to enforce. Signs or a speed bump would be ineffective. He suggested calling the Sheriff's Dept. when problems are noticed.

Gene Kehoe, who arrived later in the meeting, had recently spoken with both parties involved and had felt there was at least a temporary resolution to the problem. The truck driver had agreed to slow down and not use his "jake brake". Mr. Kehoe recommended a speed limit for the curve as there is a blind spot coming down the hill or possibly consider a weight limit.

### C5: Justice Court check received in the amount of \$570.00

### **C6: Resignation letter from Custodian Micki Kinney**

#### **RESOLUTION # 5 (2010): ACCEPT CUSTODIAN RESIGNATION**

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

ADOPTED                   AYES: Mohr, Vanderweyde, Johnson  
                                  NAYES: 0  
                                  ABSENT: Connelly, Schultes

RESOLVED to accept the resignation of Custodian Micki Kinney, effective April 1, 2010. The Board wished to express their appreciation to Custodian Kinney for her time and efforts working for the Town of Smithville.

Board members asked to wait until next month to advertise the position to see if “word of mouth” applicants would apply.

**NEW BUSINESS:** There were no items of new business.

**OLD BUSINESS:**

OB1: Noise Control Ordinance: Councilman Connelly had spoken with the Under Sheriff for Chenango County concerning the proposed local ordinance. The impression received was that it was better to call the Sheriff’s office for noise problems than create an unenforceable Ordinance. Supervisor Johnson will speak again with the Chenango County Sheriff to confirm the impression and to find out more information.

**MINUTES:**

The minutes of the February 15, 2010 meeting were reviewed. A motion to accept the minutes of the meeting was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde. All three Board members present: Mohr, Vanderweyde and Johnson were in favor; Connelly and Schultes absent. Motion carried.

**REPORTS:**

R1.) Planning Board: no report. There are no Planning Board minutes on file since May 2009.

R2.) Assessor: no report

R3.) Enforcement Officer: nothing else to report

R4.) Justices

The Justices discussed with the Town Board several items:

- The JCAP grant has been awarded to the Town of Smithville Justice Court in the amount of \$604.23. The amount allotted for a flag is \$135.00; for a Justice robe \$200.00; and for a lockable filing cabinet \$269.23. Town Clerk Owens has been working to find lateral filing cabinets and a flag. The Supervisor will be receiving the check.
- There are many open cases from Judge Meddleton still being closed out. The former Judge has the records at his house as there is no room in the current records room or in either of the Judges homes to store them.
- During the recent Court inspection it was noted that a credit card machine for the collection of fines would be needed for the Court. This will be provided at no cost to the

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Town by the Court Administration System. A separate copy/fax machine for the Court will also be made available.

- The NYS Court Administration has been providing training for both Justices on the recently purchased Service Education program, and will be providing training for CDI and for the Digital recorder.
- Computerized reports are being required. Both Judges have been attending classes to familiarize themselves with the procedure. This and the above mentioned training has been very time consuming.
- To help with the Justice reporting, the hiring of a Court Clerk should be considered. Town Clerk Owens said a "Clerk to Court" Civil Service position is available to cover the needs should the Town Board decide to create the position. Board members said they would like more time to research the idea.
- The Justices also requested a security light or motion detector at the ramp door. The area is very dark at times when coming to lock/unlock the door at night. One could be installed on the present light. Board members were ok with this.

R5.) DCO: nothing to report (verbal report to Town Clerk)

R6.) Attorney: no report

**R7.) Smithville Day Committee:** Two of the Committee members were present in the audience. A list of the duly elected Officers and Officers of the Committee were submitted for the record. They are as follows:

Chair: BarbaraAnn Whitmore

Co-Chair: David Coleman

Treasurer: Marie A. Henninge

Secretary: Elizabeth Vanderweyde

The Smithville Day Committee also asked if the Town would budget \$300. for Smithville Day this year June 12<sup>th</sup>. Since this has been done in past years, Town Board members asked for the request in writing, and then asked the Committee to provide an accounting for the Town's files.

R8.) Community Center

R9.) Playground Committee: nothing to report for the Committee but Supervisor Johnson did report he has received the **paperwork for the Walking Track Grant** from NYS. The walking track was put in 2 years ago with the promise of being funded. Supervisor Johnson hopes the \$15,000. grant will be finalized and the Town reimbursed.

R10) Town Clerk/Tax Collector: report submitted. Town Clerk Owens informed the Board of Justice Braman's request to be reimbursed for Justice training in 2010 does appear on the Warrant. Justice Braman has not submitted expenses to be reimbursed for the 6 training days he had in 2009. Supervisor Johnson recommended Justice Braman submit those receipts and expenses to Town Clerk Owens for the April meeting.

R11) Highway: report submitted and copied into the Archival copy of the minutes. Junk metal has been sold and monies submitted to the Town Clerk. This will appear in the Town Clerk's report for March 2010.

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 Vanderweyde. All three Board

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members: Mohr, Vanderweyde and Johnson in favor; Connelly and Schultes absent, motion carried.

**GENERAL WARRANT**

General Warrant # 3, vouchers # 30-49 in the amount of \$6,864.82, was submitted for payment. Board members noted that vouchers 47, 48, and 49 were for members of the Planning Board.

**RESOLUTION # 6 (2010): DISALLOW PAYMENT TO PLANNING BOARD**

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

ADOPTED                      AYES: Mohr, Vanderweyde, Johnson  
   NAYES: 0  
   ABSENT: Connelly, Schultes

RESOLVED to disallow payment of Planning Board members until documentation of minutes/attendance of meetings are submitted and approved.

Board members also questioned the amount of the electric usage for the Town Barn.

A motion to accept and pay the remaining vouchers, #30-46, in the amount of \$ 6,744.82 was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde. All three Board members: Mohr, Vanderweyde and Johnson in favor; Connelly and Schultes absent, motion carried.

**HIGHWAY WARRANT**

Highway Warrant # 3, vouchers # 28-40, in the amount of \$161,488.97, was submitted for payment. Voucher # 28, for \$153,932.98 is the amount of the new pay loader (of which there is bonded \$93,932.98). A motion to accept and pay the vouchers, was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde. All three Board members: Mohr, Vanderweyde and Johnson in favor; Connelly and Schultes absent, motion carried.

**JRC WARRANT**

There was one bill to pay for the JRC--\$188.20 to McMann Assoc. for T-shirts. A motion to accept and pay this voucher, was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde. All three Board members: Mohr, Vanderweyde and Johnson in favor; Connelly and Schultes absent, motion carried.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 8:25pm.

Alison B. Owens

Smithville Town Clerk