

MINUTES OF THE SMITHVILLE TOWN BOARD  
May 17, 2010

The regular meeting of the Smithville Town Board was called to order at 6:15pm by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson

Boardmembers:

Charles Schultes

Elizabeth Vanderweyde

Roger Connelly

Holly Mohr (arrived at 6:30pm)

Also Present:

Alison Owens, Town Clerk

Bruce Kinney, Highway Sup't

Tim Hanna, PB Chair

Neal Root, Enforcement Officer

Members of the Smithville Day Committee

Members of the Playground Committee

A few Townspeople

There were no additions/deletions to the agenda.

**FUEL BIDS**

The following bids were received and noted. Non Collusive certificates were included. Supervisor Johnson read the legal ad as it appeared in the Chenango American.

VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCUATING	FIRM BID
<b>Blue Ox</b> <b>38 N. Canal St.</b> <b>Oxford, NY 13830</b>				
ULSD ULSD Winter	May 17, 2010	\$+.1480/gal \$+.4980 Winter Blend	\$2.2793/gal	N/A
'87 UL Gas w/10% Eth	May 17, 2010	\$+.25/gal	\$2.147	N/A
Kerosene for Heat	May 17, 2010	\$+.199/gal	\$2.3172	N/A
Propane				\$1.899/gal
<b>Mirabito Energy Prod</b> <b>P.O. Box 5306</b> <b>Binghamton, NY 13902</b>				
ULSD	May 6, 2010	\$+.1610/gal	\$2.5174/gal	\$2.4968/gal
ULSD Winter Blend	May 6, 2010	\$+.2100/gal	\$2.6577/gal	\$2.6668/gal
'87 UL Gas w/E10	May 6, 2010	\$+.2500/gal	\$2.4461/gal	N/A
Kerosene for Heat	May 6, 2010	\$+.2100/gal	\$2.6127/gal	\$2.6668
Propane	May 5-17, 2010	\$+.2500/gal	\$1.7000/gal	\$1.6500/gal

**DISCUSSION:** Highway Sup't Kinney said oil prices were expected to be headed downward for the next few months. He did not recommend the lock-in price. Board members were in agreement. Since there was little difference in the fluctuating prices, and in the differentials, Board members decided to remain with Mirabito. A resolution was brought forth to that effect.



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## OLD BUSINESS

### OB1: Noise Control

A new Town law from the Town of Brighton with regard to Noise Control was distributed to Board members for review. Councilman Connelly felt a Noise Control law would only be in place to please the Public and would not be enforceable. Citizens in the audience asked who would enforce it. Supervisor Johnson replied it would be the Chenango County Sheriff's Dept. Supervisor Johnson also said he felt it might help to have a Noise Control Ordinance. The 2<sup>nd</sup> law will be considered by Board members and a copy provided to the Planning Board.

### OB2: Land Purchase

The Town of Smithville did purchase at auction 11+ acres adjacent to the current Community Center property for \$18,100. The previous owner has 6 months to reclaim the land. Supervisor Johnson said there have been no projects planned for the property.

## MINUTES

The minutes of the April 19<sup>th</sup> meeting were reviewed. Except for some spelling errors which Board members asked to have corrected, the minutes were approved in a motion by Councilman Connelly, 2<sup>nd</sup> by Councilwoman Vanderweyde. All five Board members, Mohr, Schultes, Vanderweyde, Connelly and Johnson in favor, motion carried.

## REPORTS

R1.) **Planning Board:** PB Chair Tim Hanna reported there was no quorum at the May meeting. He has had calls about the new fire station and whether the Planning Board is the lead agency for the 239 review. There has been interest from a non-resident with regard to a position on the Planning Board but it is unknown yet if Milly Auwarter will be resigning or not or whether a non-resident can hold the position. The Comprehensive Plan is still being worked on.

R2.) **Assessor:** BAR is scheduled for May 25<sup>th</sup>.

R3.) **Enforcement Officer:** Enforcement Officer Neal Root asked if there was a Town policy with regard to trash on Town roads and what to do if an owner of the trash cannot be determined. The answer was no policy exists. The County has a roadside garbage pick-up which consists of an annual credit to Towns, and then deductions are made to it if the County receives garbage from a Town. The DEC can be used if the junk is on State land. Hwy Sup't Kinney said the Town Highway crew has always picked up what they could but they are in the business of road maintenance not garbage pick-up. Councilman Connelly said to continue what is possible and not to let it get out of hand.

R4.) **Justice:** A full jury trial has been scheduled at the Community Center for June 28<sup>th</sup>. The position of Court Clerk or Clerk to Justice may need to be filled. The Justices are overwhelmed with new mandates and responsibilities. Most municipalities are moving in this direction as Justices are not supposed to personally handle the fines. Information concerning the position was distributed to Board members for the March meeting.

R5.) DCO: report submitted

R6.) Attorney: report submitted

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R7.) **Smithville Day Committee:** Members of the Smithville Day Committee asked if there had been a response from the Town Att'y with regard to the helicopter landing on Smithville Day. Supervisor Johnson replied he had not heard anything yet.

Tim Hanna, who is organizing the 5K race for Smithville Day, asked officially if the Town would co-sponsor the event with the Genegantslet Fire Co., and if the Town would give permission to use Water St. for part of the race. The following 2 requests were put to Resolution.

**RESOLUTION #12 (2010): CO-SPONSOR 5K RACE & PERMISSION TO USE WATER ST**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following Resolution was ADOPTED  
AYES: Mohr, Schultes, Vanderweyde, Connelly, Johnson  
NAYES:

RESOLVED to authorize the Town to co-sponsor the Smithville Day 5K race with the Genegantslet Fire Co., and to allow the use of Water street for the race. All proceeds from the race will go to the Genegantslet Fire Co. It was also requested a Certificate of Insurability be sent to the Town of Greene and Chenango County for use of roads/jurisdiction. Town Clerk Owens will contact Mang Insurance.

R8.) Community Center: no report

R9.) **Playground Committee:** previously discussed

Other: Groundskeeper Keith Sabin has asked the Town to purchase another string trimmer as the one being used is not in good condition and he has been using his own for trimming. He has priced a couple of different ones, one a Husquvarna at \$199. and the other an Echo trimmer at \$219. After some discussion, it was felt the Echo would be a better trimmer. The following Resolution was brought forth:

**RESOLUTION # 13 (2010): AUTHORIZE PURCHASE OF ECHO TRIMMER**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following Resolution was ADOPTED  
AYES: Mohr, Schultes, Vanderweyde, Connelly, Johnson  
NAYES:

RESOLVED to purchase an ECHO string trimmer for the Town. Groundskeeper Keith Sabin will oversee the purchase and obtain the proper paperwork/exempt # from the Town Clerk.

R10) **Town Clerk, Tax Collector, Historian:** The Town Clerk/Tax Collector reports have been submitted. It has come to the Historian's attention that the house on Wheeler Ave in Greene, built from original "Crazy House" lumber, has been purchased by the Raymond Corporation and will be torn down to make room for a parking lot. It was recommended by members of the Greene Historical Society, that the Smithville Historian should write a letter to the Raymond Corporation and ask for some of the timbers/wood from the house when it is torn down. Some of the wood has names carved on it from when people were going through the house after the Flood of '35. Historian Owens will find out who to contact at the Raymond Corporation and will write a letter.

R11) Highway :

- The Highway Sup't has received a notice from FEMA regarding missing paperwork. This was paperwork misplaced by them.

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- A student through BOCES is working for a period of time at the Highway Dept. He has been working in cemeteries and cleaning up brush.
- Repair work has been done on the gradall, a complete maintenance job. The Hwy Sup't. was called by Coventry who is interested in purchasing one or both gradalls. The price for the used grader is in the \$15,000-20,000.; the parts gradall for \$2500.-5,000.
- The tractor pull track will remain in back of the ball field for this year. It will be fixed enough to allow for use this year. Next year, a permanent track will be built on the adjacent newly acquired property.
- Storage trailers have been added to the Insurance Policy.
- A rubber tired excavator and mower was purchased at the Roy Teitsworth Municipal Auction on May 8<sup>th</sup>. Board approval was obtained by phone calls to the Board members. The total appearing on the warrant for the purchase is \$28,250.

R12) Supervisor's Report: The Supervisor's report for the month of April was reviewed and approved in a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson.

### GENERAL WARRANT

General Warrant # 5, Vouchers # 70-86, in the amount of \$3316.31, was submitted for payment. Board members requested to remove # 83 to Tim Simpson (this was a quote and not an actual bill), and # 81 to JC Smith (for signs—this was a duplicate with a voucher on the Highway Warrant). A motion was made by Councilwoman Vanderweyde, 2<sup>nd</sup> by Councilwoman Mohr to then accept and pay these bills. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

### HIGHWAY WARRANT

Highway Warrant # 5, Vouchers # 65-80, in the amount of \$ 46,660.13, was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried. The money to pay for Voucher # 80 to Roy Teistworth for the equipment purchased will come from the Equipment Fund/Highway Savings.

### EXECUTIVE SESSION

A motion to go into Executive Session to discuss a personnel item was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde. All five Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried. Into Executive Session at 8:43pm.

A motion to come out of Executive Session was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes. All five Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried. Out of Executive Session at 8:59pm.

Supervisor Johnson declared the meeting adjourned at 9pm.

*Alison B. Owens*  
Alison B. Owens, Smithville Town Clerk