

Minutes of the Smithville Town Board
April 23, 2012

OPENING: Supervisor Fred Heisler Jr.

6:30PM

ROLL CALL:

Supervisor Fred Heisler
Councilwoman Elizabeth Vanderweyde
Councilman Bob Whitmore
Councilman Karl Ludwig
Councilman John Cammarata

ALSO PRESENT

Alison Owens, Town Clerk
Planning Board members:
Tim Hanna
Tom Pollard
Jackie Centerwall, Chair
Doug Garnar. Also present:
Bob Hendricks, Enerpath Service
Bruce Kinney, Highway Sup't
Several Townspersons

ADDITIONS/DELETIONS

CORRESPONDENCE

6:35PM

C1: NYS ACH notification of \$20,448.71 FEMA payment to Town of Smithville
C2: Assoc. of Towns: pending legislation for financial relief from H. Irene and T.S. Lee
C3: Community Environmental Legal Defense Fund conference "Stopping Marcellus Shale Gas Drilling at the Municipal Level" Sat. Apr. 28th
C4: PERMA regional meeting re: OSHA Annual Refresher training Apr. 26th
C5: Pipeline Safety seminar May 3rd
C6: thank you from John Cammarata for flowers sent to his mother's funeral

COMMITTEE REPORTS

6:50PM

R1.) Planning Board: Would like to recommend the Town Board hire Dylan Huff to act as the Clerk for the Planning Board. Dylan arrived later in the meeting and was introduced to the Board. After his responses to some questions, the following Resolution was made:

RESOLUTION # 21: APPOINT DYLAN HUFF AS A PART-TIME CLERK FOR THE TOWN OF SMITHVILLE

On a motion by Councilwoman Vanderweyde, 2nd by Councilman Cammarata, the following Resolution was ADOPTED.

AYES Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler
NAYES 0

RESOLVED to appoint Dylan Huff as a part-time Clerk for the Town of Smithville, to work specifically with the Planning Board and the Board of Assessment Review.

Hydraulic Fracturing will be included in the Comprehensive Plan. A time frame will be co-ordinated with Chenango County to present the Comprehensive Plan to the Town Board. Other requests mentioned in the February meeting are being worked on. An annual survey was mentioned with Survey Monkey being suggested as an online tool to conduct a survey. Next meeting is May 14th.

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R2.) Assessor: No report

R3.) Enforcement Officer: The Enforcement Officer is working on 3 properties reported as having junk on them. A report has been submitted. There was no County report

R4.) Justice: financial report submitted

R5.) DCO: report submitted

R6.) Attorney: report submitted

R7.) Smithville Day: report submitted. A number of issues brought up by Mrs. Wood were in the report, however Mrs. Wood was not available at the meeting to discuss them. Board members and Supervisor Heisler felt there too many obvious problems/questions which Mrs. Wood would need to be present to discuss and resolve. It was decided to send a registered letter to Mrs. Wood and to ask her to personally attend a Board meeting or a work session as soon as possible. Supervisor Heisler and Town Clerk Owens will work on the letter

R8.) Community Center: no report

R9.) Playground Committee: a detailed report was submitted from Councilman Cammarata concerning the Playground bathrooms and indicating what work/supplies would finish the project. A price list was included. Materials include with or without beadboard/tiles, and comes in at approx \$4,000. Councilwoman Vanderweyde will take this report to the Playground Committee and see what they would like to do.

R10) Town Clerk: report submitted. The website is currently being updated by Richard Crow. The domain is not in the name of the Town of Smithville and would need to be changed. Councilman Cammarata asked if a letter could be written to the company asking for the "ownership" to be changed. Tim Hanna said that would probably be possible. There was continued discussion regarding the website and who would maintain it. Supervisor Heisler asked if Tim Hanna would be willing to work with Town Clerk Owens and he replied he would.

R11) Highway: Dust oil needed on Hattie Clark Rd. Last year calcium was used on roads, not dust oil. Both items are up in price this year. Calcium will be used where there is a lot of turning, dust oil for normal traffic. OSHA meeting on 4/26 and Hwy Supt meeting in afternoon. The Town of Pharsalia is interested in both Gradall's. Sup't Kinney said the 1988 Gradall is a high maintenance unit and will require some major repairs. The Town has an excavator which fulfills the needs of the Highway right now. Also he would like to sell the smaller sander and the '99 MACK truck. The MACK will need repairs of about \$10,000.: Undercarriage/spring work, and also box work. The truck can be put in the auction at Palmyra with an anticipated selling price of \$30,000. Highway Sup't would like a new dump truck and a mini excavator. The rake-tractor is used a lot, is a 1961 model and should be replaced.

Board members would like to defer to Bruce's judgment in selling the used equipment and upgrading to newer equipment.

RESOLUTION # 22: SELL USED EQUIPMENT AT FAIR MARKET PRICE

On a motion by Councilman Cammarata, 2nd by Councilwoman Vanderweyde, the following Resolution was ADOPTED

AYES	Vanderderweyde, Whitmore, Ludwig, Cammarata, Heisler
NAYES	0

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RESOLVED to sell used Highway Equipment: the '99 MACK truck, both Gradall's, the small sander and the 1961 rake-tractor at fair market price and to update those items being sold to newer items.

RESOLUTION # 23: PURCHASE REPLACEMENT TRUCK, MINI-EXCAVATOR/BACKHOE AND TRACTOR

On a motion by Councilwoman Vanderweyde, 2nd by Councilman Cammarata, the following Resolution was ADOPTED

AYES Vanderderweyde, Whitmore, Ludwig, Cammarata, Heisler
NAYES 0

RESOLVED to purchase a replacement truck, mini-excavator/backhoe and tractor not to exceed and amount to be determined by Highway Sup't Kinney

R12) Supervisor's Report: reviewed.

Citizens' Bank accounts need to be moved. The process to move them should start now. Sup't Heisler is concerned about putting all eggs in one basket. NBT is one possibility and Tioga State Bank is another.

Supervisor Heisler would like to start using Income and Revenues sheets soon. He is suggesting a work session for the Town Board.

NEW BUSINESS

7:20PM

NB1: FOIL request from Susan Dorsey

Mrs. Dorsey had questions/comments regarding the way in which her FOIL request was handled by Town Clerk Owens. Town Board members reviewed documents substantiating her complaint. A copy is available at the Town Clerk's office.

NB2: request from Tim Hanna for co-sponsorship of race by the Town

NB3: request from Tim Hanna for the use of Water Street for the race

NB4: request from Tim Hanna for use of the Community Center and/or the pavilion for race prep on June 8 and race registration and awards presentation on June 9

The following one Resolution was brought forth to cover all three requests:

RESOLUTION # 24: CO-SPONSOR 5K, USE WATER ST. FOR 5K; USE COMMUNITY CENTER AND/OR PAVILION FOR 5K RACE PREP

On a motion by Councilman Whitmore, 2nd by Councilman Cammarata, the following Resolution was ADOPTED

AYES Vanderderweyde, Whitmore, Ludwig, Cammarata, Heisler
NAYES 0

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Resolved to Co-Sponsor the 5K with the Genegantslet Fire Co., to allow use of Water St. for the 5K, and to authorize use of the Community Center and/or the Pavilion for 5K race prep June 8th; race registration and awards on June 9th.

NB5: **Port-a-john vandalism**: kids in the Community were caught in the act of turning the port-a-john over. The police were called and a report was made. The kids were apologetic, offering to clean up the port-a-john.

NB6: BCC student internship(request from Doug Garnar). The project will fulfill a requirement for a course completion) to scan Town Board minutes into computer and convert to PDF documents. The project should be done by the end of the semester, about 20 hours.

OLD BUSINESS

7:50PM

OB1: **NYSEG: offering Small Business Energy Efficiency Program through EnerPath** (see attachments)

Prevailing wage costs extra for Town. Revised info rec'd 4/10/12 . This will update the ballast to electronic ballast in both the Town Barn and the Town Hall. NYSEG will cover up to 70% of the cost, with a guarantee. An assessment was made by Bob Hendricks for both buildings. The Highway Dept cost which is minus the NYSEG "rebate" but plus "prevailing wage" is approx. \$1171.52. The Administration fee is waived for the Highway Dept. The cost to convert to ballasts in the Town Offices would be approx. \$725.20; Total Cost for the upgrade would be approx \$1800.

While there is no deadline, enrollment could change, and the program could end.

Planning Board member Tom Pollard said a single employee business could do the upgrade without having to pay the "prevailing wage". No action was taken at this time.

OB2: Town of Ulysses: letter asking Smithville to consider participation in the "**Amicus Curiae**" brief which will challenge the Municipal Home Rule Law to include a municipality's right to decide what land use is appropriate for its citizens. This was tabled from March 19th .

(& OB2A: 3/13/12 email from Town of Ulysses re: Amicus Brief)

Supt' Heisler felt there was no need to work with this intent. Councilwoman Vanderweyde concurred and felt there should not be a resolution in favor of it. Councilman Cammarata: if financial needs come into play they may come to municipalities for \$. Councilman Ludwig: if there is no time restraints, then the decision can be tabled. Councilman Whitmore: Home Rule isn't just about gas rights, and felt that the issue should be tabled.

OB3: **Speed reduction on Mill and Oak Streets**: Hwy Sup't contacted NYS and Chenango County. A Resolution needs to be written naming the roads where the speed reduction is requested. That is sent to the County, then to the State. The State will conduct a study and report back to the County, then to the Town. It was brought up that the rest of the hamlet streets: Round Pond, Tarbell, Collyer roads should also be done at the same time. Sup't Heisler said it should be done piecemeal.

OB4: **JCAP grant updates**: Justice Kehl has not given any further feedback.

OB5: Neal Root letter re: Pond Creek updates

OB6: **Cincinnatus Lake dam maintenance**: Hwy Sup't feels the Town Att'y should be involved and should review the documents to advise the Town Board. According to the Operations and Maintenance Agreement signed in 1966/67, an Association needs to be in place to reimburse the Town for maintenance costs to the dam. The Town insurance has been renewed until Mar. 2013 without further changes to the Cincinnatus dam. Sup.

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Heisler will talk with Lauren Johnson and then with Att’y Monaco. Town Clerk Owens will make copies of the info for Board members.

OB7: Town Clerk counter window covering has been completed. The invoice was given to Town Clerk Owens for May’s warrant. The light post outside can be done before the end of the summer. No more action was taken on the keyless entry lock for the main door.

MINUTES APPROVAL: The minutes of the March 19th meeting were reviewed. A motion to accept these minutes was made by Councilman Whitmore, 2nd by Councilwoman Vanderweyde. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried.

WARRANTS

8:25PM

GENERAL: Warrant # 4, Vouchers # 46-63 for a total of \$21,581.55. [Claim # 61 was later deleted for duplication] A motion to accept and pay these claims was made by Councilwoman Vanderweyde, 2nd by Councilman Whitmore. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried.

HIGHWAY: Warrant #4, Vouchers # 50-57 for a total \$5776.38 was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Vanderwyede, 2nd by Councilman Ludwig. All 5 Board members: Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler were in favor, motion carried.

OTHER: Slottje’s will have ½ hr for presentation at the May 21st meeting and up to ½ hr for questions/answers from the Board.

EXECUTIVE SESSION: An Executive Session to discuss Deputy Clerk employment was requested by Town Clerk Owens. Into Executive Session at 9:15pm.

EXECUTIVE SESSION: out of Executive Session at 9:46pm

There was no business transacted.

MEETING ADJOURNED

9:47PM

Alison B. Owens

Smithville Town Clerk