

Minutes of the Smithville Town Board
February 18, 2014

OPENING

By Supervisor Fred Heisler

6:30PM

In addition to Supervisor Heisler the following persons were in attendance:

Board members

Karl Ludwig
Bob Whitmore
Tom Pollard
John Cammarata

Also:

Jackie Centerwall, PB Chair
Christine Stark, DCO
Harry Schultes, Hwy Sup't
Shane Butler, PB
Keith Klein, Assessor
Donna Jones, Chenango Co. PB
Louis Merlino
Alison Owens, Town Clerk

CORRESPONDENCE

6:35PM

- C1) Chenango County Board of Supervisors: Dog Quarantine in Chenango County until 4/30/14
C2) NYS Office of Parks/Recreation: Edward Loomis home on S. Tyner Rd. is being considered for the National Register of Historic Places.
C3) Notification from Haeple TV: completed sale to Time Warner Cable (Time Warner has since been purchased by Comcast)

Highway and Assessor Reports were inserted here but are kept within the agenda/minutes for continuity.

PRESENTATION:

7:20PM

Donna Jones of the Chenango County Dept. of Planning & Development was recognized by Supervisor Heisler and gave some specifics and suggestions for Road Use Agreements. She referred the Town Board to the County website for natural gas and drilling and also to information in a document put out by the East Regional Planning Development Board. The following were some highlights of the presentation:

- State Law says there are standards for State and Local Highways. Municipal Home rule allows Towns to adopt/amend Local Laws for highways. Suggested using a template from another Town instead of trying to draw up a new one.
- Distinction between Road Use Local Law vs. Agreement.
- Groups of truckers, such as agricultural, cannot be targeted; logging can be considered as an Ag & Markets activity; "routine traffic" was discussed.
- Should have an inventory of condition of roads—take pictures of sections of roads or possibly use a webcam.
- With gross weight over 4T per axle, the Highway Sup't could declare that road as restricted (temporary exclusion)
- Loggers could be required to have the staging area be on owner's property

Supervisor Heisler will talk to other Supervisors about their Road Use Agreements and will try to get templates. His feeling was that Smithville should look more at a Road Use Agreement than a Local Law. All Board members were in agreement with Supervisor Heisler. Ms Jones also indicated she would work toward finding samples of previous agreements and will talk to other Towns.

NEW BUSINESS

8:10PM

NB1) letter from Deputy Clerk Nowalk asking for leave of absence for medical reasons. There were no objections.

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NB2) letter from Steven Dutcher declining appointment as Constable for Smithville. There is a possibility a patrol from the Village of Greene could be substituted instead.

OLD BUSINESS

8:25PM

OB1) letter from Louis Merlino asking for further status on 3 items. Mr. Merlino was present and discussed these items with the Town Board.

- Building violations on Buckley Hollow Rd. property: The Code Enforcement Officer said the owner of the offending property will abandon the open pit septic system he has and will use a chem toilet instead. Town of Smithville E.O. Root will oversee the covering of the open pit. Structural offenses will have to be dealt with under County building regulations. There is a possible appointment time when the County, the Town EO and the property owner will meet together. Mr. Merlino was concerned that with these kinds of violations, why has there not been legal action taking place? Why isn't the County using the law? Supervisor Heisler said the process is being worked on in a systemic manner. He also said E.O. Root's report indicates the process is ongoing and that once the weather breaks and the snow melts, there will be further action on these items.
- Logging on Town roads: additionally Mr. Merlino also expressed his concern about the condition of the roads in Smithville
- Cable company situation in Smithville: Mr. Merlino complained about the lack of communication concerning the recent cable switch

REPORTS

8:45PM

R1.) Highway: no additional report submitted. The Highway Committee has met with the Highway Sup't and has submitted a report. The focus is to sell excess equipment and to plan to build an addition to the current Town Barn. The green truck could be sold now. It was suggested to contact Justice Lilley as he, as the Transportation Director at Greene Central School, has sold used school buses before and would be able to give advice to the Highway Dept.

R2.) Assessor: separate report submitted. Gave a brief history of the equalization rate.

Board member Pollard: how are the (property) values kept equal?

Assessor: This is done by NYS—determined through current sales and assessment. Things are selling now at a much closer rate to actual market value.

Board member Whitmore: How close are the Smithville assessments?

Assessor: we are 67% of market value. Building permits are being reviewed now to make sure any improvements are used to determine a fair assessment.

Supervisor Heisler: How do you figure stuff out?

Assessor: use of aerial maps, permits; the best way would be to do a data collection to equalize the assessments.

Supervisor Heisler: would like to see the Assessor develop a plan to accomplish the data collection. Board members were in agreement.

Assessor: It would be time involved but it would be a fair way to collect all the data on each property and could be done with outside help.

R3.) Enforcement Officer: report submitted County: report submitted

R4.) Mitigation: no report submitted. Supervisor Heisler said Highway Sup't Schultes needs to submit his report to the County.

R5.) DCO: report submitted. Calls are being made to delinquent dog owners, owners of dogs on Enggaard Rd. have been asked to license their dogs.

R6.) Attorney: report submitted

R7.) Smithville Day: no report submitted. Supervisor Heisler said the re-enactment is moving forward. The events can only be used if there is insurance by the participating group.

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R8.) Custodian: report submitted. Subjects discussed were re-lighting the pilot light in the upstairs north burner, a light bulb at the top of the stairs should be replaced; the floor in the main hall of the Community center should have some treatment. Painting the Community Center was discussed as was using the Sheriff's Dept. inmates to paint the building.

R9.) Playground Committee: report submitted. Nothing has changed in finishing the bathrooms. The electric is completed; framing for handicapped grab bars need to be finished. Painting should be completed in warm weather, also some plumbing. Councilman Cammarata has equipment at his house. Supervisor Heisler said he could help with some of the framing, but would need to know from Councilman Cammarata the specifics of what has yet to be done. The question was also asked if an inspection of the Playground equipment needs to be done and who would do that?

R10) Town Clerk: report submitted. Due to Deputy Nowalk's medical leave of absence, the Town Clerk's office is unmanned on Friday's. Town Clerk Owens has trimmed the hours to 9-noon, by chance or appointment only. The Highway Dept. will no longer be able to burn disposed Town records as has been done in the past. It was suggested to contact Justice Lilley to see how his employment office handles these.

R11) Planning Board: report submitted. Survey: Referred to the attachment written by Doug Garnar supporting a Town-wide survey. Heisler is in support, Cammarata would like to see the PB chair take the survey and go with it, so also Ludwig, Whitmore and Pollard. PB Chair would like to see a Survey Committee to help with the survey. PB Chair also felt Smithville Day would be a good lead-in to enlist the help of residents to be aware of/educate them in purposes of the Planning Board.

R12) Supervisor's Report: report submitted. He has talked with Att'y Roger Monaco about setting up the Geneganstlet and Smithville Center Fire Contracts, but the Att'y said he has not done those before. It was suggested that prior Supervisor Al Johnson may have had them on his computer and printed them off. A copy of a previous fire contract will be given to Att'y Monaco.

The 2013 Annual Financial Report has been completed and is on file. Last quarter's sales tax was 5% better than the last quarter of 2012.

A typographical error in the 2014 budget will have to be dealt with for next year's budget by applying for a tax cap override, with a resulting Public Hearing. Board members were concerned about several factors that could affect taxes over the next couple of years. An adjustment to the 2014 Budget will need to be made now in the amount of \$58,704. Supervisor Heisler suggested moving \$12,000. from A9901.9 Building Fund to Highway Snow Removal DA5142.1; the balance required of \$46,704. could be taken from the FEMA money (Highway Savings), currently about \$75,000. (Another \$25,000. in FEMA \$ is supposedly coming later.) Board members discussed this briefly and concurred with Supervisor Heisler's recommendation.

RESOLUTION # 4 (2014): TRANSFER MONIES TO CORRECT 2014 BUDGET DEFICIT

On a motion by Councilman Ludwig, 2nd by Councilman Pollard, the following Resolution was ADOPTED.

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

Resolved to transfer \$12,000. from A9901.9 Building Fund to Highway Snow Removal DA5142.1; the balance required of \$46,704. to be taken from the FEMA money Highway Savings, currently about \$75,000. Such transfer is needed to correct a typographical error in the 2014 Town of Smithville Budget resulting in a \$58,704. deficit error.

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A motion to accept the Supervisor's balance sheet report for January 2014 was made by Councilman Ludwig, 2nd by Councilman Pollard all. All 5 Board members were in approval: Ludwig, Whitmore, Pollard, Cammarata, Heisler; motion carried.

MINUTES APPROVAL for Jan. 20th

10:10PM

A motion to approve the Jan. 20, 2014 minutes was made by Councilman Cammarata, 2nd by Councilman Whitmore. All 5 Board members were in approval: Ludwig, Whitmore, Pollard, Cammarata, Heisler; motion carried.

WARRANTS

10:15PM

General Warrant # 2, Claims # 12-28 in the amount of \$4885.03 were submitted for payment. A motion to pay these claims was made by Councilman Whitmore, 2nd by Councilman Pollard. All 5 Board members were in approval: Ludwig, Whitmore, Pollard, Cammarata, Heisler; motion carried.

Highway Warrant # 2, Claims # 11-20, in the amount of \$9,255.49 were for payment. A motion to pay these claims was made by Councilman Ludwig, 2nd by Councilman Cammarata. All 5 Board members were in approval: Ludwig, Whitmore, Pollard, Cammarata, Heisler; motion carried.

There was no other business to come before the Board. Supervisor Heisler declared the meeting adjourned at 10:21PM. The next meeting will be March 17, 2014.

Alison B. Owens

Smithville Town Clerk