

Minutes of the Smithville Town Board
March 17, 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:

Don Conklin
Bruce Kinney
Harry Schultes, Hwy Sup't
Alison Owens, Town Clerk
Jordon Lilley, Town Justice
David Craine, Mirabito Insurance
Jackie Centerwall, PB Chair
Christine Stark, DCO
Christine Buck, SHS president

LATE ADDITIONS/DELETIONS/REMARKS: addition of OB3, a letter from Justice Lilley requesting appointment of a Clerk for the Court, part-time

CORRESPONDENCE

6:35PM

C1) Unified Court System, State of NY: letter notifying the Town of Smithville a JCAP grant has been awarded in the amount of \$24,000. for the 2013/2014 year. It appears in the Smithville General Account as a *pending* deposit.

C2) letter from McDonough Food Pantry stating a fund raiser is currently in effect. The Food Pantry has a benefactor who will be contributing from his own personal funds to any outside donations the Food Pantry might receive. Since the two area Smithville Churches are planning on making a donation, Supervisor Heisler asked if the Board would also like to consider making a donation. Councilman Ludwig suggested making a donation since there are Town of Smithville residents who use the Food Pantry. Councilman Cammarata suggested \$50.

RESOLUTION # 5 (2014): CONTRIBUTE \$50.00 TO THE MCDONOUGH FOOD PANTRY

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

AYES: Ludwig, Whitmore, Pollard, Cammarata, Heisler

NAYES: 0

RESOLVED to donate \$50. to the McDonough Food Pantry.

This contribution will be taken from Contingency A1990.4

C3) letter from Chenango Co. Board of Supervisors re: new PERMA forms for on the job injuries.

C4) email regarding Rural Broadband Buildout for 2014: this was forwarded to Board members and the Planning Board Chair on 2/25. The Planning Board may address this in their report. Councilman Cammarata indicated Comcast (who purchased Time Warner) will not be updating the equipment or lines at this time.

PRESENTATION:

6:45PM

David Craine of Mirabito Insurance: annual presentation of Town Insurance policy. Mr. Craine supplied Board members with booklets of the proposed 2014-15 quote for the Town of Smithville.

Minutes of the Smithville Town Board
March 17, 2014

Highlights:

p.4/5: The property location schedule was updated to a \$786,901. limit for Blanket coverage, \$500. deductible which includes contents. A floater includes equipment. Trucks have replacement coverage if they are 5 years or newer; up to 10 years can be done. Trucks over 10 years are depreciated.

p.9/General Liability: refers to slip and fall accidents, road conditions

p.10/ Scheduled equipment & business list; Highway work permits require liability permit

p.17/ Public Officials Liability: wrongful terminations, decisions made by the Town Board

p.18/ Employment Policies Umbrella 1 million—can increase to another mil for about \$700. if needed. Outside rental of the Pavilion/Community Center could increase the risk for being sued. Mr. Craine recommended a certificate of liability insurance from renters and to add the Town as an additional insured (for at least 1 mil). The Town does currently require this for rental of Pavilion/Community Center.

p.20/ Crime Coverage: all employees up to 50 mil, additional amounts on schedule for Tax Coll, Judge, and Supervisor

p.21/ Premium summary for 2014/2015 is \$20,895.06, which is less than last year.

Supervisor Heisler asked Board members if there should be an increase of 1 or 2 million in the Umbrella Excess Limits since the limits the Town has currently are below what other Municipalities have and since there are greater risks for lawsuits and litigation today. Board members were in agreement for an additional 1 million this year and perhaps another mil next year if the cost would not exceed \$700. for the year.

RESOLUTION # 6 (2014): INCREASE THE UMBRELLA EXCESS LIMIT ON THE TOWN INSURANCE TO 2 MILLION FROM 1 MILLION AT A COST NOT TO EXCEED \$700.

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

AYES: Ludwig, Whitmore, Pollard, Cammarata, Heisler

NAYES: 0

RESOLVED to increase the Umbrella Excess Limit on the Town Insurance to 2 million from 1 million at a cost not to exceed \$700. for 2014.

RESOLUTION # 7 (2014): ACCEPT MANG INSURANCE CO. PROPOSAL FOR TOWN INSURANCE FOR 2013/2014 AND TO PAY THE INVOICE WHEN RECEIVED.

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

AYES: Ludwig, Whitmore, Pollard, Cammarata, Heisler

NAYES: 0

RESOLVED to accept the Mang Insurance Co. proposal for Town Insurance for 2013/2014 and to pay the invoice when received.

NEW BUSINESS
No new business

7:20PM

Minutes of the Smithville Town Board
March 17, 2014

Bruce Kinney was recognized and expressed concerns about the Town Barn and equipment. Another issue he brought before the Board was the Order On Consent/Stipulation # 13-007009, a violation of the Environmental Conservation Law on Pond Creek in Smithville in 2013. The order needs to be signed by the Town of Smithville and returned to the DEC office in Syracuse. There is a \$250. fine involved but it was not clear whether the fine should be paid now or later.

[Addendum 3/24/14: The \$250. fine was to have been included with the paperwork being returned to the DEC. Supervisor Heisler polled the Board by phone to obtain permission to pay the DEC fine of \$250. before the next Town Board meeting on April 28th. The Board decision was unanimous: Ludwig, Whitmore, Pollard, Cammarata and Heisler voting AYE, to pay the fine now. A voucher was created and a check cut to the DEC.]

OLD BUSINESS

7:40PM

OB1) Tax Cap Override Local Law discussion: A typographical error in the 2014 budget, and its implications for the 2015 budget will be dealt with by applying for a tax cap override, with a resulting Public Hearing. An adjustment to the 2014 Budget is being made in the amount of \$58,704. Since the Town Board will need to override the 2% for its 2015 Budget, a Local Law specific to that purpose will be introduced, and a Public Hearing will be set for April 24, 2014. The Resolutions are located at the end of the March 17th minutes.

Resolution # 8: Introduce Local Law # 1, Tax Cap Override, & to call for a Public Hearing Apr. 24th, 2014
6:30pm

see Addition at end of Minutes for Resolution

OB2) **sign Genegantslet and Smithville Center Fire Contracts:** These were already approved at the Nov. 6, 2013 Public Hearing. Councilman Whitmore declined signature because he is the Fire Chief for the Genegantslet Fire Co.

OB3) **consider part-time clerks positions:** Judge Lilley submitted a request for a clerk for the Court; the individual has had 7 years experience and has also requested a rate of \$15.00 p/h pay. Councilmen Ludwig felt an appointment should be made. Councilman Whitmore questioned the rate of pay and whether the Judge really needed a clerk. Councilman Pollard questioned whether the Town would be required to pay NYS Retirement as well. Other questions were asked as to whether the position needed to be advertised first, whether specific job responsibilities needed to be written into the job description, or whether someone could be hired per diem. The individual's application would need to be sent for approval to the Personnel Office in Norwich. A decision/Resolution with regard to an appointment was tabled pending answers to some of the questions so stated above. Supervisor Heisler will communicate with the County Personnel Office to receive answers to the questions and will then poll the Board for a Resolution. The County indicates there are 2 part-time clerk positions available so a Clerk to assist the Judge, and those responsibilities and/or pay can be separate from the remaining part-time clerk.

[Addendum 4/1/14: After receiving information and answers from the Chenango County Personnel Office that it was appropriate to hire the individual in question, Supervisor Heisler polled Boardmembers to receive authorization from them to hire the individual part-time. All Boardmembers polled were in favor. There is no individual Resolution on file, only this Addendum.]

Minutes of the Smithville Town Board
March 17, 2014

OB4) JCAP grant contractor/project info: drawing submitted for a 15' Justice bench to be located in the main room of the Community Center. It was suggested the bench be built in modulars for ease in moving if necessary. Justice Lilley asked if the bench could be located on the east wall so that his back is not against a window or the heater. The details of the bench would be to keep it in style with the current historical style. It was also suggested to add upgraded chairs, more electric, and a phone jack at the bench site. Rounding out the project will be to add air conditioning to the main meeting room and the Justice office. The air conditioners would be used as heat pumps in the winter and would look similar to what is in the Town Clerk's office now.

Additionally it would be a good time to re-finish the floors as Custodian Mindy Eldred has recommended. The floor needs to be evened out, repaired, then sanded and finished. Security for the Courtroom, outside lighting and a recording instrument for the Judge were also discussed.

REPORTS

7:50PM

R1.) Highway: no additional report submitted. Highway Sup't Schultes indicated there are 2 trucks with broken springs, plus 1 of the pick-ups. It is a violation to drive a truck with a broken spring. Councilman Pollard suggested the broken springs are caused by overloading the truck. Another meeting will be scheduled with the Highway Committee.

R2.) Assessor: no report submitted this month.

R3.) Enforcement Officer: report submitted County: no report submitted

R4.) Mitigation: no report submitted

R5.) DCO: no report submitted: DCO Stark was available to say the month has been a quiet one. She has been calling owners of unlicensed dogs. There was discussion about the procedure for delinquent dogs, sending court appearance tickets and the need for an enumeration. DCO will write a form letter requesting the owner license dog within 15 business days or face a court appearance ticket.

R6.) Attorney: report submitted.

R7.) Smithville Day: no report submitted.

R8.) Custodian: report submitted.

R9.) Playground Committee: report submitted. Work sessions in the garden are being planned for the spring.

R10) Town Clerk: report submitted. Shredding of ready-to-dispose records can be done through BOCES in Norwich. They will, by appointment, pick up and shred 3 boxes of records for \$3.80, invoicing the Town afterwards. The old Town Clerk computer was restored to use by Jacob Owens. It can be given to the Highway Dept. but will need Windows 7 on it before it can be used as Windows XP will not be supported after April 8th.

R11) Planning Board: PB Chair Jackie Centerwall was available with a report from the Planning Board. Broadband build out grant monies may be made available later this year. These would give end-mile opportunities to municipalities through Communication companies. Southern Tier East Regional Planning Board is applying for a grant to help rural communities have broadband access.

Town Survey: moving forward with survey process. Doug Garnar is organizing a 5 person committee to help with the survey. It was suggested to use the website to announce the survey. It could be ready by Smithville Day June 14th.

Site Plan Review: Supervisor Heisler's comments were reviewed--were all of the questions answered at the work session? The Town Board replied they were. The Planning Board will make some changes, return the proposed Local Law to Att'y for review, and then review by the Town Board. Enforcement of the Site Plan will be done through the Enforcement Officer.

There is still no Planning Board Clerk.

Minutes of the Smithville Town Board
March 17, 2014

R12) Supervisor's Report: spreadsheet submitted. The Highway Sup't had requested 4 vouchers from February's Highway warrant be changed to DA5142.4 from DA5110.4. These are Voucher #'s 15,16,17, and 19 for a total of \$3525.43. The money's were transferred in the budget to correct the errors. The \$12,000. transfer into the Highway savings to help balance the 2014 Budget deficit was made.

A motion to accept Supervisor's report (spreadsheet) was made by Councilman Ludwig, 2nd by Councilman Cammarata. All 5 Board members: Ludwig, Whitmore, Pollard, Cammarata and Heisler were in favor, motion carried.

MINUTES APPROVAL for Feb. 17th

9:45PM

A motion to approve the minutes of the February 17th meeting was made by Councilman Ludwig, 2nd by Councilman Whitmore. All 5 Board members: Ludwig, Whitmore, Pollard, Cammarata and Heisler were in favor, motion carried.

WARRANTS

9:50PM

General Warrant # 3, Vouchers # 29-44 in the amount of \$6,209.92

A motion to pay these claims was made by Councilman Ludwig, 2nd by Councilman Pollard. All five Boardmembers: Ludwig, Whitmore, Pollard, Cammarata, and Heisler were in favor, motion carried.

Highway Warrant # 3, Vouchers # 21-30 in the amount of \$6,700.52

A motion to pay these claims was made by Councilman Ludwig, 2nd by Councilman Cammarata. All five Boardmembers: Ludwig, Whitmore, Pollard, Cammarata, and Heisler were in favor, motion carried.

There was no other business to come before the Board. The next meetings are:

April 24th, Public Hearing for Local Law # 1, 2014 "Overriding the Real Property Tax Cap Levy for 2015"

April 28th, Regular Town Board meeting

Supervisor Heisler declared the meeting adjourned at 10:45pm.

Alison B. Owens

Smithville Town Clerk

8 - RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO.1 OF 2014
FOR LEGISLATIVE ACTION AND AUTHORIZING AND SCHEDULING HOLDING A
PUBLIC HEARING THEREON (2014)

At a regular meeting of the Town Board of the Town of Smithville held on the 17th day of
March 2014 at 6:30 o'clock P.M. at the Town Hall and due and proper prior
public notice of said meeting having been given and said meeting having been publicly held at
which a quorum was present in attendance and participating thereat throughout, there were:

Present: Fred Heisler Jr., Supervisor
Karl Ludwig, Councilman
Bob Whitmore, Councilman
Thomas Pollard, Councilman
John Cammarata, Councilman
~~Absent:~~ _____

Mr. Thomas Pollard moved the following resolution for adoption:

WHEREAS, the Town Board is desirous of overriding the property tax levy cap imposed by
General Municipal Law section 3-c by the adoption of a local law: and

WHEREAS, counsel for the Town has prepared a proposed local law, to wit: Local Law No. 1 of
2014, entitled a local law "Overriding Two Percent Real Property Tax Levy Limit for Budgetary
Year 2015, which local law if enacted would allow the amount of real property taxes levied by or
on behalf of the Town for budgetary year 2015 to exceed the cap imposed by General Municipal
Law section 3-C; and

WHEREAS, the enactment of said local law requires the prior holding of a public hearing
thereon.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Proposed Local law No. 1 of 2014 is hereby introduced for legislative action.
2. The holding of a public hearing on said proposed Local Law No. 1 of 2014 is hereby
authorized and the date of said public hearing shall be the 24th day of
April 2014 6:30 o'clock P.M. at the Town Hall.

3. The Town Clerk shall:

- a. Cause a notice of said public hearing to be published once in the Chenango American, the Town's official publication at least 10 days prior to the date of such public hearing,
- b. Post a copy of said notice of public hearing on the Town's official bulletin board at least 10 days prior to the date of said public hearing,
- c. If the Town has a website, to cause such notice of public hearing to be posted on the Town's website at least 10 days prior to the date of said public hearing.

Mr. Karl Ludwig seconded the foregoing resolution and following discussion the same was put to a vote with the following results:

AYES:	<u>Karl Ludwig</u>	<u>Bob Whitmore</u>
	<u>Thomas Pollard</u>	<u>John Cammarata</u>
	<u>Fred Heisler Jr.</u>	_____
NOES:	<u>X</u>	_____
Abstentions:	<u>X</u>	_____

The foregoing resolution having received at least a majority approving vote was declared by the Supervisor to be adopted.

Town Clerk's Certification

I, Alison B. Owens, Town Clerk of the Town of Smithville, do hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted at a public meeting of the Town Board of the Town of Smithville, duly called, publicly noticed and regularly held on the 17th day of March, 2014, and at which a quorum was present and participated thereat throughout, and of the whole of such resolution; and that said resolution has not been rescinded or amended in any manner and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk this 18th day of March, 2014.

Alison B. Owens
Alison B. Owens
Town Clerk
Town of Smithville