

MINUTES OF THE SMITHVILLE TOWN BOARD
MAY 19, 2014

OPENING by Supervisor Fred Heisler Jr. 6:30PM
ROLL CALL:

Councilman Karl Ludwig
Councilman Tom Pollard
Councilman Bob Whitmore
Councilman John Cammarata

Also Present:
Town Clerk Alison Owens
Hwy Sup't Harry Schultes
Larry Sherwood
Ken Whitmore IV
Holly Mohr
DCO Christine Stark

LATE ADDITIONS/DELETIONS/REMARKS

CORRESPONDENCE 6:35PM
C1) letter from NYS Parks, Recreation/Historic Preservation approval of Loomis property in Tyner on NYS Register, proceed to National Register of Historic Places
C2) Training attended for BAR member Tony Zdobylak

NEW BUSINESS 6:40PM
NB1) consider bids for fuel and propane bids. The legal ad read by Town Clerk Owens and bids from 2 vendors were opened and read. All bids are for the period June 1, 2014 to May 31, 2015. XX= not bid.

VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCTUATING	FIRM BID
Blue Ox 38 N. Canal St. Oxford, NY 13830				
ULSD			XX	XX
ULSD Winter Blend			XX	XX
'87 UL Gas w/10% Eth			XX	XX
Kerosene for Heat			XX	XX
Propane			XX	\$2.199/gal
500 gal. tank	No fee to set tank			
Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902	Albany OPIS			
ULSD	5/8/14 (\$3.1356)	+.1616	\$3.2972/gal	\$3.4107/gal
ULSD Winter Blend	5/8/14 (\$3.3720)	+.1616	\$3.5336/gal	\$3.7707/gal
'87 UL Gas w/E10	5/8/14 (\$3.0041)	+.1919/gal	\$3.1960/gal	XX
Kerosene for Heat	5/8/14 (\$3.3760)	+.1616/gal	\$3.35376/gal	\$3.7747a/gal
Propane	5/8/14 (\$1.3040)	+.3131/gal	\$1.6171/gal	\$1.7171/gal

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The State bid has not yet gone out yet and is subject to lock outs. State bid may not be the best way to go. Mirabito is doing a better bid than the State bid, and is the lowest of these bids tonight. It was recommended to go with Mirabito for all fixed price bids except for the '87 Octane which was bid as a fluctuating bid only.

RESOLUTION # 15 (2014): ACCEPT MIRABITO FIRM BID FOR ALL FUEL OPTIONS EXCEPT '87 OCTANE; ACCEPT MIRABITO'S FLUCTUATING '87 OCTANE BID

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

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

Resolved to accept Mirabito's fixed bid prices for all fuel products EXCEPT '87 Octane; Resolved also to accept Mirabito's fluctuating bid for '87 Octane.

OLD BUSINESS

7:00PM

OB1) Tax Cap Override Local Law discussion: more tomorrow night—possibility of another Public Hearing

OB2) JCAP grant project update: The floors were completed last week. Supervisor Heisler has spoken with Air Temp. The air conditioning units are not yet in but should be in soon. Supervisor Heisler has also left a message with Randy Hay concerning the Justice bench but has not received a return phone call.

OB3) The request for Police presence in the Town was sent to the NYS Police, Troop C in Sidney NY. A response was received on May 16, 2014 denying the request as there is already a substation in Greene, 5 miles distant.

OB4) A revised Resolution to the New York State and Local Retirement was presented by Town Clerk Owens. This Resolution is required every 2 years, and will (re)establish the standard hours in a work day (6) with employees (Keith Klein, Fred Heisler Jr. and Alison Owens) who are currently enrolled in the Retirement System.

RESOLUTION # 16 (2014): ESTABLISHING FOR THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM, A 6HR. WORKDAY AND 3 EMPLOYEES AS MEMBERS OF THE RETIREMENT SYSTEM BASED ON THE ROA KEPT AND FILED IN THE TOWN CLERK'S OFFICE.

On a motion by Councilman Ludwig, 2nd by Supervisor Heisler

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

RESOLVED to establish for the New York State and Local Retirement System a Standard Work Day and Reporting Resolution (RS 2417-A) with the Standard Work Day being 6 hours and the following 3 employees: Keith Klein, Fred Heisler Jr, and Alison Owens as current members of the Retirement System having filed an ROA to the Town Clerk. Additional members will be added another Resolution when they have filed their ROA to the Town Clerk.

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OB5) Repair of Town of Smithville sign: Supervisor Heisler has requested a quote from Rapp Signs to replace the current sign which is in rough condition. Councilman Whitmore suggested talking to David Genter who has done many signs in Town or to Gary Huttleston. He will make the contact. It was asked if the current sign is on private property? If so, permission from the property owner should be obtained before working on the sign.

OB6) A copy of the letter being sent to Mr. Geib was presented to the Board. The Town Clerk and Supervisor had consulted with the Att’y Monaco as to language of the letter and the disposition of the \$35.00 check. Although there is nothing in the Local Law with regard to the disposition of a check in the case of a denial of a variance, the Att’y advised it should be retained as a “processing fee” and deposited. The letter will go out tomorrow. The check has already been deposited.

REPORTS

7:30PM

R1.) **Highway Committee report submitted.** Some of the Town roads are in questionable shape but cannot be worked on until the frost is completely out. (Buckley Hollow, Krupp)
The Highway Committee has asked Highway Sup’t. Schultes to look at other Town Barns, Supervisor Heisler did a scale drawing. It was suggested to contact persons known to both Whitmore and Cammarata to give estimates on the scale drawing. Councilman Pollard also asked if a citizen could be on the Highway Committee. Supervisor Heisler said he thought so.

NEW TRUCK: It will take 4-5 months for new truck, and 4-5 months for new box on the ‘02 red Volvo, for an approx. total of \$240,000.

Councilman Whitmore: the ‘02 Volvo needs a smaller box and new tires; the ‘02 International needs a box; the ‘93 International may need new box or swap on ‘02 International. It is possible to fix ‘93 chase and sell it.

Larry Sherwood: Both the ‘02 Volvo and International trucks are 12 years old. Do you want to put a \$40,000. box on a 12 yr. old truck? The next one (truck) is 16 years old and the one after that is 19 yrs. old. There are no metal slats in that one, only wood. To have 4 trucks and be productive, you will have to make some decisions.

Supervisor Heisler: indicated the Highway Sup’t should work with the Highway Committee to plan for a purchase and then come to the Board with a plan.

ADDITIONAL HIGHWAY: There was no written Highway Supt. report.

Hwy Sup’t Schultes has hired someone to take care of the beaver on Stone Quarry Rd. He is still working with scrap metal, doing pot holes and waiting for someone with a low-boy to come and get the old Gradall for scrap.

Supervisor Heisler asked Hwy Schultes about a gas card for the Groundskeeper to buy gas for mowing the lawn, and operation of weed wackers and snowblowers. Councilman Whitmore said it would be possible to get a 2nd card, the purchases would be distinguished by the separate # on the statement. The other option would be to open a separate account for the Community Center and have the Groundskeeper use a card for that purpose. No log is kept of the gas purchases by the Highway Dept. Councilman Pollard suggested the Hwy Supt. keep a log.

Councilman Whitmore asked about mowing the Cemeteries twice a year. The Highway Dept. has been too busy to help out. The Summer Youth Program has helped in the past but the new stipulation is that an individual has to be 18 or older to run anything with a motor. Maybe BOCES? Maybe the prisoners at the

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Sheriff's Dept? Community Service through the Court? Church groups? Some of the Cemeteries are on private property. Town Clerk Owens will provide map of the cemeteries.

Highway Sup't Schultes will hire someone but has not made a decision whether it will be seasonal or full-time. He has talked with the Chenango County Personnel Dept.

Whitmore: suggested to make sure someone who is hired has time to learn how to drive the truck.

R2.) Assessor: no report submitted

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

R4.) Mitigation: no report submitted. Supervisor Heisler attended a work session last week with A FEMA rep. There has been significant \$ from FEMA, but FEMA is now shifting focus to have Communities find areas of concern and submit request for work. This is going to be a pro-active approach. Areas not targeted will not have responsibility to request FEMA monies. The Town of Smithville still needs to fill out a plan. The Highway Sup't has a responsibility to attend the mitigation meetings and to fill out request forms on behalf of the Town.

Hwy Supt Schultes indicated Buckley Hollow and Pollard Rd. were targeted in the past and previously submitted.

Councilman Whitmore: The Town needs to have a plan for these repairs written up.

Supervisor Heisler: Ignoring this could put the Town at risk for not receiving FEMA monies.

Councilman Pollard: would like to see the previous written report.

Councilman Whitmore: FEMA changes paperwork every couple of years; Smithville needs to keep up with the updates to these reports.

R5.) DCO: no report submitted. DCO was present. Quiet, 2 missing dogs were reported. The Annual evaluation was done last month. The delinquent list continues to be checked. Puglisi has moved to Greene. Town Clerk Owens will mail out a new delinquent list again and the DCO will mail Court summonses. Rabies clinics are going on, though Smithville is not on the list. It was questioned why Smithville has been taken off the list? TC Owens will call Chenango County and find out why Smithville is not on the list.

R6.) Attorney: no report submitted

R7.) Smithville Day: no report submitted. Patty Heisler was available with a verbal report. She would like about 10 highway cones for traffic purposes. Firewood raffle tickets will be available at the Town Clerk's window. Civil War camp sites will be taking place along with other activities. An indoor garage sale over the weekend netted \$340.

R8.) Custodian: no report submitted

R9.) Playground Committee: report submitted. A work session was held May 7th and 17th where they worked on weeding flower beds and mulching. Another report will probably come out soon.

R10) Town Clerk: report submitted. Sporting license capability is moving along—should happen soon.

R11) Planning Board: no report submitted

R12) Supervisor's Report: report submitted. An electronic transfer from Highway Saving to Hwy Checking and General Saving to Gen. Checking had problems. At one point there had been a concern about hackers. The bank had been doing an update on the transfer system and has to wait for the paper verification.

There was additional discussion on the Budget, including Sales tax revenue, money transfers to the Town Barn fund, the Highway Savings account and where monies come from and what it can be used for; the balance in the General Savings Holding account; the use of the \$46,000. from Highway Savings (FEMA \$ which was used to offset the typo error in the 2014 Budget).

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MINUTES APPROVAL for Apr. 28th

8:45PM

The minutes of the April 28th Town Board meeting were reviewed. A motion to accept these minutes was made by Councilman Whitmore, 2nd by Councilman Pollard. All 5 Board members: Heisler, Ludwig, Pollard, Whitmore, Cammarata were in favor; motion carried.

WARRANTS

8:50PM

General Warrant # 5, Claims # 62-74, Claim #68 deleted, in the amount of \$6,000.87 were presented for payment. A motion to approve and pay these claims was made by Councilman Whitmore, 2nd by Councilman Pollard. All 5 Board members: Heisler, Ludwig, Pollard, Whitmore, Cammarata; motion carried.

A Resolution is required to pay an annual contractual amount of \$300. to the Smithville Day Committee for the June 14th event (before the next Town Board meeting).

RESOLUTION # 17 (2014): APPROVE \$300. EXPENDITURE TO THE SMITHVILLE DAY COMMITTEE FOR JUNE 14TH EVENT

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

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

Highway Warrant # 5, Claims # 39-48 in the amount of \$8,142.41 were presented for payment. After consideration a motion to approve and pay these claims was made by Councilman Cammarata, 2nd by Councilman Ludwig. All 5 Board members: Heisler, Ludwig, Pollard, Whitmore, Cammarata; motion carried.

There was additional discussion on what constitutes Highway expenditures vs. General Expenditures. No other business came before the Board. The next meeting will be June 16th. A motion and 2nd to adjourn were followed. Meeting adjourned at 8:56pm.

Alison B. Owens

Smithville Town Clerk