

Minutes of the Smithville Town Board  
July 15, 2019

OPENING of Town Board meeting by Supervisor Heisler 6:30PM

ROLL CALL/PLEDGE:

ATTENDANCE in addition to Supervisor Heisler:

Councilman Mike Evans  
Councilman Bob Whitmore  
Councilman Karl Ludwig  
Councilman John Cammarata

ALSO:  
Alison Owens, Town Clerk  
Vince Witkowski, Hwy Sup't  
Pam Holcomb, Planning Board; Jeff Lowe, Assessor  
Ken Whitmore III, Fire Chief  
Angelo Cioffi, BAR; Ken Whitmore Jr. \*

PUBLIC HEARING ON ROAD PRESERVATION LOCAL LAW 6:35PM

Supervisor Heisler declared the Public Hearing OPEN @ 6:32. Town Clerk Owens read the legal ad as advertised in the Evening Sun.  
There were no comments.  
Supervisor Heisler declared the Public Hearing CLOSED @ 6:33pm

CORRESPONDENCE 6:48PM

- C1) thank you for flowers from the family of Phyllis Auwarter
- C2) Local Law 1 2019 has been filed and accepted with the Dept of State as of 6/24/19
- C3) FOIL request for an Environmental Site Assessment for property across the street. The potential purchasers are looking for any environmental factors happening in the past that could impact the potential future use of the property.

NEW BUSINESS 6:50PM

NB1) Cincinnatus Lake dam situation:  
In 1968 an agreement between the Town, NYSDEC and the Watershed District allowed control for the operation of the Cincinnatus Lake Dam and its watershed District. Since the 50 year agreement is up, Supervisor Heisler has heard from NRCS, NYSDEC, and officials of the water district, and has met with them at the dam to view it.

The Cincinnatus Lake Association used to be responsible for the dam and its site but they have since disbanded. The Watershed District has some responsibility but no funds. The dam is on private property belonging to Roger Hatfield. The classification of the dam at the present time is a low to medium hazard. The dam needs to have full testing and inspection to find out its status. There are some current violations based on a recent assessment after the 50 year agreement was up. The dam could be declassified lower but the recommendation would have to come from the engineer and the DEC would have to make the decision. If it were declassified to a lower level there would be different implications. .New DEC regulations have now put the dam's violations directly into the Town of Smithville's hands.

A copy of the Town of Smithville's Emergency Action Plan was sent to the DEC but the DEC says it is expired. The engineer involved in the assessment has a couple of days at the end of the July to discuss what needs to be done. A new evaluation of the dam needs to be made, which could be costly to the Town if core drillings are involved. It was decided that as many of the Board members as are available should attend with Supervisor Heisler and the Engineer at the end of July to view the dam, its current violations and discuss options. A new plan would be developed and would probably have to be re-evaluated every 2 years.

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NB2) proposal from Frontier for support contract for the Mitel system. Frontier has not gotten back to the Town with answers on the problems the Mitel system is currently experiencing. Boardmembers said they would like Frontier's maintenance people to answer the questions and get the product working before entering into a support contract.

NB3) proposed Emergency Action Plan for the Town of Smithville. Submitted by FireChief Ken Whitmore III, this plan is a shortened version of other Towns/Municipalities except for a couple of typos. It was suggested the zoning as listed on p.2 under "C" be removed as the Town of Smithville does not have zoning. Supervisor Heisler said he will take it to Norwich tomorrow and show it to Matt Beckwith, Chenango County EMS Co-ordinator..

NB4) Consider action on Road Preservation Local Law

**Councilman Ludwig:** after reading the Attorney's opinion, he feels the proposed Local Law should be reconsidered and read the Attorney's statement which in part said it would be difficult to enforce. He asked, "What is enforceable?". The Highway Sup't should have the ability to shut it down. And the contractor alone should have the responsibility to get a bond.

**Hwy Sup't Witkowski:** said ours is based on the Town of McDonough. They have had 1 problem in the past 12 years where a contractor did damage to the roads and wrote a check for repair of the damages. He said Greene has weight limits on roads and that really limits road use.

**Councilman Ludwig:** The other road use was done during the height of gas drilling. The Hwy Supt should have the authority to stop a project. He is not sure how a bond works.

**Hwy Sup't Witkowski:** the bond allows the contractor to fix the roads either by doing it themselves or by paying the Town for them to fix the road.

**Councilman Whitmore:** the biggest recent offense was Burrell's who tore up the road (Buckley Hollow) when he was putting in a house and did not fix the road.

**Councilman Ludwig:** Recommended either to take no action or have the Att'y come and talk to the Board.

**Supervisor Heisler:** most of the calls he gets are about road conditions. Also the Town is fortunate to have a Planning Board which works closely with the County. He is ok to table any action and to attend the next Planning Board meeting to talk together.

**PB member Pam Holcomb:** we are paying a road use tax. It was supposed to be a Preservation Law rather than Road Use law (which is why the title of the Local Law was changed)

**Councilman Bob Whitmore:** still feels the landowner should not be responsible for damages. He does not have a problem with the contractor getting the bond or the application, and to have Vince shut down the operation if necessary. It's better to have whoever comes in for the application also apply for the bond. Other vehicles such as cement trucks should also be affected by the Road Preservation Law.

**Hwy Sup't Witkowski:** feels that due to some property owners doing their own logging, it isn't right to go after just the contractor who comes to pick up the logs. The property owner has some responsibility.

**Supervisor Heisler:** Yes, and an out of town property owner sometimes looks around for the cheapest logger to do the job.

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Board members agreed the application fee should be put back in the Local Law. They agreed also that No Action on proposed Local Law # 2 be taken. It was recommended to meet with the Planning Board August 7<sup>th</sup> to work out the differences and reconsider the updated Local Law at the next Town Board meeting August 19<sup>th</sup>.

OLD BUSINESS (UPDATES IF ANY)

7:20PM

OB1) complaint of unkempt properties on Pearl St./Fred Wilcox Rd/

OB2) LED upgrade at the Town Barn. While there has not been any recent official contact with NYSEG concerning the street light upgrade, most of the "unexpired life" fee set by NYSEG, minus about \$20. was charged to the Tyner street lighting bill this month. Board members felt this was some progress in the contract to change the street lights over to LED.

OB3) consider action on rear façade of Town Barn

The Highway Committee: Board members John Cammarata and Bob Whitmore suggested fixing the roof and putting a cold storage area on the back of the Town barn, leaving the current siding on the barn in that storage area. This would then be closed in and be a space to house additional Town equipment. Highway Sup't Witkowski said he could do the work off hours with the current employees using overtime. It was considered also do the entire roof but patching is a possibility if a determination can be made on its condition.

OB4) consider action on back door replacement on Pavilion. This has been completed and a copy of the invoice sent to the Bookkeeper for payment.

OB5) considerations for addition to Community Center (JCAP)

Supervisor Heisler has not been able to sit down with the Chenango County Sheriff to discuss the idea of a substation office in Smithville Flats. Until that happens, there is no formal proposal. Supervisor Heisler also said he has not been able to talk with the JCAP people as they would only communicate with the Town Justice.

OB6) update on street lights: previously discussed

OB7) inspection of old Town dump. Supervisor Heisler sent the permission form in to the DEC a couple of weeks ago for an inspection of the site of the old Town Dump.

OB8) any further discussion on shredding options. Town Clerk Owens asked that no contracts be signed at the moment as the computer and program she is using are having difficulties and she cannot print out the correct forms listing records to be destroyed.

REPORTS

7:40PM

R1.) Highway: report submitted

- Storms in June caused a lot of damage to Town roads in the NE part of Town. Hwy Sup't Witkowski has called FEMA for an application of funds to help with repairs.
- Mowing is in the process
- Switched from dust oil to calcium chloride. Costs a little more money but will build up in soil and will tighten roads up in 3 years

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- Auction International—has not had very good results. Bids have been low on the Doosan and other equipment. Does not have to accept any bid and will probably not put the pick/up on the auction site. He has had offers on the Doosan to sell outright after the auction
- Beavers are still a problem
- '02 Volvo brake work will be done by an outside contractor in house
- Might be getting 30k for winter contractual from Governor Cuomo for Winter Recovery
- There is excess sand from a local source which will help for the winter and would like to buy now at a reduced price. Board members were ok with buying additional sand at the reduced price.
- Hwy Sup't Witkowski would like to thank Bruce Kinney for his offerings of trucks/equipment during last storm.

R2) Assessor: report submitted. Mostly doing ag exemptions. NYS is handling the STAR exemptions so the Assessor is working with them; about 6 STAR exemptions were questioned by NYS. The Assessor is now working with data entry.

R3.) Enforcement Officer: no report submitted. The Enforcement Officer was not present

R4.) Planning Board: Copies of the minutes had not been distributed to the Town Board.

R5.) DCO: no report submitted.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee/Eagle Scout project: verbal report given by Town Clerk Owens. The playground is completed and is being used by the Community. A formal report by the Eagle Scout is expected by the Town Board.

R10) Town Clerk: report submitted.

R11) vacant

R12) Supervisor's Report: submitted

- The Supervisor is not yet sure on 2020 budget restrictions. He has heard it will be in the 2% range. There will probably be Tuesday night work sessions of the Town Board in August to start setting up the 2020 Budget.
- CHIPS should remain about the same this year
- A motion to accept the Supervisor's report was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

MINUTES APPROVAL for June 17<sup>th</sup>

8:10PM

- A motion to approve the minutes of the June 17<sup>th</sup> meeting was made by Councilman Evans, 2<sup>nd</sup> by Councilman Whitmore. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

WARRANTS

8:15PM

The claims for General Warrant # 7, Vouchers # 79-94, in the amount of \$ 8,922.02 were reviewed. A motion to accept and pay these claims was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Cammarata. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

The claims for Highway Warrant # 7, Vouchers # 83-94, in the amount of \$4457.28 were reviewed. A motion to accept and pay these claims was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Ludwig. All five Board members: Ludwig, Cammarata, Evans, Whitmore and Heisler were in favor, motion carried.

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Town Clerk Owens mentioned the remote for the air conditioner in the main room is not working to change temperature, though it does work to turn it on/off. The maintenance group has been called and they will be here this week.

There was no other business to come before the Board. Supervisor Heisler declared the meeting adjourned at 8:25pm. The next meeting will be the Planning Board meeting on Aug. 7<sup>th</sup> and the regular Town Board meeting on August 19<sup>th</sup>.

Alison B. Owens

Smithville Town Clerk

\*correction at the August 19, 2019 meeting from II to Jr.