

Minutes of the Smithville Town Board
October 21, 2019

OPENING of Town Board meeting by Supervisor 6:30PM
ROLL CALL/PLEDGE/LATE ADDITIONS: Resident Thomas Cashman request (NB2)

ATTENDANCE in addition to Supervisor Heisler:

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

ALSO:
Alison Owens, Town Clerk
Vince Witkowski, Hwy Sup't; Jeff Lowe, Assessor
Angelo Cioffi, BAR
Shane Butler, Bob Brooks, Pam Holcomb, Planning Board
Residents Ken Whitmore Jr., Thomas Cashman, Bob
Holcomb

PUBLIC HEARING ON SEASONAL HIGHWAYS 6:35PM
Town Clerk Owens read the legal ad as posted in the Evening Sun and Supervisor Heisler declared the Public Hearing OPEN. There were no comments. Supervisor Heisler declared the Public Hearing CLOSED.
6:36PM

PUBLIC HEARING ON SNOWMOBILE ROADS 6:40PM
Town Clerk Owens read the legal ad as posted in the Evening Sun and Supervisor Heisler declared the Public Hearing OPEN. There were no comments. Supervisor Heisler declared the Public Hearing CLOSED.
6:41PM

PUBLIC HEARING ON THE GENEGANTSLET FIRE CO BUDGET 6:45PM
Town Clerk Owens read the legal ad as posted in the Evening Sun and Supervisor Heisler declared the Public Hearing OPEN. There were no comments. Supervisor Heisler declared the Public Hearing CLOSED.
6:46PM

PUBLIC HEARING ON THE SMITHVILLE CENTER FIRE BUDGET 6:50PM
Town Clerk Owens read the legal ad as posted in the Evening Sun and Supervisor Heisler declared the Public Hearing OPEN. There were no comments. Supervisor Heisler declared the Public Hearing CLOSED.
6:51PM

CORRESPONDENCE (none) 6:55PM

NEW BUSINESS 6:50PM
NB1) Request from Smithville Valley Grange for \$300 for Children's Christmas Party. Since this has been done in past years, the Board was in favor of a Resolution appropriating these funds.

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RESOLUTION # 47 (2019): AUTHORIZE \$300 IN FUNDS FOR GRANGE SPONSORED CHILDRENS' CHRISTMAS PARTY

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

AYES Ludwig, Cammarata, Evans, Whitmore, Heisler
NAYES 0
ABSTAIN

Resolved to authorize \$300 in Town funds for the Grange sponsored Children's Christmas Party to be held Dec. 14th. This is budgeted for annually.

NB2) Tom Cashman, of 141 Engaard Rd, Greene was recognized and mentioned his driveway next to Engaard Rd has had water damage from the water running down it. He would like to have it repaired. Hwy Sup't Witkowski said it was noted and that he would be there sometime this week to work on it. The part to be repaired would be within the Town right of way.

OLD BUSINESS (UPDATES IF ANY)

7:00PM

OB1) update on the Cincinnatus Lake Dam situation.

OB2) update on Oxford Fire Contract

OB3) consider Resolution to adopt the Tentative Budget for 2020 as the Preliminary Budget and call for Public Hearing on Wednesday Nov.6, 2019 @ 6:30pm

The above Old Business items were discussed later in the meeting.

OB4) further comments on Road Use Agreement:

Supervisor Heisler expressed concern over the length of time this Local Law has taken to be decided. Town Clerk Owens said the wording changes recommended at last monthsmeeting were tentatively put into the Local Law format and emailed to all Board members but no feedback was received from them except for Councilman Ludwig. Town Clerk Owens was reluctant to email the changes to PB Chair Butler until all of the Board okayed the corrections.

Councilman Ludwig's email comments revolved around Section 4 #1 which seemed to indicate the Hwy Sup't could change the amount of the bond at any time after the job starts. It was suggested to set an amount of bond for each section of road mileage, ie miles 1-4, then incremental after that.

Councilman Cammarata: We will not need a bond in increments. Just use 1 large \$ monetary amount for a bond, maybe \$100,000.Or \$50,000?

Hwy Sup't Witkowski recommended the lower amount as it wouldn't take \$100,000 to repair a section of road.

Planning Board Chair Butler said the Local Law should refer to the bond amount in the Town Fee Schedule.

Town Clerk Owens said if the amount is mentioned in the Local Law, then a Public Hearing would be required any time the amount of the bond is changed. The Town Fee Schedule is modified annually at the Organizational meeting in January

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Board members were accepting of the change to the contents of Local Law # 1 to have the Town Board set the fee for the refundable bond and that it be listed on the Town of Smithville Fee Schedule. The Planning Board, with 3 members present, were also in approval of the changes. A motion to call for a Public Hearing on Local Law # 1 (2019) Town of Smithville Road Preservation Law was suggested for Wednesday November 6, 2019 @ 6:40pm. This was put to Resolution:

RESOLUTION # 48 (2019): CALL FOR PUBLIC HEARING LOCAL LAW # 1 (2019) TOWN OF SMITHVILLE ROAD PRESERVATION LAW

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

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

Resolved to hold a Public Hearing on Local Law # 1 (2019) Town of Smithville Road Preservation Law on Wednesday November 6th @ 6:40pm. Another Public Hearing on the 2020 Town of Smithville Budget will be held @6:30pm that day.

REPORTS

7:20PM

R1.) Highway: reportsubmitted:

- Used STOP and YIELD signs will be given to the Town from NYSDOT Oxford
- Cold patched potholes
- New clutch assembly for wood chipper
- Hinges cost \$3329. for the 2015 dump truck
- Still dealing with beavers
- Still having issues with the Gradall
- Supervisor Heisler said a resident called and reported a wash out on King Rd. Hwy Supt. Witkowski said he is aware of it and is working with the situation.
- Randy Hay and Fred Eaton have both stopped to look at the Town Barn roof. Fred Eaton gave a verbal quote of \$1750. But Supervisor Heisler said he would like that quote in writing. Hwy Supt Witkowski said he would get the written quote. He has not heard back from Randy Hay.
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R2) Assessor:reportsubmitted. The disability level is currently at \$16,700. 8 people can take advantage of that. Does the Board want to raise that amount. Surrounding school districts are the same but Whitney point is \$12.-19,500. There is some time to consider it yet before a decision needs to be made. Information on other school and Town limits were provided. Board members said they would consider it.

R3.) Enforcement Officer: no report

R4.) Planning Board:Dollar General application was submitted to Chenango County, approved, then on to NYS where there were some additional requests. The Smithville Planning Board had requested a Permaboardsiding

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on the front rather than metal, a monument sign rather than a tall pole sign and no beer sales. The only request Dollar General approved was the Permapboard, no answers yet on the other requests

R5.) DCO: no report submitted.

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee: no report

R10) Town Clerk: report submitted

- There is still an issue with Frontier. The Regional Tech will not return calls concerning repair, the account manager has sent the Town back to Customer Service for changes to the phone service and credit for paying for a 2nd fax line for over a year. This continues to be a problem as the Mytel does not always work and as it is now, the system prevents 2 departments from being on the phone at the same time. It was decided to try and work toward unhooking the Town from the Mytel system and go back to having the Town Barn and Justice having their own phone #'s, having the Town Clerk and Assessor share a # and having 1 dedicated fax line. Supervisor Heisler will make an attempt to contact Frontier.
- The Town has received notification that the 2016, 2018 Justice Audits were not received by the NYS Court Administration System. Councilman Cammarata had a copy of the 2016 Justice Audit and Town Clerk Owens had a copy of the 2018 audit. These were given to Supervisor Heisler for mailing.
- 20 boxes of Inactive and Unneeded Records were recorded and then shredded by Rogers Service Group of Binghamton. The cost was \$111.28 and is on the General Warrant.

R11) vacant

R12) Supervisor's Report: submitted. The additional 3 Old Business items were discussed at this time.

- **Cincinnatus Lake Dam:** DEC had previously sent notification to the Town about issues with the dam. The 50 year agreement with NRCS and the Lake Association is expiring; there was no EAP, although later the DEC did accept the Town's newly revised EAP. The DEC had wanted engineering assessments of the Cincinnatus Lake dam so Supervisor Heisler and Voight Engineering had met with others to take a look at things. Some of the assessments could re-classify the Dam from B to A but there was no guarantee the DEC would actually make the decision to reclassify the dam. The scope of Services to do these evaluations was estimated at \$5530. It was questioned who would pay the bill to have these assessments done? There is no more Cincinnatus Lake Small Watershed Protection District. The Chenango County Soil and Water Conservation Office said a retired engineer could do it for \$4,000. At last weeks meeting the Chenango County S/W committee said they would pay \$2,000 of the \$4,000. Supervisor Heisler asked Roger Hatfield, owner of the property the dam is located on, if he would pay ½, then Town of Smithville would pay the other ½. Mr. Hatfield said he would be willing to take that on. Supervisor Heisler asked the Board if they were willing to pay ½ of the remaining \$2,000. The following Resolution was brought forth.

RESOLUTION # 49 (2019): AUTHORIZE PAYMENT OF \$1,000 TOWARD EVALUATION OF THE CINCINNATUS LAKE DAM

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

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

Resolved to authorize funds of \$1,000. Toward an evaluation of the Cincinnatus Lake Dam with the assistance of \$1,000 from dam property owner Roger Hatfield and \$2,000 from the Chenango County Dept of Soil and Water Conservation. Such evaluation will be done by a qualified engineer.

- **Oxford Fire Contract:** Since the Oxford Fire Dept had sent their proposed 2020-2024 Budget in for consideration, Supervisor Heisler had, on behalf of the Town Board, sent letter saying the Town Board would not pay their proposed rate in crease for 2020. The Town of Preston is in the same position as Smithville and the town of Oxford is closely aligned as well. If Preston, Smithville and Oxford were all to not agree with the proposed Fire District Budget then it could potentially create problems. Smithville and Preston Supervisor's agreed to 2% rate increase and to do perhaps a 1 year contract instead of 5 years. Because our equalization rate has dropped over the last 5 years it has impacted the fire district budget. Supervisor Heisler asked what the Board would like to do?

Councilman Evans: left on an emergency call at 8:08pm.

Councilman Cammarata: 2% for each year for 5 years

Councilman Whitmore: does not see how the 3 separate towns can be linked to this budget. He would rather not see it be for 5 years but it is the cheapest way out.

Councilman Ludwig: 2% for each of the 5 years

Supervisor Heisler indicated he would go back to the table with a 2% increase every year for 5 years.

- There has not yet been an invoice received from Mirabito for the Town's purchase of the Mirabito propane tanks. Councilman Whitmore will check on that.
- Received in the mail today was a sales tax revenue check in an amount of over \$53,000.
- A motion to accept the Supervisor's Report was made by Councilman Ludwig, 2nd by Councilman Cammarata. All four Board members: Ludwig, Cammarata, Whitmore and Heisler were in favor, motion carried. Councilman Evans was absent.

MINUTES APPROVAL for September 16th*

8:15PM

The minutes of the September 16th meeting were reviewed. A motion to approve those minutes was made by Councilman Whitmore, 2nd by Councilman Ludwig. All four Board members: Ludwig, Cammarata, Whitmore and Heisler were in favor, motion carried. Councilman Evans was absent

WARRANTS

8:20PM

General Warrant # 10, Vouchers # 120-130, in the amount of \$3,819.71 were submitted for payment. Voucher # 130 to JC Smith for road signs was transferred from the Highway Warrant to the General. A motion to approve payment of these claims was made by Supervisor Heisler, 2nd by Councilman Cammarata. All four Board members: Ludwig, Cammarata, Whitmore and Heisler were in favor, motion carried. Councilman Evans was absent

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Highway Warrant # 10, Vouchers # 118-121, 123-126,128-135 in the amount of \$72,150.14 were presented for payment. Claim # 122 was a General claim previously transferred from the Highway Warrant; Claim # 127 transferred to the General Warrant as claim # 130. A motion was made by Councilman Cammarata, 2nd by Councilman Whitmore to approve payment of the above mentioned claims except for # 122 and 127. All four Board members: Ludwig, Cammarata, Whitmore and Heisler were in favor, motion carried. Councilman Evans was absent

OTHER:

2020 Preliminary Budget

With the adjustments in the Oxford Fire District Budget and also in the Brisben Fire District Budget for 2020, the Town budget now has a delta of \$1460. To put somewhere. Supervisor Heisler recommended a secondary A1410.2 line item to be named Equipment Technology. Before the Tentative Budget can be adopted as the Preliminary 2020 Budget, the items must be changed in the template done by the Bookkeeper and then approved by the Town Board. Supervisor Heisler will call a special meeting when the changes have taken place and when the new Budgets are reprinted.

Computer for the Hwy Sup't:

Town Clerk Owens mentioned the Highway Sup't laptop is all but shot and that he has no printer because the printhead needs replacing. Town Clerk Owens has found a couple of suitable laptops on Staples.com and a new printer for consideration to purchase, but she is seeking authorization of up to \$500. to purchase 1 laptop and 1 printer for the Hwy Sup't

RESOLUTION # 50 (2019): AUTHORIZE PURCHASE OF LAPTOP/PRINTER UP TO \$500 FOR THE HWY SUP'T

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

AYES	Ludwig, Cammarata, Whitmore, Heisler
NAYES	0
ABSENT	Evans

Resolved to authorize funds of up to \$500 to purchase a laptop and printer for the Highway Sup't.

There was no other business to come before the Board. The next official meeting is Wednesday November 6, 2019 @ 6:30pm for the Public Hearing on the Preliminary Budget, followed by the Public Hearing on the Town of Smithville Road Preservation Local Law.

CLOSE by Supervisor Heisler 8:45PM

Alison B. Owens

Smithville Town Clerk