

Minutes of the Smithville Town Board
February 15, 2021

OPENING of Town Board meeting 6:02PM
ROLL CALL/PLEDGE/LATE ADDITIONS:

OPENING of Town Board meeting by Supervisor Cammarata 6:02PM

ATTENDANCE in addition to Supervisor Cammarata:

Councilman Bob Whitmore	ALSO:
Councilman Karl Ludwig	Alison Owens, Town Clerk
Councilman Mike Evans	Vince Witkowski, Hwy Sup't
Councilwoman Pam Holcomb	Assessor Jeff Lowe
	Brendon Becker, Lamont Engineering

EXECUTIVE SESSION: A call to enter into Executive session was made by Councilman Ludwig, 2nd by Councilwoman Holcomb, all in favor motion carried. Into Executive session @ 6:03pm to discuss an employment situation.

OUT OF EXECUTIVE SESSION at 6:17pm in a motion by Councilman Ludwig, 2nd by Councilman Evans, all in favor, motion carried. No action was taken.

PRESENTATION: DAVID CRAINE OF MANG, CRAINE, MIRABITO INSURANCE FOR 2021/22 6:21PM
Mr. Craine presented Board members with a booklet of insurance coverages with quotes by NYMIR and SELECTIVE insurance companies. Board members will review the quotes later in the meeting with a 3rd quote from Gates-Cole Agency.

PUBLIC HEARING: BRENDAN BECKER OF LAMONT ENGINEERING RE: WATER SYSTEM 6:32PM
Declared OPEN at 6:32pm, by Supervisor Cammarata and the items therein considered:

BECKER: this is a for a study done 1st to evaluate wells in community of Smithville Flats for the 1st round in the 2020 Community Development Block Grant grant application to see if the Community would benefit by having a water system. 95% of the cost would be covered by the Grant for the study, leaving \$3000. cost to the Town.

There was no Public in attendance, though Board members did discuss the measure.
The PUBLIC HEARING was CLOSED by Supervisor Cammarata at 6:44pm.

ACTION: RESOLUTION TO MOVE FORWARD WITH STUDY

RESOLUTION # 6 (2021): MOVE FORWARD WITH CDBG GRANT APPLICATION IN THE AMOUNT OF \$3,000.

The Full Resolution is included at the end of these Board minutes:

On a motion by Councilman Whitmore, 2nd by Councilman Ludwig, this Resolution was ADOPTED

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

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RESOLVED to move forward with CDBG grant application for a Community study for water system in the hamlet of Smithville Flats in the amount of \$3,000.

Becker also spoke about various grants that are available for many different things and recommended an engineering firm to do studies on what the Town's needs are and how to accomplish these changes. It would be advantageous for the Town to advertise in a legal ad for firms to do an RFQ to see what can be accomplished.

Board members discussed this later in the meeting and felt it would be worthwhile for the Town of Smithville. The following Resolution was put forth

RESOLUTION # 7 (2021): RESOLUTION TO HIRE ENGINEERING FIRM WITH RFQ (REQUEST FOR QUALIFICATIONS) AND TO ADVERTISE FOR SUCH IN A LEGAL AD IN THE NEWSPAPER.

On a motion by Councilman Ludwig, 2nd by Councilman Whitmore, this Resolution was ADOPTED:

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

RESOLVED to hire an Engineering firm with RFQ (Request for Qualifications) for the Town of Smithville and to put a legal ad in the newspaper advertising for such.

CORRESPONDENCE

7:15PM

C1) letter of intent from Marie Kehl for Planning Board.

C2) letter from the 1st Congregational Church acknowledging receipt of \$75 donation in the memory of Josh Brooks.

C3) Fire Inspection report from Chenango County Code Enforcement Office. Action items advised. Supervisor Cammarata will check on the items with the County Code Enforcement Office.

NEW BUSINESS

7:20PM

NB1) Consider appointment of one of two candidates to the Planning Board. 2 letters of intent have been received for a 5 year appointment to the Planning Board from Deb Lilley and Marie Kehl. After considerations, a decision was made.

RESOLUTION # 8 (2021): APPOINT MARIE KEHL TO THE PLANNING BOARD FOR A 5 YEAR TERM

On a motion by Councilman Evans, 2nd by Councilman Ludwig, this Resolution was ADOPTED.

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

RESOLVED to appoint Marie Kehl to the remainder of the 5 year position on the Planning Board from February 15, 2021 to December 31, 2025.

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NB2) Consider Resolution acknowledging Justice audit and file with the Comptroller's Office. This was done in the following Resolution:

RESOLUTION # 9 (2021): COMPLETION OF JUSTICE AUDIT FOR 2020

On a motion by Councilman Whitmore, 2nd by Councilwoman Holcomb, this Resolution was ADOPTED.

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

RESOLVED to acknowledge the completion of the Justice audit for 2020 and to file with the NYS Comptroller's Office

NB3) Consider Resolution changing term of Town Supervisor from 2 to 4 years. If approved by the Town Board this will be sent to the Board of Elections as Local Law # 1 2021, and will appear on the ballot November 2, 2021 as a Public Referendum. This was put to Resolution.

RESOLUTION # 10 (2021): CHANGE TERM OF OFFICE OF TOWN SUPERVISOR FROM 2 TO 4 YEARS, LOCAL LAW #1 2021

On a motion by Councilman Ludwig, 2nd by Councilwoman Holcomb, this Resolution was ADOPTED.

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

RESOLVED to approve Resolution changing the term of office of the Town Supervisor from 2 years to 4 years. Such Resolution would become Local Law # 1, 2021 if approved at a Public Referendum on November 2, 2021.

NB4) Consider Resolution changing term of Hwy Superintendent from elected to appointed. After discussion, the Town Board requested to change the length of the term from 2 years to 4 years and NOT change the office from elected to appointed. They also requested the title of the position be named as Highway Superintendent instead of Highway Supervisor as originally submitted. After these changes the Resolution was put to vote:

RESOLUTION # 11 (2021): CHANGE TERM OF OFFICE OF HIGHWAY SUPERINTENDENT FROM 2 TO 4 YEARS, LOCAL LAW #2 2021.

On a motion by Councilman Evans, 2nd by Councilman Whitmore, this Resolution was ADOPTED.

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

RESOLVED to approve Resolution changing the term of office of the Town Highway Superintendent from 2 years to 4 years. Such Resolution would become Local Law # 2, 2021 if approved at a Public Referendum on November 2, 2021.

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NB5) Consider Resolution adding fee of \$2.00 to send dog tag through mail to 2021 Town of Smithville fee schedule. Town Clerk Owens mentioned there are some people who cannot come to the office to license their new dogs. She is in the process of designing a dog license application for the website which will allow a person to apply for a dog license and then send in the required documents for the new license. Because the cost to mail a dog tag is expensive and would have to be deducted from the profit of the license, Town Clerk Owens suggested a \$2.00 fee to mail the dog tag to the dog's owner. This was agreed on by the Town Board in the following Resolution.

RESOLUTION # 12 (2021): ADD \$2.00 FEE TO FEE SCHEDULE TO MAIL DOG TAG TO DOG OWNER

On a motion by Councilman Ludwig, 2nd by Councilwoman Holcomb, this Resolution was ADOPTED.

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

RESOLVED to approve adding a \$2.00 fee to the Town of Smithville fee schedule for 2021 to send a dog tag through USPS to a dog's owner.

NB6) Consider Resolution to purchase used 2017 MACK with wing and plow Hwy truck from Town of Sherburne. Truck was driven to Smithville for inspection last week. Resolution was written as a letter of intent on February 12, 2021 and was approved by phone call to individual Board members. A copy of the letter of intent is included at the end of these minutes.

RESOLUTION # 13 (2021): APPROVE PURCHASE OF A 2017 MACK TRUCK WITH WING & PLOW FROM TOWN OF SHERBURNE

On a motion by Councilman Whitmore, 2nd by Councilman Evans, this Resolution was ADOPTED.

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

RESOLVED to purchase a 2017 MACK truck with plow and wing from the Town of Sherburne in the amount of \$150,000. The funds used will come from Highway New Equipment fund. This Resolution was done by phone.

The Town of Sherburne has a 2018 MACK which will be for sale in the fall of 2023. Supervisor Cammarata said the Town of Smithville can have the option of 1st refusal for this truck if there is an approval by the Town Board and a letter of intent written to the Town of Sherburne. This was so moved in the following Resolution.

RESOLUTION # 14 (2021): OPTION OF 1ST REFUSAL OF A 2018 MACK TRUCK WITH WING & PLOW FROM TOWN OF SHERBURNE *

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

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

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ABSTAIN 0

RESOLVED to have the option of 1st refusal of a 2018 MACK truck with plow and wing from the Town of Sherburne in the fall of 2023. A letter of intent will be written to Sherburne to indicate this.

Supervisor Cammarata indicated later in the meeting the funds to make this purchase will come from leftover monies in the General and Highway 2021/22 Budgets.

NB7) Consider authorization to allow "in memory of" trees to be planted along north boundary from sidewalk to Pavilion. Supervisor Cammarata suggested the planting of **dwarf** shrubs or trees along that line so that they did not grow to a large size. This was also recommended by the rest of the Town Board members. May 16th will be the date of the memorial for Martha and Philip Rogers, both of whom served as Town Officials. Supervisor Cammarata will contact the Eldred family. The Hammond family may also want to plant a dwarf tree or shrub in memory of their son Jarred.

NB8) Consider Resolution transferring funds from A1620.1 to A1620.4. Custodian/Groundskeeper are considered contractual employees.

RESOLUTION # 15 (2021): TRANSFER MONIES FROM A1620.1 TO A1620.4

On a motion by Councilman Evans, 2nd by Councilman Ludwig, this Resolution was ADOPTED.

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

WHEREAS the Custodian and the Groundskeeper are contractual employees and are not paid a salary (A1620.1), and WHEREAS they are both paid from this account A1620, and should be paid from A1620.4, BE IT THEREFORE RESOLVED to transfer monies in the 2021 Town Budget from A1620.1 to A1620.4 for future payments to them.

OLD BUSINESS (UPDATES IF ANY)

7:45PM

OB1) Cincinnati Lake Watershed Protection District

- Letter from Att'y Dave Berger indicating the Town does not own the property the dam is located on and the dam should be maintained by the CLWPD with no maintenance to be done by the Town,
- Letter from JoAnn Smith, Gates-Cole Insurance indicating the Town does not own the property the dam is located on therefore there is no requirement to insure it.

OB2) no further discussion of hamlet water system

OB3) **further discussion of Town insurance renewal:** Supervisor Cammarata said the Town now has 3 insurance quotes for its annual policy; a 4th company in Broome County declined to quote.

NYMIR QUOTE: \$19,050.26

SELECTIVE QUOTE: \$25,456.76 These 2 quotes provided by NBT Mang Insurance, Norwich NY and include cyber security

GLATFELTER QUOTE: \$18,657.34 cyber security included, quote provided by Gates-Cole Insurance, Norwich NY.

Supervisor Cammarata will sit down and compare the quotes and ask for some comparable figures for increasing the replacement value of the Community Center.

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NEW SERVICE REQUESTS SINCE LAST MEETING

8:10PM

1 new service request—1 offer came in as a Service Request allowing place to dump ditch diggings

REPORTS

8:15PM

R1.) Highway: report submitted.

- Trucks still having repair issues
- Still working with 3 employees with one out on Medical
- Went over rough figures for financing used truck in the fall; Supervisor Cammarata said with left over amounts in the 2020 Budget of \$45K+, transferring 63K from Highway, and an additional amount from General to make it \$148K for November truck purchase from the Town of Sherburne. An additional \$2K is needed.
- 2002 Volvo will be going to SYR for repairs later this week. Some of the repair work has been done in-house.

R2.) Assessor: report submitted:

- Equalization rate has been dropped 1% by NYS to 57% for 2021 roll

R3.) Enforcement Officer: no report submitted

R4.) Planning Board: preliminary minutes of the February meeting were available. A broadband grant for Chenango County in the amount of \$35K for wireless internet company for Smithville and Preston is being implemented. This is an antenna-based system.

R5.) DCO: no report submitted

R6.) Attorney: interpretation submitted

R7.) vacant

R8.) Custodian: no report submitted but has action items to mention

R9.) Playground Committee: no report

R10) Town Clerk: report submitted. There has been 1 returned check this tax season. The returned check fee is currently \$15 and should be added to the 2021 Fee Schedule. Board members suggested the returned check fee should be raised to \$35. This was put to Resolution.

RESOLUTION # 16 (2021): INCREASE RETURNED CHECK FEE TO \$35.00

On a motion by Councilman Ludwig, 2nd by Councilwoman Holcomb, this Resolution was ADOPTED.

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

RESOLVED to raise the returned check fee from \$15 to \$35.00 and to add it to the 2021 Town Fee Schedule.

R11) vacant

R12) Supervisor's Report: submitted*

- An ELON credit card for the Hwy Sup't, with his name on it, can be obtained through NBT with a credit limit of between \$500-1000. This would be for incidental purchases for places discouraging cash and/or bill to payments. Board members discussed the limits and asked Supervisor Cammarata to talk to NBT more about them. In the meantime, a Resolution approving the credit card was adopted.

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RESOLUTION # 17 (2021): APPROVE NBT'S "ELON" CREDIT CARD FOR THE HIGHWAY SUP'T

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

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

RESOLVED to approve an NBT "ELON" credit card for the Highway Sup't with his name on it with a credit amount of between \$500-1000. The credit limit will be established after Supervisor Cammarata discusses it with NBT.

- A proposal to **replace 25 fixtures to LED at the Town Barn from by Barnes Electric, Norwich NY** was reviewed. The light fixtures are located over the work bench (replace with 8' LED), and other area; 2 other business asked to quote the job did not. Barnes Electric will do the job for \$2750. which Board members approved in the following RESOLUTION

RESOLUTION # 18 (2021): APPROVE BARNES ELECTRIC PROPOSAL FOR \$2750. TO REPLACE 25 LIGHT FIXTURES AT THE TOWN BARN TO LED FIXTURES/LIGHTS

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

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

RESOLVED to approve Barnes Electric proposal of \$2750. To replace 25 light fixtures into LED fixtures at the Town Barn.

- The Comprehensive plan needs updating. Information on the Cincinnatus Lake dam will have to be changed.
- Supervisor Cammarata distributed information on **EnergyLogic**, a **waste oil heating company** in Rochester, which sells units to burn used oil for heating purposes. The Town of Sherburne has one which has been used successfully. There 3 different sizes ranging in price from \$10-12K unit plus installation. They will run on 110V but an electrician is required to complete the hook-up. Could purchase one now or wait until later. This was put on hold.
- There will be an Eagle Scout presentation May 15th, with an invite sent to various political figures. Supervisor Cammarata would like to have a plaque from the Town of Smithville made to honor the candidate, Kyle Eldred. Kyle has completed all available merit badges except for 2. Board members were in favor of having a plaque made in his honor.
- All Town Budget Monies have been transferred out to major equipment and the fire districts have been paid.
- A motion to accept the Supervisor's report was made by Councilman Ludwig, 2nd by Councilman Whitmore. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

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MINUTES APPROVAL for January 18, 2021

8:40PM

The **minutes of the January 18th meeting** were reviewed. A motion to approve the minutes was made by Councilman Whitmore, 2nd by Councilman Ludwig. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

WARRANTS

8:45PM

General Warrant # 2, Vouchers # 13-29, in the amount of \$3,726.41 were reviewed for payment. A motion was made by Councilman Evans, 2nd by Councilwoman Holcomb to pay these claims. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

The Barnes voucher for light/fixture replacement at the Community Center was paid and will appear on the March 15th warrant.

Highway Warrant # 2, Vouchers # 10-20, in the amount of \$13,586.92 were reviewed for payment. A motion was made by Councilman Whitmore, 2nd by Councilman Ludwig to pay these claims. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

8:55PM

OTHER: Councilman Evans asked about the CAMP program through Cornell University using interns to help with Highway Dept. training for Hwy Supt. The Town of Sherburne has used this program in the past few years and it has been very helpful. The cost is \$1400. This will be discussed at another time

Next Board meeting is March 15, 2021

CLOSE

by Supervisor Cammarata at

9:00PM

Alison B. Owens

Smithville Town Clerk

*corrected Resolution

TOWN OF SMITHVILLE
PO Box 217
5285 State Highway 41
Smithville Flats, NY 13841

RESOLUTION # 6--2021

CDBG 2020 Community Planning Grant
February 15, 2021

WHEREAS, the Town of Smithville has considered the investigation of the development of a municipal water system for the Hamlet of Smithville Flats; and

WHEREAS, the Town of Smithville Flats has conducted a public hearing pursuant to Section 570.486, Subpart I of the CRF and in compliance with requirements of the housing and Community Development Act of 1974 to get public input on the submission of a funding application for the 2020 Community Development Block Grant (CDBG) Funds;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of Smithville authorizes the Town Clerk and Supervisor to submit a funding application to the 2020 CDBG – Community Planning program to complete a preliminary engineering study for the Hamlet of Smithville Water System; and

BE IT FURTHER RESOLVED, that the Town Board of Smithville authorizes the Town Supervisor to provide a funding commitment letter to provide CDBG – Community Planning matching funds in the amount of \$3,000.

Ayes	5
Nays	0
Abstentions	0

Alison B. Owens
Clerk

Smithville Town Clerk

Date Adopted: February 15, 2021

*This is a certified copy of the Resolution
from the minutes of February 15, 2021.*

**TOWN OF SMITHVILLE
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Smithville adopted a local law entitled, "Local Law to Change the Term of Office of Town Supervisor from Two (2) Years to Four (4) Years" at its meeting held on February 15, 2021

Be it enacted by the Town Board of Smithville as follows:

TOWN OF SMITHVILLE

Local Law No. 1, the year 2021

A Local Law Increasing the Term of Office of Town Supervisor from Two Years to Four Years.

Be it enacted by the Town Board of the Town of Smithville as follows:

Section 1. TITLE: This local law shall be known as the "Local Law to Change the Term of Office of Town Supervisor from Two (2) Years to Four (4) Years" in the Town of Smithville, Chenango County, New York.

Section 2. PURPOSE: The purpose of this local law is to extend the term of the office for the Town Supervisor from two (2) years to four (4) years. The Town Board believes an extended term would bring greater continuity to the office and believes the extended term is in the public's best interest.

Section 3. STATUTORY AUTHORITY: This local law is adopted pursuant to Section 10(1)(ii)(a) and Section 23(2)(e) of the Municipal Home Rule Law of the State of New York.

Section 4. APPLICATION OF FOUR YEAR TERM OF OFFICE: This local law shall extend the term of office of the elected Town Supervisor from two years to four years. Such four-year term shall commence as of the first day of January following the first biennial town election after the effective date of this local law and shall apply to the person elected to such office at the biennial town election held on November 2, 2021 and those elected thereafter.

Section 5. MANDATORY REFERENDUM: This local law is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified electors of the Town of Smithville at the general election to be held November 2, 2021. A proposition in the following form shall be included on the ballot at such general election, and the

increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified electors of the Town of Smithville voting thereon:

"Shall Local Law No. 1 of the year 2021, entitled a Local Law Increasing the Term of the Office of the Town Supervisor from Two to Four Years be approved?"

Section 6. SUPERSESION: This local law shall supersede Town Law §24 relating to the terms of the office of Town Supervisor of the Town of Smithville.

Section 7. EFFECTIVE DATE: This local law, if approved as set forth above by the qualified electors, shall become effective immediately, upon being filed in the Office of the Secretary of State.

Dated: Smithville, New York
February 17, 2021

BY ORDER OF THE TOWN BOARD OF THE TOWN OF SMITHVILLE

ALISON B. OWENS, TOWN CLERK

**TOWN OF SMITHVILLE
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Smithville adopted a local law entitled, "Local Law to Change the Term of Office of the Superintendent of Highways from Two (2) Years to Four (4) Years" at its meeting held on February 15, 2021

. **Be it enacted** by the Town Board of Smithville as follows:

TOWN OF SMITHVILLE

Local Law No. 2, the year 2021

A Local Law Increasing the Term of Office of the Superintendent of Highways from Two Years to Four Years.

Be it enacted by the Town Board of the Town of Smithville as follows:

Section 1. TITLE: This local law shall be known as the "Local Law to Change the Term of Office of the Superintendent of Highways from Two (2) Years to Four (4) Years" in the Town of Smithville, Chenango County, New York.

Section 2. PURPOSE: The purpose of this local law is to extend the term of the office for the Superintendent of Highways from two (2) years to four (4) years. The Town Board believes an extended term would bring greater continuity to the office and believes the extended term is in the public's best interest.

Section 3. STATUTORY AUTHORITY: This local law is adopted pursuant to Section 10(1)(ii)(a) and Section 23(2)(e) of the Municipal Home Rule Law of the State of New York.

Section 4. APPLICATION OF FOUR YEAR TERM OF OFFICE: This local law shall extend the term of office of the elected the Superintendent of Highways from two years to four years. Such four-year term shall commence as of the first day of January following the first biennial town election after the effective date of this local law and shall apply to the person elected to such office at the biennial town election held on November 2, 2021 and those elected thereafter.

Section 5. MANDATORY REFERENDUM: This local law is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified electors of the Town of Smithville at the general election to be held November 2, 2021. A proposition in the following form shall be included on the ballot at such general election, and the

increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified electors of the Town of Smithville voting thereon:

"Shall Local Law No. 2 of the year 2021, entitled a Local Law Increasing the Term of the Office of the Superintendent of Highways from Two to Four Years be approved?"

Section 6. SUPERSESSON: This local law shall supersede Town Law §24 relating to the terms of the office of the Superintendent of Highways of the Town of Smithville.

Section 7. EFFECTIVE DATE: This local law, if approved as set forth above by the qualified electors, shall become effective immediately, upon being filed in the Office of the Secretary of State.

Dated: Smithville, New York
February 17, 2021.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF SMITHVILLE

ALISON B. OWENS, TOWN CLERK