

Minutes of the Smithville Town Board  
March 20, 2023

**OPENING** of Town Board meeting

by Supervisor Cammarata

6:30PM

ROLL CALL/PLEDGE/LATE ADDITIONS: Add NB6: Smithville Flats Cemetery Assoc.

**ATTENDANCE:**

Supervisor John Cammarata  
Board members: Bob Whitmore

**ALSO:**

Alison Owens, Town Clerk  
several towns persons of which some had  
signed the attendance list (last page)  
Ken Whitmore, Fire Chief, Genegantslet Fire Co., Inc  
Hwy employee Collin Kozak  
Vince Witkowski, Highway Su't, arrived late  
Bruce Kinney, Enforcement Officer  
Marie Kehl, Planning Board Chair

Shane Butler  
Pam Holcomb  
Russell Wark

Due to the number of people in attendance for NB5, this item was moved to the beginning of the meeting. The conversations have been condensed as the Public did not identify themselves before speaking and the partial transcript taken does not differentiate between persons and miscalculates words, sentence structure. The topic will be subdivided into subjects for the minutes.

NB5) This was a formal request from Town Residents for Town roads to be maintained with dust oil rather than calcium. William Castaldy, resident Pollard Rd., presented information on silica dust and its reported dangers to human health. He also presented Supervisor Cammarata with a petition of approximately 31 signatures of residents living in the Town of Smithville who are requesting the Highway Superintendent use stone/dust oil and not calcium on dirt roads located in the Town.

Responses and additional statements:

**Residents** commented that the Hwy Sup't should be at the meeting and should be on notice that he needs to be here to answer questions. What is the Town going to do about stone/oiling? Who has jurisdiction over the Hwy Sup't? The calcium used on the roads causes breathing problems and other health issues.

**Supervisor Cammarata and Board members:** The Hwy Sup't position is elected, not appointed, and the Town Board cannot dictate what he does/doesn't do. The people have jurisdiction over the Highway Sup't; the position is a 2 year position so the election by the people controls the outcome. We cannot tell him to use stone/oil for dust control; we would have to pay for the additional cost from the Town Budget. The Hwy Sup't only needs to show up and dictate to the Hwy employees what needs to be done that day.

**How to pay for the dust oil:**

**Residents:** There is money available from NYS grants for paving (USDA, NYSDOT) What is the amount of CHIPS for 2022 and 2023? Can't this money be used for stone/oiling? Other communities have used CHIPS for that purpose. Are there other grants available to use?

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**Supervisor Cammarata and Board members:** CHIPS \$ cannot be used for stone/oiling. If other communities have used it for such, they have not been honest in filing for reimbursement from CHIPS. To use stone/oil, an account would have to be created in the Town Highway Budget and the amount collected through increased taxes. The amount of CHIPS in 2022 was \$127,742.00; the amount of CHIPS in 2023 is \$126,987.00. In NYS, monies assigned to a the Town's CHIPS fund have to be expended 1st, then requested of NYS for reimbursement. There is another grant available but we won't know until April 1st whether the Town gets it or not. Sometimes other grant money is available but not always available for the programs indicated.

**Specific Roads:**

**Residents:** Williams Rd. was paved last year but because the road was not prepped correctly and it is now filled with potholes. It was a binder quality, and cannot have a topping put on it now. The problem on Pollard is the beavers. The sluice pipe is too small for that particular spot on the road and has flooded out numerous times since 2007. There is no crown on the roads. There were many comments on the conditions of the roads: Pollard, Stone Quarry, N. Tyner, Hattie Clark, and also concern and Town accountability when school buses are driving on these roads.

**Cammarata and Board:** Pollard Rd. has had a problem and information to put in a correction is beginning to come in. It needs an updated sluice pipe. Part of Stone Quarry was paved and half of it was ruined very quickly; 1.5 million to fix that road. Hattie Clark was paved last year but developed a problem that is being addressed with the contractor who did the paving.

**Equipment:**

**Residents:** Questions were asked about the Town truck situation, the new equipment which has been purchased, and shared services.

**Cammarata and Board:** The new Town truck is in Rochester being fitted with a box, plow and other items. There are no available parts for the grad-all which is sitting up in Syracuse. We bought the excavator to help with doing the work. We have also had to rent equipment. Shared services helps in some cases but it is not always available. Last year we spent \$85K in equipment repair. The Town does not have a grant writer and we had to hire one from Lamont Engineering to help purchase the new truck. We have a \$41K grant for that, but there is a lot of paperwork involved with a grant. The NYS tax cap of 2% prevents any Town from raising their budget more than that amount. If more \$ is needed, the Town has to override the tax cap and create a Local Law indicating such. There is a lot of paperwork involved with that as well.

**GPS/Radios:**

**Residents** asked why there was a GPS in each truck? What about the radios?

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**Cammarata and Board:** The GPS is there to keep track of the hwy employees, where they are, how fast they are driving. Another reason is that there is no cell service in the Town in various locations. We have tried a tower but the wrong one was used and to buy the right one is \$40K+.

**Road plan:**

**Residents** asked where the road plan was the Hwy Sup't is supposed to write up? If unknown, then nothing is happening to the roads to keep them up.

The statement was made that the "people" would like the Hwy Sup't pay suspended until he begins to do something with the roads and makes a road plan.

**Cammarata and Board:** The answer concerning the Road Plan was unknown. Town Clerk Owens added that one has not been filed in several years

**Other issues:**

Resident: County bridge on N.Tyner Rd is crumbling and needs repair.

Another resident: also complained about the branches on the road overhanging which is causing mud on the road.

There were no further comments or discussion.

**CORRESPONDENCE**

7:20PM

C1) a notice from NYSEG that tree pruning would be taking place in the Town of Smithville.

C2) FOIL request from the Empire Center for Public Policy for a current copy of the Teamsters contract. This was emailed by Town Clerk Owens.

C3) letter from Sandra Goodbody regarding farm equipment on property and survey. EO Kinney asked her to contact her Att'y to get resolution.

**NEW BUSINESS**

6:40PM

NB1) consider Resolution accepting the vehicle (VEHICLE ACCEPTANCE STATEMENT) and authorizing final payment.

NB2) consider Resolution authorizing and providing for the incurrence of indebtedness of above truck (LOAN RESOLUTION) \*\*

NB3) consider Resolution for the collection, handling and disposition of security agreements for truck (LOAN RESOLUTION SECURITY AGREEMENT)

New Business items 1,2 and 3. These were postponed until corrected paperwork was received in the following Resolution:

**RESOLUTION # 08 (2023): POSTPONE ACTION ON NEW BUSINESS ITEMS 1,2&3 UNTIL CORRECTED PAPERWORK IS RECEIVED**

On a motion by Board member Butler, 2nd by Board member Whitmore, the following Resolution was passed.

AYES Holcomb, Butler, Wark, Whitmore, Cammarata,  
NAYES 0

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RESOLVED to postpone NB1, NB2 and NB3 until corrected paperwork for the new truck is received.

NB4) consider Resolution authorizing audit of Justice records:

**RESOLUTION # 09 (2023): AUTHORIZE AUDIT OF TOWN JUSTICE RECORDS**

On a motion by Board member Butler, 2nd by Board member Holcomb, the following Resolution was passed.

AYES Holcomb, Butler, Wark, Whitmore, Cammarata,  
NAYES 0

RESOLVED to authorize an audit of the Town Justice records for the NYCourt System.

NB6) Mike Evans, President of the Smithville Flats Cemetery Assoc. was present and indicated that both he and Lynn Conklin, Secretary, will be resigning. According to the NYS Cemetery Assoc., the Smithville Flats Assoc. is not insolvent and cannot be given to the Town in its present state. Supervisor Cammarata will talk to the Town Att’y regarding the matter.

**OLD BUSINESS (UPDATES IF ANY)**  
OB1)

6:50PM

**REPORTS**

7:00PM

R1.) Highway: report submitted.

- New truck is here but is in Rochester getting the box and plow installed
- Other items as indicated on the report

R2) Assessor: report submitted late

- The Assessor is working on exemption renewals and preparing for the May 1st Tentative Roll

R3.) Enforcement Officer: no report submitted but was present to give a report

- Septic application on sold property in Smithville had escrow to help put in new septic. The septic needed to be replaced but he, as the Enforcement Officer, did not sign the application as the work was done before the application was applied for. There is now some legal work between the buyer and seller which needs to be decided upon.
- Supervisor Cammarata said the new junk/refuse collection Local Law being worked on by the Attorney will allow the Supervisor or EO to write tickets.

R4.) Planning Board: no minutes submitted. PB Chair Marie Kehl spoke with Mary Warner who wants to put a porch and bathroom at their camp on Cincinnatus Lake. This will be a Site Plan Review done by the Planning Board.

R5.) DCO: no report submitted; DCO was at the meeting and reported he is still working on a catch-up enumeration for dogs but is behind because of family illness. He has had 2 complaints, 7 dogs in one place, 1 in the other.

- Town Clerk Owens asked if there was a date, or if a date could be set for when the enumeration fee of \$25.00 can be removed. Board members discussed this and decided when the DCO is finished with the enumeration, the fee can be removed.

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R6.) vacant R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee: no report

R10) Town Clerk: report submitted.

- Town Clerk Owens spoke of the # of late bill notices, threats to disconnect received, fees for not paying on time received from a variety of utility vendors. Much time is wasted trying to communicate with these vendors or even trying to get in touch with them. Town Clerk Owens asked if ACH payments could be made to these vendors to pay invoices on time and avoid late payment fees. Board members indicated that there are restrictions to Gov't agencies paying late fees. Supervisor Cammarata will check with the Town Att'y or the Assoc. Of Towns to see if that is the case and if so, if there is a letter stating such which could be sent to the vendors

R11) vacant

R12) Supervisor's Report: submitted

- Supervisor Cammarata would like to order 2 trucks, one to replace the 2002 Volvo and the 2010 International as each has serious problems; the 2017 Volvo has had the injection system replaced just before the last snow storm which was a \$14,000. job. A single axle truck could be considered but is more expensive than a 10 wheeler
- New International \$310,000. Freightliner \$315,000. Mack \$309,000.

It was suggested by one of the vendors not to buy the single axle as it doesn't have the pull weight. Cammarata asked Board members to consider this over the next month. If purchased, these trucks will not be seen until 2026. Board Member Whitmore felt the Hwy employees need further training on the new trucks and also felt the Board should consider a grader rather than a 2nd truck. Hwy Sup't Witkowski felt the trucks should be taken regularly to have the computers checked out.

- There is some additional work which needs to be done at the Town Barn: front door on the building with a roof, rest of framing done on the fuel shed and garage door; finish the fuel shed, also work on the storage area to make it more usable. There is \$68K in the Highway fund. He would like individual quotes for each job..
- The financial report was reviewed. A motion to accept the Supervisor's report was made by Board member Wark, 2nd by Board member Butler. All 5 Board members: Holcomb, Butler, Wark, Whitmore and Cammarata were in favor, motion carried.

**MINUTES APPROVAL** for February 20th

7:30PM

The minutes of the February 20th were reviewed. A motion to approve these minutes was made by Board member Butler, 2nd by Board member Holcomb. All 5 Board members: Holcomb, Butler, Wark, Whitmore and Cammarata were in favor, motion carried.

**WARRANTS**

7:35PM

General Warrant # 2, Vouchers # 39-54, & # 55 (transferred from the Hwy Warrant) in the amount of \$27,997.13

Vouchers paid early: # 39-43; VOIP-1, Spectrum, Glatfelter Town Insurance, total: \$24,028.92.

Board members questioned Voucher # 52 and what the billing was for. Town Clerk Owens replied she had called Mirabito and was told it was for propane for the generator at the Town Barn. Board members said the generator is not up and running yet and asked that the check in payment for voucher # 55 be held until clarification could be made for delivery to the generator at the Town Barn. This was so moved by Councilwoman Holcomb, 2nd by Councilman Butler, in addition to paying the remainder of the General vouchers. All 5 Board members: Holcomb, Butler, Wark, Whitmore and Cammarata were in favor, motion carried.

Pull #52 to Mirabito and ask about the delivery on 1/11/23--if it was really propane for the generator at the Town Barn?  
Holcomb/Butler

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Highway Warrant # 2, Vouchers # 31-45, removing #33 to General Warrant (#55) and deleting # 35 to Tractor Supply \$39.73 (a duplicate); all in the new amount of \$22,483.29. A motion was made by Councilman Whitmore, 2nd by Councilman Wark to accept and pay these claims. All 5 Board members: Holcomb, Butler, Wark, Whitmore and Cammarata were in favor, motion carried.

**OTHER: Next monthly Board meeting is April 17th**

Highway Supt' Witkowski arrived at 8:45pm. Based on the earlier discussions in the meeting between the Public and the Town Board, questions were asked of the Hwy Sup't about funding dust oil and filing an annual plan for roads in the Town of Smithville. Hwy Sup't Witkowski responded that dust oil cannot be paid for from CHIPS, that it would have to come out of the Highway funds. As for an annual plan for roads, he said he could come up with one but could not guarantee its completion.

Supervisor Cammarata also asked the Board for a Commerce of Chenango membership for himself and Board member Butler with a total cost of \$150.00. He mentioned his portion (\$75.) could be paid for from his contractual, but there is no Town Board contractual.. Town Clerk Owens mentioned there is a Personnel Training account A1430.4 which could be used for Board member Butler.

**RESOLUTION # 10: AUTHORIZE PAYMENT TO COMMERCE CHENANGO FOR SUPERVISOR CAMMARATA AND BOARD MEMBER BUTLER**

RESOLVED to pay for a Commerce of Chenango membership for Supervisor Cammarata and Board member Butler; \$75.00 each to be taken from A1220.4 and A1430.4. Three Board members: Holcomb, Wark and Whitmore in favor, Cammarata and Butler abstain.

Supervisor Cammarata also mentioned that an extended warranty for the new truck could be purchased for \$3500.00 for a 5 year warranty.

There was no other business to come before the Board.

CLOSE: by Supervisor Cammarata

9:03PM

**\*\* Addendum 3/24/2023:**

Supervisor Cammarata has spoken with USDA concerning the Resolutions for the truck and the truck loan which required but corrections to the wording are needed. Corrections will be made but the paperwork will not be ready for the loan until approximately June 1st. The truck will need to be paid for before that. Arrangements were discussed by phone between Supervisor Cammarata and Town Board members with the following Resolutions decided unanimously:

**RESOLUTION # 11: AUTHORIZE ACCEPTANCE OF THE 2024 MACK TRUCK AND AUTHORIZE FINAL PAYMENT**

The Board members were polled individually and with a unanimous phone call vote, the following Resolution was passed.

AYES Holcomb, Butler, Wark, Whitmore, Cammarata,

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NAYES 0

RESOLVED to authorize acceptance of the 2024 MACK truck and to authorize final payment of the vehicle.

Another Resolution is required to pay for the 2024 MACK truck immediately as the vendor (Utica Mack Inc.) needs to be paid now and the USDA loan will not be available to close until June 1st. The Board, after discussion, has decided to "borrow" the money (\$144,737.00) from Highway Savings and repay it back after the USDA loan closes.

**RESOLUTION # 12: AUTHORIZE PAYMENT TO UTICA MACK INC (Marcy, NY) THE COST OF THE 2024 TRUCK FROM THE HIGHWAY SAVINGS ACCOUNT.**

The Board members were polled individually and with a unanimous phone call vote, the following Resolution was passed.

AYES Holcomb, Butler, Wark, Whitmore, Cammarata,  
NAYES 0

RESOLVED to authorize payment to Utica Mack Inc from the Town Highway Savings account in the amount of \$144,737.00 (Voucher # 46) for the purchase of the 2024 MACK truck. This early payment is being authorized by the Smithville Town Board as the USDA loan for the truck will not be ready for signatures until approx. June 1st. At that time, the Highway Savings account will be reimbursed the money from the loan.

The additional loan paperwork for the 2024 MACK truck was available on Friday March 24, 2024. Supervisor Cammarata again polled Board members regarding the matter and asked for a Resolution to authorize and incur the indebtedness to purchase the truck, providing for the grant of \$41,000, papers to signed at a closing in June 2023. There was no motion/2nd but the following Resolution was brought forward:

**RESOLUTION # 13: AUTHORIZE AND INCUR INDEBTEDNESS FOR THE 2024 MACK TRUCK**

The Board members were polled individually and with a unanimous phone call vote, the following Resolution was passed.

AYES Holcomb, Butler, Wark, Whitmore, Cammarata,  
NAYES 0

RESOLVED to authorize and incur indebtedness for the 2024 MACK truck, the amount of which will be fully disclosed at closing in early June 2023, but is in the approximate amount of \$232,000. The amount of a USDA grant in the amount of \$41,000 has been applied to this amount. A copy of the paperwork is available from the Smithville Town Clerk.

Alison Owens  
Smithville Town Clerk

# SIGN IN: FOR TOWN BOARD MTG

March 30, 2023

	Name	Resident? Y/N	Address <sup>911</sup>
1.	Marie Koho	Y	P.O. Box 146 13841
2.	Ross Josephin	Y	118 N. Tynner Rd Oxford
3.	Kathleen Moser	Y	118 N Tynner Rd Oxford
4.	Paula Van Tyle	Y	419 Buckeye Hollow
5.	Bob Van Tyle	Y	419 Buckeye Hollow
6.	James Cole Koyek	<del>Y</del>	
7.	Cole Koyek	N	
8.	Bill Costalady	Y	322 Pollard Rd
9.	Patti Costalady	Y	322 Pollard Rd
10.	Helen Lacey		
11.	Heggieleston	N	266 Pollard Rd
12.	Laura Coelho	Y	414 S. Tynner
13.	Eric Coelho	Y	414 S. Tynner
14.	Judy or Nancy Dillor	Y	437 N. TYNER RD
15.	RUSSELL KRAICK		297 POLLARD RD
16.	Miscousa Vanderbut	Y	161 Robbins Rd.
17.	Sharon Vanderbut	X	161 Robbins Rd.
18.			
19.			
20.			