

MINUTES OF THE SMITHVILLE TOWN BOARD

August 18, 2008

The regular meeting of the Smithville Town Board was called to order at 6:07PM by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson

Boardmembers:

Holly Mohr

Roger Connelly

Vince Coletta (arrived at 7:50PM)

Also: Alison Owens, Town Clerk

Carol Omalyev, resident of Smithville

Matthew Owens, Star Scout, Troop 162

Neal Root, Enforcement Officer

Town Highway employees

Highway Sup't Kinney (arrived at 7:53PM)

Absent: Kay Borne

There were no additions or deletions although Ms. Omalyev and the Highway employees were given time later to address their concerns to the Board.

BIDS:

Parking Lot/Walking Track: The legal notice as it appeared in the Chenango American was read by Town Clerk Owens. There were 5 bids.

<u>VENDOR</u>	<u>PARKING LOT 105x105'</u>	<u>DIRT WORK PARK. LOT</u>	<u>WALKING TRACK 8.5x660'</u>	<u>DIRT WORK WALK TRK</u>
Timothy Simpson, Chenango Forks, NY	2" type 3, 1 1/2" #6 top \$30,800.	\$16,560.	2" Type 3, 1 1/2" #6 or 7 top \$15,400.	\$9,920.
Broome Bituminous Products, Inc. Vestal, NY	2" type 3, 1 1/2" #6 top \$23,950.	Not Bid	2" type 3, 1 1/2" #6 or 7* top (600') \$12,200.	Not Bid
Fenton Sales & Excavation Greene, NY	2" type 3, 1 1/2" #6 top \$28,000.	\$3,000.	2" type 3 binder, 1 1/2" #6 or 7 top \$13,000.	\$5,900.
John F. Heath Construction Binghamton, NY	2" type 3, 1 1/2" #6 top \$31,900.	\$6,670. 8" item 4	2" type 3, #6 or 7 top \$18,425.	\$13,760. 8" item 4
Jim Stahl Excavating, Smithville Flats, NY	Not Bid	\$8,550. or time/materials	Not Bid	\$9,980. or time/materials

* recommended # 7 top in bid

There is \$15,000. in grant monies available for the walking track.

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RESOLVED to direct the Highway Sup't to haul the excess equipment away to sell for scrap metal recycling.

CORRESPONDENCE

C1: Thank you from Town of Greene for use of the roller

C2: letter from Brad Vickers, Town of Preston: Possible litigation against Chenango Co. for seismic testing

C3: letter from NYS Dept. of State re: LGE grant "shared services projects"

C4: letter from Grange re: 2009 Children's Christmas Party. The Grange offered to sponsor the Christmas party if the Board so chose. Board members approved the request.

C5: letter from Grange re: request for funding for the Harvest Festival Oct. 11th. The Board approved the Grange's request to use \$150. of the Children's Christmas party money to provide children's activities for the Harvest Day Oct. 11th.

C6: State RPS: final equalization of 2008 Assessment Roll of 74.34.

C7: NYS & Local Retirement projected employer contribution estimate for '09 of \$10,834. paid in February '09, or \$10,734. if paid by December 15, 2008. The amount is considerably less than last year.

C8: Pond Creek Clean-up grant money received in the amount of \$5,000.

C9: Justice Court quarterly distribution check received in the amount of \$1130.

NEW BUSINESS:

NB1: Natural Gas Permit applications:

Originally a resolution passed by the Chenango County Board of Supervisors, it was suggested that each Municipality consider passing a similar one and forward it on to NYS Government officials. The resolution requests the DEC to promulgate regulation to require local governments be given voice in determinations for natural gas permit applications for proposed sites within their jurisdiction. This was put forth in the following resolution:

RESOLUTION # 32 (2008): REQUEST DEC REGULATION OF GAS PERMIT APPLICATIONS THROUGH MUNICIPALITIES

On a motion by Councilwoman Mohr, 2nd by Councilman Coletta, the following resolution was:

ADOPTED

AYES: Mohr, Coletta, Connelly, Johnson

NAYES: 0

ABSENT: Borne

ENTIRETY OF RESOLUTION TYPED ON NEXT PAGE

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RESOLUTION # 32 (2008): *Urging the Department of Environmental Conservation Commissioner Grannis to Promulgate Regulations Requiring that Local Governments be Designated as Involved Agencies for State Environmental Quality Review Act Proceedings Relating to Natural Gas Permit Applications for Proposed Sites Within the Boundaries of the Local Governments; and that Local Governments' Views be Sought and Given Significant Weight when Determinations Relating to Natural Gas Permit Application are Made.*

WHEREAS, it is estimated that the geologic rock bed known as Marcellus Shale may contain up to several trillion cubic feet of natural gas and drilling, and

WHEREAS, dramatic increases in the price of crude oil and the corresponding need to reduce our nation's dependence on foreign oil have resulted in a tremendous increase in interest and activity relating to natural gas exploration and drilling, and

WHEREAS, municipalities in which natural gas drilling is proposed should be consulted regarding natural gas permit applications and the comments of municipalities should be considered and given significant weight when determinations relating to natural gas permit applications are made,

NOW, THEREFORE, be it

RESOLVED, that the Town Board of the Town of Smithville requests that the Department of Environmental Conservation promulgate regulations to require that local governments be designated as involved agencies for the State Environmental Quality Review Act (SEQRA) proceedings relating to natural gas permit applications for the proposed sites within the boundaries of the local governments and that local governments' views be solicited and given significant weight when determinations relating to natural gas permit applications are made, and be it further

RESOLVED, that copies of this resolution shall be forwarded to Governor David Paterson, Senator Thomas W. Libous, Assemblyman Clifford W. Crouch and Commissioner Alexander B. Grannis, New York State Department of Environmental Conservation.

RESOLUTION passed on a motion by Councilwoman Mohr, 2nd by Councilman Coletta

AYES: Holly Mohr, Vincent Coletta, Roger Connelly, Supervisor Allan Johnson

NAYES: 0

ABSENT: Kay French-Borne

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NB2: Local Law consideration for Town Road logging, drilling use

A copy of a local law from the Town of German was introduced for Town Board consideration. This local law regulates the use of German Town roads by companies and/or individuals seeking commercial pursuits in logging, stone selling, mineral extraction, gas drilling etc. and seeks to prevent damage to Town roads. An operations permit is required and penalties are provided for non-compliance. Board members were interested in pursuing this as a similar Local Law for the Town of Smithville. Supervisor Johnson will contact Attorney Monaco with the sample copy of German's local law for his opinion. It will be discussed again in September as Old Business.

NB3: Enforcement Officer concern re: Holding Tanks

Enforcement Officer Neal Root was recognized by the Board to update them on the status of holding tanks. These were originally thought NOT to be allowed. The Enforcement Officer had sent a letter to the NYS Bureau requesting clarification. They in turn replied to Mr. Kaiser of the Chenango County Environmental Office. It has been determined that holding tanks ARE allowed under certain conditions. Enforcement Officer Root would like to create a holding tank information sheet showing NYS guidelines to add to the Town of Smithville septic application and which will stipulate the conditions under which a holding tank may be used. Mr. Kaiser will continue to look for more documentation. Supervisor Johnson will discuss the situation with Attorney Monaco.

NB4: Town Highway Employees budgetary concerns

The four Town Highway employees approached the Board with concerns about wages for the 2009 Budget and the Employee Guidelines package. Their concerns were:

- 1.) They would like to have a \$2.00 per hour increase for 2009 and then a yearly % after that. This would bring them more in line with other Towns.
 - 2.) Increase sick days from the current 7 to 12.
 - 3.) Introduce "Longevity pay". At 10 years of service an employee would receive a bonus of \$100.00 with a \$75.00 year added bonus for every year after that.
 - 4.) Re-instate the Seniority status.
 - 5.) Remove from the Guidelines package the "6 months of probation" for new hires.
- There were no decisions by the Board.

NB5: Gas Drilling Concerns

Ms. Carol Omalyev, Stone Quarry Hill Rd., was recognized and approached the Board to express her concerns over gas drilling occurring in the area. Drilling in the Tyner area has started again and other areas in Smithville have been tagged for drilling locations. The term "horizontal fracking" means drilling will occur horizontally in addition to the vertical channel initially drilled. Other areas allowing "horizontal fracking" have seen their land(s) severely impacted by shortages of water and other environmental issues. Ms. Omalyev's 2 particular concerns were over the loss of water and protection of small neighborhoods or neighborhoods in valleys in the area through perhaps zoning. Board members shared her concerns but had no immediate answers.

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REPORTS

- R1.) Planning Board: no report
- R2.) Assessor: report submitted
- R3.) Enforcement Officer: report submitted
- R4.) Justice

- **Audit:** The audit of the Justice's records has been completed by Councilwomen Borne and Mohr. Copies were distributed to remaining Board members.

RESOLUTION # 33(2008): ACCEPT 2008 JUSTICE AUDIT

On a motion by Councilman Coletta, 2nd by Councilman Connelly, the following resolution was:

ADOPTED

AYES: Mohr, Coletta, Connelly, Johnson

NAYES: 0

ABSENT: Borne

RESOLVED to accept the Justice audit for 2008.

A Resolution is also needed authorizing the Town Justices to apply for the JCAP Grant.

RESOLUTION # 34(2008): AUTHORIZING JUSTICES TO APPLY FOR JCAP

On a motion by Councilman Coletta, 2nd by Councilwoman Mohr, the following resolution was:

ADOPTED

AYES: Mohr, Coletta, Connelly, Johnson

NAYES: 0

ABSENT: Borne

RESOLVED to authorize the Town Justices to apply for the JCAP grant for 2008/2009. The amount requested is \$4,150. For software for the Justice computer to allow the Justices to report Court fines to Albany.

The Justice computer will be moved to a rolling cart and will be stored in the Town Clerk's Office.

R5.) DCO: no report submitted

R6.) Attorney: report submitted

R7.) Mitigation: no report

R8.) Community Center: the railings were installed by Alron. They are sturdy and attractive. Town Clerk Owens was asked to write a thank you note to Alron.

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R9.) Playground: questions were asked about the storage of the lawnmower and if the Groundskeeper mows the lawn. Superintendent Johnson will check with the insurance agency.

R10) Town Clerk: report submitted

R11.) Highway Sup't: verbal report given

- for the PESHA inspection, the fan in the pit didn't work
- paperwork for CHIPS has been completed
- FEMA paperwork has been turned in
- A special meeting of the Board will take place Thursday August 21st at 3PM for the purpose of discussing the Parking Lot and Walking Track bids.
- Councilwoman Mohr asked about replacing State traffic signs that had been spray painted

R12.) Supervisor: report submitted. A motion to accept the Supervisor's report was made by Councilwoman Mohr, 2nd by Councilman Connelly. Four Board members present in favor: Mohr, Coletta, Connelly, Johnson; Councilwoman Borne absent. Motion passed.

GENERAL WARRANT:

General Warrant # 8, Vouchers # 131-145 in the amount of \$6664.07 was reviewed. A motion to accept and pay these bills was made by Councilman Coletta, 2nd by Councilwoman Mohr. Four Board members present in favor: Mohr, Coletta, Connelly, Johnson; Councilwoman Borne absent. Motion carried

HIGHWAY WARRANT:

Highway Warrant # 8, Vouchers # 122-140 in the amount of \$27,695.63 was reviewed. A motion to accept and pay these bills was made by Councilman Coletta, 2nd by Councilwoman Mohr. Four Board members present in favor: Mohr, Coletta, Connelly, Johnson; Councilwoman Borne absent. Motion carried

JRC WARRANT:

There was one JRC bill to SPST for \$100.50 for soccer shirts. A motion to accept and pay this bill was made by Councilman Coletta, 2nd by Councilman Connelly. Four Board members present in favor: Mohr, Coletta, Connelly, Johnson; Councilwoman Borne absent. Motion carried.

EXECUTIVE SESSION:

A motion to go into Executive Session to discuss Personnel was made by Councilwoman Mohr, 2nd by Councilman Coletta. Four Board members present in favor: Mohr, Coletta, Connelly, Johnson; Councilwoman Borne absent. Motion carried. Into Executive Session at 8:55PM.

A motion to come out of Executive Session was made by Councilwoman Mohr, 2nd by Councilman Coletta. Four Board members present in favor: Mohr, Coletta, Connelly,

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Johnson; Councilwoman Borne absent. Motion carried. Out of Executive Session at 9:18PM.

There was no business conducted.

The next regular meeting will be Sept. 15, 2008. There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 9:21PM.

Smithville Town Clerk

Alison B. Owens