

MINUTES OF THE SMITHVILLE TOWN BOARD

June 15, 2009

The regular meeting of the Smithville Town Board was called to order at 6:05PM Monday June 15, 2009 by Supervisor Allan Johnson. Present were the following:

SUPERVISOR: Allan Johnson
BOARD MEMBERS:
Roger Connelly
Holly Mohr
Kay Borne

ALSO PRESENT:
Town Clerk Alison Owens
Members of the Smithville Day Committee

Absent: Board member Vince Coletta
Highway Sup't Bruce Kinney

ADDITIONS/DELETIONS

- 1.) Facility Use request NB3
- 2.) Smithville Day Committee NB4
- 3.) Request for Executive Session for personnel matter

FUEL BIDS

Two bidders for fuel bids were identified: Mirabito Energy Products and Economy Heating. The legal notice as it appeared in the Chenango American was read by Town Clerk Owens. The bids were then opened and read by Supervisor Johnson. Discussion is listed under NB2.

CORRESPONDENCE

Four items were noted:

- 1.) Village of Greene thank you for Highway help.
- 2.) Office of the State Comptroller re: accrued payments and leave credits.
- 3.) Chenango County Dept. of Health re: Code Enforcement Complaint form. This form identifies complaints within the County and explains the charges associated for the Code Enforcement officials to act on the complaint.
- 4.) CSEA FOIL request for employee information in the Town of Smithville.

NEW BUSINESS

NB1 Sandee Utter has agreed to serve as the 2nd JRC rep from the Town of Smithville. She will need a specific appointment. The following Resolution was brought forth:

RESOLUTION # 23: APPOINT SANDEE UTTER AS JRC REP

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

ADOPTED
AYES: Connelly, Mohr, Borne, Johnson
NAYES: 0
ABSENT: Coletta

RESOLVED to appoint Sandee Utter as the 2nd JRC representative from the Town of Smithville.

MINUTES OF THE SMITHVILLE TOWN BOARD

June 15, 2009

NB2 FUEL BIDS

The following bids were received and noted:

VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCUT	FIRM BID
Economy Heating P.O. Box 298 Port Crane, NY 13833	June 10, 2009			
LS DIESEL	JUNE 10, 2009	RACK + .25	\$1.915/GAL	NA
KEROSENE FOR HEATING	JUNE 10, 2009	RACK + .40	\$2.106/GAL	NA
K-100 TREATMENT	JUNE 10, 2009			\$50.00 PER 1000 GAL TANK
Mirabito Energy Products P.O. Box 5306 Binghamton, NY 13902				
LP GAS	JUNE 4, 2009	+ .3850/GAL	\$1.3323/GAL	\$1.6000/GAL
UNL 87 GASOLINE	JUNE 4, 2009	+ .3950/GAL	\$2.3482/GAL	NA
ULS DIESEL	JUNE 4, 2009	+ .1850/GAL	\$2.7783/GAL	NA
ULSK BLEND	JUNE 4, 2009	+ .2500/GAL	\$2.3496/GAL	NA
KEROSENE FOR HEATING	JUNE 4, 2009	+ .2500/GAL	\$2.2326/GAL	NA

DISCUSSION: Councilman Connelly said the Town may as well stay on the open market, with the exception of the propane. No firm bids were given by either Mirabito Energy Products or Economy Heating for fuel oil products, only the propane. The LP gas bid from Mirabito is considerably less than last year's contract with BlueOx of \$2.44.9/gal. It was recommended the Board accept the propane bid from Mirabito and reject any and all other bids. This was put to Resolution.

RESOLUTION # 24: ACCEPT MIRABITO'S PROPANE BID, REJECT ALL FUEL OIL BIDS

On a motion by Councilman Connelly, 2nd by Councilwoman Mohr, the following Resolution was

ADOPTED: AYES: Connelly, Mohr, Borne, Johnson
 NAYES: 0
 ABSENT: Coletta

MINUTES OF THE SMITHVILLE TOWN BOARD

June 15, 2009

RESOLVED to accept Mirabito Energy Products firm bid for propane @ \$1.600/gal, to reject any and all other fuel bids, and to buy the remaining needed products on the open market.

NB3 Members of the Smithville Day committee were present to ask if funding for Smithville Day had been removed from the Town Budget. Supervisor Johnson replied he didn't feel there had ever been a fund for Smithville Day. Chairperson BarbaraAnn Whitmore then asked if a line item could be established for the 2010 Budget which would include monies for Smithville Day. Supervisor Johnson replied that Budget requests are considered in the fall. Town Clerk Owens will research the line item used for the Smithville Day expenses in previous years.

NB4 A request has been made to Supervisor Johnson from a trainer of "companion dogs" to use the walking track for sidewalk painting during an event to be scheduled later in the summer. Board members were ok with this. No plans have been made yet for the event.

OB1 LOCAL LAW # 1 2009 Supervisor Johnson has indicated Mr. Sinclair received the packet of information and will be reviewing the contents. The Town will await any suggestions Mr. Sinclair might have. Supervisor Johnson also asked Mang Insurance if enough protection would be afforded with a logging (or other company) firm being named as additional insured. That way, if a road was damaged, the firm would be responsible for repair. Mang Insurance replied this would be an excellent way to provide protection for any potential road problems.

OB2 RIGHT TO FARM LAW—no new developments. Councilman Connelly and Councilwoman Borne expressed their opinion it should not be pursued.

OB3 FEES BY RESOLUTION Supervisor Johnson has spoken with the Association of Towns who has advised him to do one new Local Law with a Public Hearing to establish a complete fee schedule and repeal any previous fees from Local Laws. Cite specifically which laws and fees they are and add any/all previous fees and Local Laws not included. The Town is still awaiting Att'y Monaco's input.

MINUTES

The minutes of the May 21, 2009 meeting were reviewed. A motion to approve these minutes was made by Councilwoman Mohr, 2nd by Councilwoman Borne. All four Board members: Connelly, Mohr, Borne and Johnson were in favor, Coletta absent, motion carried.

REPORTS

R1 No Planning Board report

R2 No Assessor Report. Correspondence received from the NYSORPS indicates the tentative equalization rate for the Town of Smithville is set at 66.3%. A comparative list of other tentative equalization rates in other Towns/Villages in Chenango County was reviewed.

R3 No Town Enforcement Officer report was available. The County Code Enforcement Officer's report was reviewed.

R4 No Justice report

R5 No DCO written report. Town Clerk Owens reported the DCO had planned to start the enumeration on June 13th. Town Clerk Owens gave the DCO an updated listed of licensed dogs by street address.

MINUTES OF THE SMITHVILLE TOWN BOARD

June 15, 2009

R6 The Attorney's report was submitted and reviewed.

R7 No Mitigation report

R8 No Community Center report. No communication has been received from Alron about the additional railings ordered.

R9 The Playground Committee was not present and did not have a written or verbal report.

R10 The Town Clerk's report was submitted. The tax books were returned that afternoon to Chenango County where the tax programmer was dealing with another glitch in the program. A final accounting will not be made for a couple of days. Hours for the last week of June/1st week of July have been printed in the Chenango American. Additional hours on Tues. nights in June have also been posted.

The Bicentennial Plaque for the monument has been finished and is in the Clerk's Office. The person who originally agreed to install it backed out and a new installer was not found in time for Smithville Day. The plaque was not dedicated. Some security issues with installing the plaque on the back of the monument were discussed.

R11 The Highway Superintendent's report was submitted and reviewed. The Highway Sup't was not available to give additional information on his report. The report is included in the Archival copy of the minutes.

R12 The Supervisor's report was submitted and reviewed. A motion to accept the Supervisor's report was made by Councilwoman Mohr, 2nd by Councilwoman Borne.

GENERAL WARRANT

General Warrant # 6, vouchers # 96-104, was reviewed for payment. Board members asked to delete voucher # 92 to Economy Heating as it was a gasoline invoice and was already on the Highway Warrant. The final total was \$8077.49. A motion to accept and pay these bills was made by Councilwoman Mohr, 2nd by Councilman Connelly. All four Board members present: Borne, Mohr, Connelly, and Johnson were in favor, motion carried. Coletta absent.

HIGHWAY WARRANT

Highway Warrant # 6, vouchers # 85-93, in the amount of \$5289.63, was presented for payment. Board members questioned Voucher # 93 to Sam's Club and asked to hold it until more information on membership could be obtained. The final total was \$5214.03. A motion to accept and pay these bills was made by Councilwoman Mohr, 2nd by Councilman Connelly. All four Board members present: Borne, Mohr, Connelly, and Johnson were in favor, motion carried. Coletta absent.

There were no JRC bills.

EXECUTIVE SESSION

A motion to go into Executive Session to discuss a personnel issue was made by Councilwoman Mohr, 2nd by Councilwoman Borne. All four Board members present: Borne, Mohr, Connelly, and Johnson were in favor, motion carried. Coletta absent. Into Executive Session at 8:08PM.

A motion to come out of Executive Session was made by Councilwoman Mohr, 2nd by Councilwoman Borne. All four Board members present: Borne, Mohr, Connelly, and Johnson were in favor, motion carried. Coletta absent. Out of Executive Session at 8:25PM.

MINUTES OF THE SMITHVILLE TOWN BOARD

June 15, 2009

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 8:25PM. The next meeting will be July 20, 2009.

Smithville Town Clerk

Alison B. Owens