

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING OXFORD, GENEGANTSLET FIRE CONTRACTS
October 19, 2009

The regular meeting of the Smithville Town Board was called to order at 6pm by Supervisor Allan Johnson. The following were in attendance:

SUPERVISOR Allan Johnson
BOARD MEMBERS
Roger Connelly
Holly Mohr
Kay Borne
Dianne Graves

ALSO PRESENT:
Bruce Kinney, Hwy Supt.
Neal Root, Enforcement Officer
Tim Hanna, Planning Board
Alison Owens, Town Clerk
Robert Whitmore, Genegantslet Fire Chief
And several Townspeople

There were no additions or deletions to the agenda.

PUBLIC HEARING: OXFORD FIRE CONTRACT

Supervisor Johnson declared the Public Hearing OPEN at 6:02PM. Town Clerk Owens read the ad as it appeared in the Chenango American. Supervisor Johnson opened the floor to Public comment.

The question was asked by resident John Cammarata if anyone had approached the Genegantslet Fire Co. to see if they wanted to bid the area of the Oxford fire contract. Mr. Cammarata stated the mileage from Oxford to Tyner is within .5 mile of the mileage from Smithville Flats to Tyner. He also suggested money could be saved by paying a per diem amount to the Oxford Fire Co. instead of a yearly contract.

Adam Cobb, Genegantslet Fire Co. President stated if you don't guarantee Oxford a confirmed amount of money, they aren't as likely to put together a team for a fire (on a per diem basis).

Genegantslet Fire Chief Bob Whitmore replied that during winter conditions, the Genegantslet Fire Co. would have difficulty reaching some areas within the Oxford or Brisben Fire District. Insurance companies will set homeowners' premiums according to the distance from a Fire Station. His opinion would be to leave Oxford and Brisben alone and next year recommended the Town of Smithville bid out the Smithville Center Fire Protection District, currently handled by the Village of Greene.

Two additional comments were: the Oxford Fire Contract includes ambulance service, and the contract with Oxford does not have to be 5 years.

There were no other comments. Supervisor Johnson declared the Oxford Fire Contract Public Hearing closed at 6:28pm.

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING OXFORD, GENEGANTSLET FIRE CONTRACTS
October 19, 2009

PUBLIC HEARING: GENEGANTSLET FIRE CONTRACT

Supervisor Johnson declared the Public Hearing OPEN at 6:29PM. Town Clerk Owens read the ad as it appeared in the Chenango American. Supervisor Johnson opened the floor to Public comment.

Fire Chief Bob Whitmore commented their Budget remains the same as last year.

There were no other comments. Supervisor Johnson declared the Genegantslet Fire Contract Hearing closed at 6:31pm.

Discussion:

For the Oxford Fire Contract, Board members suggested dropping the contract to 3 years from 5 and see if the Oxford Fire Company would negotiate a reduced yearly rate perhaps based on the # of calls from the previous years. Supervisor Johnson will make contact with the Oxford Fire Company.

Board members approved the Genegantslet Fire Contract in the following resolution:

RESOLUTION # 42(2009): APPROVE THE GENEGANTSLET FIRE CO. CONTRACT FOR 2010

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

ADOPTED AYES: Connelly, Mohr, Graves, Borne, Johnson
 NAYES: 0

RESOLVED to approve the Genegantslet Fire Co. Contract for 2010 at an amount to be raised by tax of \$77,285.00.

CORRESPONDENCE

- C1: Teamsters Union: Certification of Representative and Order to Negotiate
- C2: NYS Office of Parks, etc.: review of Walking Track grant project
- C3: Chenango Co. Code Enforcement: property maintenance complaints
- C4: Information from Virginia: this will be reserved for Executive Session later in the meeting
- C5: New Open Burning Law for NYS: this went into effect October 14, 2009
- C6: Financial report from Harvest Celebration Committee
- C7: Letter from Mang Ins.re: insurance premium for leased/rented equipment
- C8: Grange's request for balance of funds for Children's Christmas Party

NEW BUSINESS

NB1: SNOWMOBILE/SEASONAL RDS

The list of 2008/09 Snowmobile/Seasonal Roads was reviewed. No changes were recommended. A Public Hearing was scheduled in the following resolution:

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING OXFORD, GENEGANTSLET FIRE CONTRACTS
October 19, 2009

RESOLUTION # 43(2009): SET NOV. 5TH PUBLIC HEARING FOR SNOWMOBILE & SEASONAL ROADS, ADVERTISE IN THE CHENANGO AMERICAN

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

ADOPTED AYES: Connelly, Mohr, Graves, Borne, Johnson
 NAYES: 0

RESOLVED to set the Public Hearing for 2009-2010 Town of Smithville Snowmobile and Seasonal Roads for Thursday Nov. 5th at 6:15 and 6:20PM respectively; such Public Hearing to be advertised in the Chenango American for 1 week.

NB2: Planning Board member Jackie Centerwall has requested **reimbursement for paper and ink** used in making copies of Planning Board minutes. Jackie has been taking the minutes for the Planning Board in the absence of a clerk. Board members were in agreement for Jackie to be reimbursed for 1 ream of copy paper and 1 ink cartridge per year. Reimbursement will be by receipt and voucher.

NB3: Town Clerk Owens asked if the Board would consider paying Jackie Centerwall for **typing the Planning Board minutes**. The Planning Board has a contractual account with funds available for payment to a clerk. The position of Planning Board clerk has remained unfilled since 2008. Jackie Centerwall has been typing the minutes this year. Board members discussed this and gave permission for Jackie to be reimbursed for the time she uses in typing the minutes after the Planning Board meeting.

OLD BUSINESS

OB1 Follow up on Tyner residents noise complaint

Supervisor Johnson has spoken with Chenango County Sheriff Ernest Cutting Jr. with regard to last month's complaint. There is no county noise ordinance that would apply in this situation, and neither can someone be ticketed for disturbing the peace. One Town in Chenango County has established a "Noise Ordinance". Once that was done, the Sheriff or other local authorities could support the local ordinance, with the Towns handling the Court. Board members were interested in pursuing a Noise Ordinance and asked the Planning Board to work on it in the following Resolution. In the interim, any complaints should continue to go through the Sheriff's Office or the State Police.

RESOLUTION # 44 (2009): AUTHORIZE THE PLANNING BOARD TO WORK ON A NOISE ORDINANCE FOR THE TOWN OF SMITHVILLE

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

ADOPTED AYES: Connelly, Mohr, Graves, Borne, Johnson
 NAYES: 0

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING OXFORD, GENEGANTSLET FIRE CONTRACTS
October 19, 2009

RESOLVED to authorize the Planning Board to work on a Noise Ordinance for the Town of Smithville.

OB2 Community Center Floors follow-up

Supervisor Johnson has contacted 3 vendors with regard to refinishing the Community Center floors. Vendors said the job involves three parts: setting the nails, sanding the floors, and applying the polyurethane. Three quotes were called for: upstairs, downstairs, and the front stairway plus foyers. Only one quote was available. Supervisor Johnson will continue to collect information.

MINUTES

The minutes of the September 21, 2009 Town Board meeting and the October 8, 2009 Budget Work Session were reviewed. A motion to accept the minutes of both meetings was made by Councilwoman Mohr, 2nd by Councilwoman Graves. All five Board members: Connelly, Mohr, Graves, Borne and Johnson were in favor, motion carried.

REPORTS

R1: PLANNING BOARD: No written report. Planning Board Chair Tim Hanna reported the Planning Board is meeting regularly. The progress on the Comprehensive Plan is coming slowly—there has been no response to the ad in the Chenango American for committee help for the Comprehensive Plan. Chair Hanna is emphasizing Continuing Education classes for Planning Board members.

R3: ENFORCEMENT OFFICER: report submitted

R4: JUSTICE: no written report. Town Clerk Owens said the Justice Grant application was sent back twice for additional information. When it was finally sent in it was a day late.

R5: DCO: notice of trouble with vehicle. Enumeration not yet finished. Town Clerk Owens gave a report on the # of dogs currently licensed from the list the DCO submitted last month.

R6: ATT’y: report submitted

R7: NO MITIGATION

R8: COMMUNITY CENTER: previously discussed

R9: PLAYGROUND: no report submitted. The Storage building is nearing completion.

Playground committee needs to let the Town Board know when the building is complete and the occupancy permit is issued.

R10:TOWN CLERK: report submitted. # 3 was discussed. The responsibilities of the Groundskeeper and the Custodian should be re-written to reflect new items or re-designation of older responsibilities. The Personnel Committee consists of Roger Connelly and Alison Owens. The Grange will also be consulted. A rough draft will be presented to the Town Board next month.

Discussion also took place with regard to the Town website. Planning Board Chair Tim Hanna has recommended the purchase of “Web2Solutions” software to allow the Town Clerk to put content on the website. The website is already up and running but is a part of a website run by Tim Hanna. The cost to the Town of Smithville will be approx. \$50. p/year which Tim will voucher to be reimbursed for. The needed software can be purchased for \$122.99 from Buy.com and will be paid for from the Town Clerk equipment account.

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING OXFORD, GENEGANTSLET FIRE CONTRACTS
October 19, 2009

RESOLUTION # 45 (2009): AUTHORIZE PURCHASE OF SOFTWARE FOR WEBSITE

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

ADOPTED AYES: Connelly, Mohr, Graves, Johnson
 NAYES: Borne

RESOLVED to authorize purchase of Microsoft software "Web2Solutions" for 122.99 from Buy.com for use with the Town website, to be paid for from 1410.2.

R11: HIGHWAY: (Highlights) The report has been copied into the Archival copy of the minutes.

The Tractor Pull at the Harvest Celebration was successful. There is still the possibility a donation from an outside source would come through to put in a permanent Tractor Pull track. The Hwy Sup't has had meetings with FEMA and will do site visits shortly. Personal Services is changing from summer to winter. A new dry well has been put in at the Town Barn.

Sign Budget: The sign budget was reduced for the 2010 Budget. Hwy Sup't Kinney asked the Board to restore the original amount as the State has mandated a change in signs. All signs will need to be changed over the next couple of years. If the Town is not in compliance, CHIPS funding could be lowered.

Loader: Hwy Sup't Kinney is asking the Board to consider buying a 2nd loader. An additional one is needed so a 2nd one would not need to be borrowed or rented. 2 loaders are used often. The State has one on contract for \$140,000. If the loader is purchased on a Municipal lease, the funds could be taken out of machinery capital on an annual basis, and then the Town would own it at the end of the lease, or in 3-4 years. There will be a price increase Nov. 1st. Board members asked Highway Sup't Kinney to provide them with information; Supervisor Johnson asked the Board to meet briefly on Monday Oct. 26th at 5pm to further discuss the loader purchase.

R12: SUPERVISOR: The Supervisor's report for the month of September was reviewed. A motion to accept the Supervisor's report was made by Councilwoman Graves, 2nd by Councilwoman Borne. All five Board members: Connelly, Mohr, Graves, Borne and Johnson were in favor, motion carried.

GENERAL WARRANT

General Warrant # 10, vouchers #148-164 totaling \$2695.64, was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Mohr, 2nd by Councilwoman Graves. All five Board members: Connelly, Mohr, Graves, Borne and Johnson were in favor, motion carried.

HIGHWAY WARRANT

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING OXFORD, GENEGANTSLET FIRE CONTRACTS

October 19, 2009

Highway Warrant # 10, vouchers # 148-157, in the amount of \$40,173.70, was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Graves, 2nd by Councilwoman Borne. All five Board members: Connelly, Mohr, Graves, Borne and Johnson were in favor, motion carried.

PRELIMINARY BUDGET

The Preliminary Budget was reviewed. A Resolution to approve the Preliminary Budget was brought forth

RESOLUTION # 46 (2009): APPROVE THE 2010 PRELIMINARY BUDGET

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

ADOPTED AYES: Connelly, Mohr, Graves, Johnson
 NAYES: Borne

RESOLVED to approve the 2010 Preliminary Budget for the Town of Smithville.

RESOLUTION # 47 (2009): ADVERTISE THE 2010 PRELIMINARY BUDGET FOR PUBLIC HEARING

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

ADOPTED AYES: Connelly, Mohr, Graves, Johnson
 NAYES: Borne

EXECUTIVE SESSION

A motion to go into Executive Session to discuss labor negotiations was made by Councilwoman Mohr, 2nd by Councilwoman Graves. All five Board members: Connelly, Mohr, Graves, Borne and Johnson were in favor, motion carried. Into Executive Session at 9:15pm.

A motion to come out of Executive Session was made by Councilwoman Mohr, 2nd by Councilman Connelly. All five Board members: Connelly, Mohr, Graves, Borne and Johnson were in favor, motion carried. Out of Executive Session at 9:38pm.

There was no other business to come before the Board. Supervisor Johnson declared the meeting closed at 9:38pm.

Alison B. Owens

Smithville Town Clerk