

MINUTES OF THE SMITHVILLE TOWN BOARD
PUBLIC HEARING FOR THE FLOOD DAMAGE PREVENTION LOCAL LAW
October 18, 2010

The regular meeting of the Smithville Town Board was called to order at 6:00pm by Supervisor Allan Johnson.

Present were the following:

Supervisor Allan Johnson

Board members:

Holly Mohr

Charles Schultes

Elizabeth Vanderweyde,

Roger Connelly

Town Clerk Alison Owens

Highway Sup't Bruce Kinney

Town Justice Bruce Braman

Enforcement Office Neal Root

Scott Ives, Representative from Norse Energy

About 30 Townspeople

ADDITIONS/DELETIONS: The 2011 Tentative Budget will be discussed after the regular meeting.

PUBLIC HEARING: "A LOCAL LAW FOR FLOOD DAMAGE PREVENTION"

Supervisor Johnson asked for the Legal ad to be read by Town Clerk Alison Owens, after which he declared the Public Hearing open.

Richard Crow: asked for a summarization of the Local Law

Supervisor Johnson: this is to establish procedure for those interested in building in a flood zone; there is a new set of Flood Plain maps which indicate some properties not in a flood zone previously are now located in the flood zone. This law is a "must pass" law authorized by the NYS Constitution, Article IX, Section 2 and the Environmental Conservation Law, Article 36. It will allow someone to purchase flood insurance; if this Local Law is not passed, a resident owner may not be able to purchase the insurance.

Neal Root: Does not wish to challenge the law but wishes to emphasize that anyone in the flood zone who wishes to build would need to have a special licensing procedure done through Chenango County.

Supervisor Johnson: There is a \$25.00 fee which may be incurred if the administration of the enforcement of the local law at the County level is needed. A special agreement with the County will be signed by each Town using that County administration.

Howard Barker: Is this a 100 yr. flood map?

Supervisor Johnson: yes, with fluctuations of "zones".

There were no other comments. A motion was made by Councilwoman Vanderweyde, 2nd by Councilman Connelly to close the Public Hearing.

CORRESPONDENCE: The following items of Correspondence were noted:

C1: NYS ACH payment (Justice Funds) of \$7,470.00

Supervisor Johnson indicated this is an unusual amount of money electronically transferred to the Town account. Supervisor Johnson is trying to find out what this money is for.

C2: CHIPS EFT payment of \$37,300.00

C3: NYSEG: new electric rates, changes to streetlight tariff.

C4: NYS Compensation Board re: Martin Nowalk

C5: Larkin Law Office: Greene Fire Protection Agreement for 2011. A Public Hearing will need to be set up.

C6: NYSDEC/Albany: copy of proposed Local Law for Flood Prevention received

C7: Brisben Fire District: Notice of Public Hearing & 2011 Budget received

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NEW BUSINESS

NB1: Advertise for Public Hearing for 2011 Preliminary Budget for Nov. 4, 2010

RESOLUTION # 28 (2010): CALL FOR PUBLIC HEARING FOR THE 2011 PRELIMINARY BUDGET NOV. 4TH

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

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to call for a Public Hearing on the Town of Smithville 2011 Preliminary Budget for Nov. 4th at 6:30pm, and to advertise for such in the Chenango American for 1 week.

NB2: **Scott Ives, a representative of Norse Energy**, a natural gas exploration company, was recognized. The company's intent is to reach out to communities for questions about energy concerns. Mr. Ives asked the Town Board and those in attendance if there were questions he, as a representative of the company, could answer. Questions were directed to Mr. Ives about property owners who had already signed leases, flood map impact on drilling, pitless drilling, flowback, hydraulic fracturing, Norse Energy's future intentions, NYS moratorium, drilling specifics, waste water, shale vs. sandstone, etc. Those speaking were Supervisor Johnson, Councilwoman Mohr, Richard Crow, Doug Garnar, Bill Kenyon, Dennis Smith, Dean Genter and Howard Barker.

NB3: **Shepherd's Fold group to address Town Board**: Pastor Colin Gibson was recognized. The group formerly known as the Shepherd's Fold has been disbanded. Pastor Gibson is a Pastor from NYC who owns property on Smith-Kinsman Rd, and who, with some of the original members of the Shepherd's Fold group is asking permission to start a Bible Study for the Community. Gil Bernier, also of Smith-Kinsman Rd. was recognized and said the group is not organized and is not looking to start a church but would like to use the Community Center for prayer and study. The previous relationship with the Town was positive and would like that to continue. A verbal request had been placed before the Board a couple of weeks ago and was denied.

Supervisor Johnson confirmed the verbal request had come through to him and that he had called Board members to poll their decision. The majority of the Board members said no, they did not want to provide rental at this time. Supervisor Johnson indicated the Board could reconsider the request at a later time.

The following persons asked to be recognized and their questions answered:

Mindy Eldred: The previous group did use the building before and did make considerable contributions to the building. Is there a policy against religion?

Marie Kehl: Precedence has taken place. Perhaps the request should be changed to a Social Hour?

Diane Merrill: A private study by Diane Brower has taken place here.

Dennis Smith: Community Center usage: will someone be turned down if they don't like this?

Don Conklin: Why did the Board members vote no?

Supervisor Johnson: More than 1 Board member cited issues such as doors unlocked, lights left on.

Lynne Conklin: The purpose of the Janitor is to make sure the building is left in good condition. The Grange had received a letter saying we didn't clean up after the Children's Christmas party.

Marie Kehl: Requested the Board be polled now to find out how they voted.

Bruce Kinney: This group should be allowed to meet in the Community Center.

Councilman Schultes: Can they go to [the Town of] German?

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Dennis Smith: works for Haefle TV; this is not the Towns problem. He will help Mr. Merlino.

MINUTES: The minutes of the Sept. 20th meeting were reviewed. A motion to accept the minutes of the Sept. 20th meeting was made by Councilwoman Vanderweyde, 2nd by Councilwoman Mohr. All 5 Board members were in favor, motion passed

REPORTS

R1.) Planning Board: no report

R2.) Assessor: no report. The Customer Service Rep. from NYSORPS would like to address the Board at next month's meeting.

R3.) Enforcement Officer: report received. County Building Permit report: received

R4.) Justice: Councilwomen Vanderweyde and Mohr are working on an audit of the Justice records.

The Justices would like to request air conditioning and a desk from the JCAP grant. Board members asked where the Justices would put a desk and why was there a need for air-conditioning. The current Justice desk is in an open, unsecure office area and does not have drawers. The rolling cart which houses the Justice computer in a more secure location is not large enough for a work space and the computer. The desk would replace the rolling cart in its current location. Board members felt the desk would be a good idea to apply for but were reluctant to apply for an air conditioner due to the cost of running it in the Court room. The following Resolution was brought forth:

RESOLUTION # 34 (2010): APPROVE JCAP GRANT REQUEST FOR DESK FOR JUSTICES

On a motion by Councilman Connelly, 2nd by Councilwoman Vanderweyde, the following RESOLUTION was:

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

RESOLVED to approve the JCAP Grant request for a desk for the Justices.

R5.) DCO: Supervisor Johnson cannot get in touch with German DCO to find out if she is interested in the position. Additional information was given on ways to reach her. Supervisor Johnson will continue trying.

R6.) Attorney: report submitted

R7.) Smithville Day Committee: no more reports

R8.) Community Center: no railings yet. The back door of the Clerk's office was looked at by Groundskeeper Keith Sabin. The door appeared to be warped. Councilman Connelly will consult with the Groundskeeper to see if a new door is needed or if it can be fixed. Board members decided to authorize approval of purchase of new door pending consultation with Connelly, rather than wait until next month.

RESOLUTION # 35 (2010): APPROVE PURCHASE OF NEW BACK DOOR PENDING CONSULTATION

On a motion by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde, the following RESOLUTION was:

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Connelly, Johnson

NAYES: 0

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R12) Supervisor's Report: submitted and reviewed. A motion was made by Councilwoman Mohr, 2nd by Councilman Schultes to accept the Supervisor's report. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

WARRANTS

General Warrant # 11, Vouchers # 146-157, in the amount of \$3603.10 was submitted for payment. Vouchers #155 & 157 brings the amount over budget for that line item. Voucher #148 will come out of the Consultant account. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to accept and pay these claims. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

Highway Warrant # 11, Voucher #142 (from last month) and # 143-161 in the amount of \$52,268.41 was submitted for payment. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to accept and pay these claims, amending # 142 in case there is a late fee. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

JRC: There was 1 voucher for printed shirts \$1959.70 to McMahon Assoc. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to accept and pay this claim. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

There was no other business to come before the Board. A Budget work session began and lasted until Supervisor Johnson declared the meeting adjourned at 11:12pm.

Alison B. Owens

Smithville Town Clerk