

MINUTES OF THE SMITHVILLE TOWN BOARD
September 20, 2010

The regular meeting of the Smithville Town Board was called to order at 6:01pm by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson
Board members:
Elizabeth Vanderweyde
Holly Mohr
Charles Schultes

Town Clerk Alison Owens
Townspersons:
Fire Chief Bob Whitmore
Jane, Don & BarbaraAnn Whitmore
Neal Pease, Bob Eldred, residents of Enggaard Rd
Louis Merlino, resident of Buckley Hollow Rd.
Members of the 1st Presbyterian Church, Smithville
Members of Smithville Valley Grange # 1397

Absent: Board member Roger Connelly

ADDITIONS/DELETIONS: adding NB6—complaint about Enggaard Rd, & NB7—complaint about Buckley Hollow Rd. and cable service

CORRESPONDENCE

- C1: NYS ACH payment (Justice Funds) of \$ 985.00
- C2: NYSDEC letter notifying Town of need to adopt new Floodplain Management Regulations and filed before Oct. 26th.
- C3: Norse Energy: promoting hydro-fracking and economic development. The Town of Smithville has not issued a statement on hydro-fracking.
- C4: Justice Quarterly Statement ending 6/30/2010
- C5: Board of Elections letter declaring older voting machines surplus equipment. Board members feel they should be sold for scrap metal. Other Towns have done so. The Historical Society will check with their membership to see if the Society would like to retain one for Historical purposes.
- C6: Excellus BC/BS: notice of rate increase for 2011
- C7: Association of Towns: membership fee projection for 2011 is \$500.
- C8: NYS Unified Court System: request for Town Justice Audit of 2009 records. Board members Mohr and Vanderweyde will do audit.
- C9: Teamsters: Union fees will be deducted from paychecks
- C10: Retirement System: graded rate of pay offering Towns amortizing payment if so desired. Payments are usually made early. The amount saved by doing so would be about \$200. Board members asked for a Resolution to make the NYS Retirement payment in December 2010 for the 2011 year.

RESOLUTION # 22 (2010): PAY NYS RETIREMENT IN DECEMBER FOR 2011

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

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Johnson

NAYES: 0

ABSENT: Connelly

RESOLVED to pay the NYS Retirement System \$23,355. in December 2010 for the year 2011.

C11: Hazard Mitigation grant program information. Board members were not interested in pursuing anything at this time.

MINUTES OF THE SMITHVILLE TOWN BOARD
September 20, 2010

NEW BUSINESS

NB1: item removed

NB2: Resignation of Dog Control Officer Carrie Converse. A letter from Carrie was received resigning her position as Dog Control Officer. She will be available until another person interested in the position can be found.

RESOLUTION # 23 (2010): ACCEPT RESIGNATION OF DCO CARRIE CONVERSE

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

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Johnson

NAYES: 0

ABSENT: Connelly

RESOLVED to accept the resignation of Dog Control Officer Carrie Converse.

The position will not be advertised immediately. It was suggested to contact the Dog Control Officer for the Town of German. Supervisor Johnson will make some inquiries.

NB3: **Presbyterian Church Group/Rental of Community Center.** Jill Schaeffer, moderator of the Presbytery, gave thanks to the Town for their help in the Church's time of need. Diane Merrill, Session leader, asked the Town Board if they would be allowed to continue holding Sunday worship services at the Community Center for a few more months. They are in the building for about 3 hours each Sunday and will do what is necessary to keep the building clean after usage. The Church has paid a yearly Group Rental Fee to the Town which is good until 8/31/2010. The Church usually rents the Community Center on a yearly basis to help with a place for dinners, etc.

Mindy Eldred of the Smithville Valley Grange asked if there was an issue with having Religion within this building. She said most groups have a religious background, but that it should not interfere with using the Community Center.

The Town Board said they would have no difficulty allowing the Church to use the Community Center for their Church services. This was put to Resolution:

RESOLUTION # 24 (2010): TO ALLOW PRESBYTERIAN CHURCH TO MEET IN COMMUNITY CENTER

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

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Johnson

NAYES: 0

ABSENT: Connelly

RESOLVED to honor the yearly agreement with the 1st Presbyterian Church and to allow them to continue meeting in the Community Center.

NB4: Comments from Genegantslet Fire Chief Bob Whitmore:

- wished to thank everyone for attending the groundbreaking for the new fire station.
- The brand new fire truck is in service.

MINUTES OF THE SMITHVILLE TOWN BOARD
September 20, 2010

- The Fire Co. is working on the 2011 Budget and insurance and should have figures by the 1st part of next month. Supervisor Johnson said he will welcome the figures to put into a preliminary Budget.
- Asked if the Highway Dept. can sand/salt the new Fire Station driveway/parking area for inclement weather?
- Suggested fire hydrants would be of particular help in the hamlet. There are 5 “dry” hydrants in the Town which allow for easier access to water in times of need.
- Discussion has continued about requesting to service Smithville Center through the Genegantslet Fire Co. The Fire Co. now has the capacity to reach the Smithville Center area.
- Asked if there could be a yard goods compost area across from the Town Barn where there used to be a Town Dump? Supervisor Johnson said he would look into the matter.

NB5: **Resignation of Justice Lenga**: Justice Bill Lenga has written a letter of resignation effective December 31, 2011. Town Clerk Owens indicated a resignation from a Justice cannot be more than 90 days from the date filed, therefore, the effective date of the resignation will be December 18, 2010. The following resolution was brought forth.

RESOLUTION # 25 (2010): ACCEPT RESIGNATION OF JUSTICE LENGA

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

ADOPTED

AYES: Schultes, Mohr, Vanderweyde, Johnson

NAYES: 0

ABSENT: Connelly

RESOLVED to accept the resignation of Justice Bill Lenga to be effective December 18, 2010, with deep appreciation for his service rendered to the Town of Smithville.

Discussion: There was much discussion on what to do for 2011. Town Clerk Owens had spoken with the Association of Towns who verbally gave some different options for the Board to consider. The Town Board could appoint another Justice for 2011, with the Election of 2011 deciding who would be in the 4yr. position 2012-2015; an Attorney could be appointed to fill the vacancy until 12/31/2011; another Justice from a neighboring community could be appointed to come and assist for the remainder of the term; the Town Board could decide to drop from 2 Justices to 1 through permissive referendum, or the Town Board could not appoint anyone to the vacant position and the position would be filled at the next election (2011). Councilwoman Mohr suggested someone talk with Justice Braman to see what his feelings are on the subject of replacement. Supervisor Johnson will ask questions/opinions/options of various individuals.

NB6: **Neal Pease and Robert Eldred of Enggaard Rd** were recognized by Supervisor Johnson. They came to complain about the condition of Enggaard Rd: pot holes, poor ditches, pavement is nearly gone, no shoulders. They had been told it was to be paved but that has not happened yet. Highway Sup’t Bruce Kinney was not present to comment on the situation. Supervisor Johnson will contact Hwy Supt Kinney to find out what the delay has been.

NB7: Louis Merlino, resident of Buckley Hollow Rd. was recognized by Supervisor Johnson He had 2 concerns:

MINUTES OF THE SMITHVILLE TOWN BOARD
September 20, 2010

REPORTS

R1.) Planning Board: Comprehensive plan still being worked on

R2.) Assessor: no report. Supervisor Johnson read the latest sales report which indicated 11 sales in the Town of Smithville from 2009/2010. The sale price of each parcel in respect to its assessed valuation is considerably higher on most of the parcels. Supervisor Johnson wanted to note these discrepancies and felt the Assessor was still interested in doing a re-val next year.

R3.) Enforcement Officer: report submitted. County building permit report submitted.

R4.) Justice: no report

R5.) DCO: report submitted

R6.) Attorney: report submitted

R7.) Smithville Day Committee: no report

R8.) Community Center: no report

R9.) Playground Committee: no report

R10) Town Clerk: report submitted. Board members asked the Groundskeeper to estimate cost of replacing back door of TC office, which is warped and leaks during rainy weather.

R11) Highway: report submitted. Board members questioned the warranty on Case wheel loader.

R12) Supervisor's/Bookkeeper Report: report submitted. A motion to approve the Supervisor's/Bookkeeper's report was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde. All 4 Board members, Mohr, Schultes, Vanderweyde and Johnson were in favor. Councilman Connelly absent. Motion passed.

WARRANTS

General Warrant # 9, Vouchers # 133-146 in the amount of \$2408.69, and #123 to the SPCA in the amount of \$150. from last month was submitted for payment. Board members had questioned # 123 to the SPCA and asked to reserve payment until the bill could be investigated further. Supervisor Johnson was satisfied the bill was genuine. A motion was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde to pay bills # 133-146, and # 123. All four Board members present, Vanderweyde, Schultes, Johnson were in favor, motion carried. Councilman Connelly was absent.

Highway Warrant # 8, Vouchers #126-141, in the amount of \$64,693.15 was submitted for payment. Board members questioned # 142 to Monroe Tractor for \$1597.19 and asked to reserve payment pending further explanation. A motion to accept and pay these bills was made by Councilwoman Mohr, 2nd by Councilman Schultes. All four Board members present, Vanderweyde, Schultes, Johnson were in favor, motion carried. Board member Connelly was absent.

There were no JRC bills.

Bookkeeper Smith asked if the reports she provides for Board members could be emailed to them as opposed to being copied. Town Clerk Owens also asked if the Board material for the Town Board meetings could be put together in 1 packet and emailed. This would save much in time, paper and toner. Board members were willing to try it.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned. The next meeting will be October 18, 2010 at 6pm.

Alison B. Owens
Smithville Town Clerk