

MINUTES OF THE SMITHVILLE TOWN BOARD

November 21, 2011

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

Council persons:  
Elizabeth Vanderweyde  
Charles Schultes  
Holly Mohr  
Roger Connelly

Other:  
Bruce Kinney, Highway Sup't.  
Alison Owens, Town Clerk  
several Townspersons

ADDITIONS/DELETIONS

NB2: Resident Lynn Brooks would like to address the Board on the previous flag pole decision

NB3: NYS Retirement System payment

**PUBLIC HEARING FOR SNOWMOBILE ROADS**

Town Clerk Owens read the Legal Notice as it appeared in the Chenango American and Supervisor Johnson declared the SNOWMOBILE ROADS Public Hearing open at 5:26pm. There are no changes from last year, and no comments from the Public. Supervisor Johnson declared the Public Hearing closed at 5:27pm.

ACTION:

**RESOLUTION # 35: APPROVE THE LIST OF PUBLISHED SNOWMOBILE ROADS**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following Resolution was ADOPTED:

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson  
NAYES: 0

RESOLVED to approve the list of published Snowmobile Roads for the season Nov. 1, 2011 to Apr. 1, 2012.

**PUBLIC HEARING FOR SEASONAL ROADS**

Town Clerk Owens read the Legal Notice as it appeared in the Chenango American and Supervisor Johnson declared the SEASONAL ROADS Public Hearing open at 5:29pm. There are no changes from last year, but Highway Sup't Kinney would like to amend Skillman-Hofmann Rd to read "from Seyler's driveway north to the Town line". It was questioned whether Echo Lake spur was a Seasonal Rd. Sup't Kinney replied it is not on the list--it is being plowed because there is a full-time resident there. There were no additional comments from the Public. Supervisor Johnson declared the Public Hearing closed at 5:30pm.

ACTION

**RESOLUTION # 36: APPROVE THE LIST OF PUBLISHED SEASONAL ROADS**

On a motion by Councilwoman Vanderweyde, 2<sup>nd</sup> by Councilman Schultes, the following Resolution was ADOPTED:

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson  
NAYES: 0

RESOLVED to approve the list of published Seasonal Roads for the season Nov. 1, 2011 to Apr. 1, 2012, and amending Skillman-Hofmann Rd. as discussed.

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CORRESPONDENCE

C1: NYSEG contractual amounts for 2012 Town Barn, Street Lighting, Town Offices. Figures were given of sample rates from Ambit Energy. Board members thought it might be a good idea to find out more information about Ambit Energy.

C2: letter about fire district change from BarbaraAnn Whitmore was received.

C3: letter from Attorney General asking for a copy of the Town's Ethics Law. This will be forwarded to him.

NEW BUSINESS

NB1: Request by Smithville Valley Grange for \$300. in funds for the Children's Christmas party. This was made a Resolution.

**RESOLUTION # 37 (2011): AUTHORIZE RELEASE OF FUNDS FOR CHRISTMAS PARTY**

On a motion by Councilman Connelly, 2<sup>nd</sup> by Councilwoman Mohr, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to release \$300. from A7310.4 to Mindy Eldred, Treasurer of the Smithville Valley Grange, for the Children's Christmas party. This will be on Warrant # 12.

NB2: Lynne Brooks approached the Board and asked Board members if they would revisit the vote on the plaque for the flag pole, honoring its donation by her husband. She brought in examples of what the plaque would look like. Were there any technical issues? Were there any questions? Would the Board reconsider? Councilman Connelly: The plaque should have been put up when the flag pole was put up.

A recent letter to the Town from Milly Auwarter indicated she had found documents that a plaque should have been put up. The letter was read to the Town Board.

Supervisor Johnson: Does the Board wish to change their mind?

Councilwoman Mohr: This should have been done at the time and now she sees it was not. In light of the letter, she would change her vote to yes.

Supervisor Johnson: would another resolution be entertained?

Councilwoman Mohr: Yes, but would not want to see this set a precedent.

**RESOLUTION # 38 (2011): ALLOW PLAQUE ON FLAG POLE WITH STIPULATION**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to allow, based on written documentation from Milly Auwarter, a plaque on the flagpole in honor of its donator Bob Brooks. BE IT FURTHER RESOLVED the Board intent is that this decision NOT set a precedent for similar cases in the future.

NB3: **2012 bill from NYS Retirement System.** By paying before December 15<sup>th</sup> the cost will be \$30,466., waiting until February the cost will be \$30,745. Board members preferred to pay the December amount.

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**RESOLUTION # 39 (2011): PAY NYS RETIREMENT BILL BY DEC. 15<sup>TH</sup>**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson  
NAYES: 0

RESOLVED to pay the NYS Retirement 2012 invoice by Dec. 15<sup>th</sup> at a cost of \$30,466.00. The bill will be split accordingly between DA9010.8 and A9010.8

OLD BUSINESS

OB1: **Smithville Center Fire District:** Att’y Monaco has advised that a change can be made to the Fire District but another Public Hearing would have to be held because the first one was an exploratory one. Time is getting short to hold another Public Hearing. Supervisor Johnson recommended waiting until next year. Councilwoman Mohr: would not want another Public Hearing but would like to see the District changed. Supervisor Johnson: legally we would need another hearing.

Fire Chief Bob Whitmore: all fire contracts expire 12/31 and should be allowed to be changed if the Town Board so chooses.

Based on this discussion, the Town Board decided on the following Resolution:

**RESOLUTION # 40 (2011): GIVE SMITHVILLE CENTER FIRE DISTRICT TO THE GENEGANTSLET FIRE CO. INC.**

**NOT VOTED UPON**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes, the following Resolution was not voted upon due to continuing discussion of the date and time for a Public Hearing and with legal issues over the time restrictions involved. It was finally suggested to hold a Public Hearing on December 12, 2011 at 4pm at the Smithville Community Center. The following Resolution was brought forth.

**RESOLUTION # 41 (2011): HOLD PUBLIC HEARING ON 2012 SMITHVILLE CENTER FIRE DISTRICT CONTRACT DECEMBER 12<sup>TH</sup>.**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson  
NAYES: 0

RESOLVED to hold a Public Hearing for the intent of hearing Public Comment on the Board proposal to change responsibility of the Smithville Center Fire District from the Village of Greene Fire Dept. to the Genegantslet Fire Co. in Smithville Flats. RESOLVED FURTHER that such Public Hearing will be held on Monday December 12<sup>th</sup> at 4pm at the Community Center in Smithville Flats.

Accordingly, Resolution # 40 was tabled in the following Resolution:

**RESOLUTION # 42 (2011): TABLE DECISION ON THE SMITHVILLE CENTER FIRE 2012 CONTRACT UNTIL AFTER THE PUBLIC HEARING**

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On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to table further discussion and decision on the Smithville Center Fire District until after the Public Hearing on December 12th.

**OB2: Genegantslet Fire Co., Inc. contract**

**RESOLUTION # 43 (2011): APPROVE THE BUDGET FOR THE GENEGANTSLET FIRE CONTRACT AT \$89,031.00**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to approve the Genegantslet Fire Contract for 2012 at \$89,031.

**OB3: Town of Smithville 2102 Budget**

A slight modification to the Historian's contractual A7510.4, adding \$10. for a total of \$100. was recommended by Councilwoman Mohr. A Resolution to then approve the Budget was made.

**RESOLUTION # 44 (2011): APPROVE THE 2012 TOWN OF SMITHVILLE BUDGET**

On a motion by Councilman Connelly, 2<sup>nd</sup> by Councilwoman Vanderweyde, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

RESOLVED to approve the 2012 Preliminary Budget as the Final Budget, adding \$10.00 to the Historian's contractual account A7510.4.

Other: Supervisor Johnson mentioned that Sales Tax Distribution for this year, budgeted to be \$113,000. will actually be \$142, 716.08, a bonus of \$ 29,716.08.

MINUTES APPROVAL October 17 & November 10, 2011; It was noted that Councilwoman Vanderweyde read Pamela Thorn's letter at the Public Hearing on November 10<sup>th</sup>. Town Clerk Owens will make the correction. A motion to accept the minutes of both meetings with the one correction was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes. All five Board members: Vanderweyde, Schultes, Mohr, Connelly, Johnson were in favor, motion carried.

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REPORTS

R1.) Planning Board: no report

R2.) Assessor: no report

R3.) Enforcement Officer: report submitted. No County report.

R4.) Justice: report submitted: The Audit committee will audit Justice records at the end of December. Justice training in December and March for the new Justice.

R5.) DCO: no report

R6.) Attorney: report submitted

R7.) Smithville Day: no report, no action on finding a chair person

R8.) Community Center when was the last inspection? Town Clerk Owens will check.

R9.) Playground Committee: no report

R10) Town Clerk: report submitted. Town Clerk Owens will be purchasing a printer and a shade for the Town Clerk window before the end of the year. She is asking for early reimbursement for these purchases if she uses her credit card as the due date will be before the next Board meeting. Board members were in agreement and also mentioned that additional funding for a counter curtain could come from the Building Maintenance account A1620.4 if needed since the curtain was a function of both office and Community Center.

**RESOLUTION # 45 (2011): REIMBURSE TOWN CLERK OWENS EARLY**

On a motion by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Connelly, the following Resolution was ADOPTED

AYES: Vanderweyde, Schultes, Mohr, Connelly, Johnson

NAYES: 0

**RESOLVED** to allow reimbursement early to Town Clerk Owens for purchase of a printer and a counter curtain if items are purchased with her credit card and **FURTHER RESOLVED** to allow additional funding from A1620.4, if needed, for the purchase of a curtain.

R11) Highway

- Pot holing, pipe and ditch replacements
- Working on FEMA w/site visits; should be getting \$ back
- Hearing tests have been done
- Confirmation of \$88,000. CHIPS reimbursement
- Repairs to do on '99 MACK; trying to locate a used rear end. Repairs approx \$2500-3000. Over budget on repairs for 2011.
- Sand is hauled and equipment is being readied; salt will arrive at the end of the month
- Possible mowing of vacant Town property if weather holds
- Private contractor will be cleaning up Pond Creek, also up on Art Lake Rd.
- Winterizing of Town Barn
- Possibly sell one of the 2 sanders
- FEMA work, and dozer work next month

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

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WARRANTS

**Highway Warrant # 11**, vouchers # 130-138 in the amount of \$10,917.41 was submitted for payment. A motion to accept and pay these bills was made by Councilman Schultes, 2<sup>nd</sup> by Councilwoman Vanderweyde. All five Board members: Vanderweyde, Schultes, Mohr, Connelly, Johnson were in favor, motion carried.

**General Warrant # 11**, vouchers # 145-164 in the amount of \$4,448.03 was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Mohr, 2<sup>nd</sup> by Councilman Schultes. All five Board members: Vanderweyde, Schultes, Mohr, Connelly, Johnson were in favor, motion carried.

No JRC bills. The JRC responsibility will be going to the Town of Greene in 2012.

SHARE check has not made an appearance. Supervisor Johnson will make a deposit for the JRC when the check is received. 2 spots to be filled at the beginning of the year.

OTHER:

There were no FYI items. The Public Hearing for the Smithville Center Fire District will be Dec. 12<sup>th</sup> at 4pm. The December meeting of the Town Board will be December 19<sup>th</sup> at 6pm.

Alison B. Owens

Smithville Town Clerk