

MINUTES OF THE SMITHVILLE TOWN BOARD  
October 15, 2012

The regular meeting of the Smithville Town Board was called to order at 6:30PM by Supervisor Fred Heisler Jr. Present were the following:

<u>Board members</u>	<u>Others</u>
Supervisor Fred Heisler Jr.	Highway Supt. Bruce Kinney
Council persons:	Town Clerk Alison Owens
Bob Whitmore	PB Chair Jackie Centerwall
Karl Ludwig	PB member Tom Pollard
John Cammarata	DCO Christine Stark
	Smithville Day Chair Jenn Fluery
Absent:	Sally Crow
Elizabeth Vanderweyde	

CORRESPONDENCE

6:35PM

- C1: Personnel & Ethics School Nov.2/Nov.8. Councilman Cammarata will be attending, Supervisor Heisler is hoping to attend.  
C2: Thank you from Presbyterian Church for use of Community Center for the past 2 years.  
C3: Seeber's Tavern: copy of application to NYS for intent to renew liquor license  
C4: Thank you from Fire Dept. for donation in memory of Dave Coleman

REPORTS

6:45PM

R1.) Planning Board: no written report submitted. Chair Jackie Centerwall said the Planning Board met Oct. 8<sup>th</sup> and changed items on the Comprehensive Plan previously discussed. The Planning Board will make final copies for the Town Board and the Comp Plan will be reposted to the Town website. General conversation re: Town Barn. Properties being considered are located on County Rd. 3/King Rd and Co Rd 3/Hammerle Rd. The potential sellers would like to see drawings of the proposed buildings; lot size is between 2.5-3 acres. There was also conversation about training responsibilities and opportunities for the Planning Board.

The Planning Board is also looking at other area site-plan local laws, some of which have road use in them. Steuben County has a site plan w/road and noise use which might be useful. There was also lengthy discussion about enforcement procedures for a local law.

R2.) Assessor: no report submitted –It was suggested to invite the Assessor to report and/or attend next month's meeting.

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

R4.) Justice: there is a sitting Judge now who has been appointed until the end of the year-- Justice Paul O'Connor, current Town Justice in Plymouth. Justice O'Connor has opened his own bank account at NBT. NBT has informed Supervisor Heisler they would like an additional name on Justice Kehl's old account, and also on the new account opened by Justice O'Connor so the accounts could be closed at the appropriate time or if there is ever a problem. Councilman Cammarata volunteered to be on the accounts.

**RESOLUTION # 44 (2012): ADD COUNCILMAN CAMMARATA'S NAME TO BOTH JUSTICE ACCOUNTS**

On a motion by Supervisor Heisler, 2<sup>nd</sup> by Councilman Whitmore, the following Resolution was ADOPTED.

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AYES: Whitmore, Ludwig, Cammarata, Heisler  
NAYES: 0  
ABSENT: Vanderweyde

RESOLVED to add Councilman Cammarata's name to both (former) Justice Ben Kehl's and current Justice Paul O'Connor's bank accounts.

JCAP grant money can possibly still be used to make modifications to this building to offer the Town Justice an office. Justice O'Connor is willing to help try to get something through.

R5.) DCO: no written report submitted. DCO Stark reported some local dogs got into Tony Zdobyak's cows on N. Tyner Rd. and killed some of them. She can't fill out a dangerous dog report because it is not certain where the offending dogs live and the DCO could find no one home at homes checked. It is also unknown whether the dogs are licensed. The Sheriff's Office was notified but did not come. Mr. Zdobyak would like restitution for the loss of his cows. The DCO has also had a dog complaint on Collyer Rd. She would like a map of Smithville.

R6.) Attorney: report submitted. The Attorney has used 6 of the 10 "retainer" hours this year.

R7.) Smithville Day: report submitted.

Would like an area between the Post Office and the Fire Station to be used as an additional parking area and also a walkway (made of gravel) for the event in June.

The Smithville Day Committee bank account should have Jenn Fleury's name on it. Supervisor Heisler will ask at NBT this week. The Chairperson would like a key to the Community Center.

R8.) Community Center: no report

R9.) Playground Committee: no written report. Playground bathrooms are not completed. Bathrooms need lever handles; toilets need replacement within the room because they do not meet handicapped code. The cost will be minimal. New security system is not yet functioning. Signs warning against vandalism have been placed in the park.

R10) Town Clerk: report submitted. The Town Clerk asked the Town Board to consider a Tax Collection program which would allow online credit card payments and online status of taxes paid through the Town website; overall the program being considered is a more user friendly program for the Clerks to handle. This is through BAS who also writes the Town Clerk software package. While the initial cost is about \$3,000., yearly updates after that would be in the \$800. range. The Town Clerk has some additional questions and will have answers at the November meeting.

R11) Highway: FEMA repair will come out of summer contractual

- Need to finish Creek work
- Road Program discussed last month: Highway Maintenance and conditions
- Windham, Buckley Hollow and Marvin Rds. not finished this year
- Dust oil cost \$45,000. this year. The Highway Sup't does not feel it is a cost advantage to do a full program next year. Some ideas were discussed--Houses sitting back from road maybe don't need it? Make joint proposition for dust control? Do chip pads in front of houses. Use calcium control (which needs water) or use only every other year? Same Town budget monies are available but the cost for product is more.

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- Auction items brought in about \$2800.
- Town Barn driveway has been fixed, general appearance has been updated

R12) Supervisor's Report: report submitted. The DA9950.9 interfund transfer has been completed although it has not shown up yet on the Supervisor's report. The Supervisor is still working on Identification Badges for DCO and Code Enforcement.

Shawn Fry, Chenango County Highway is still working with the Town request for speed limits on Town roads. The NYSDOT has rejected Oak St., but is still considering speed reductions on Round Pond and Water St.

Haefle TV (supplier of cable TV in Smithville) would like to apply for grant \$ to upgrade to high speed internet. Haefle would like a Resolution from the Town Board showing support for Haefle TV to obtain this grant money. This was deferred to a later meeting.

A motion to accept the Supervisor's report was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Ludwig. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent.

NEW BUSINESS

7:40PM

NB1: Consider request from the Smithville Valley Jr. Grange for \$300. budgeted for the annual Children's Christmas party. This was so moved in the following Resolution:

**RESOLUTION # 45 (2012) RELEASE \$300. FOR JR GRANGE FOR ANNUAL CHILDRENS CHRISTMAS PARTY**

On a motion by Councilman Whitmore, 2<sup>nd</sup> by Councilman Cammarata, the following Resolution was ADOPTED.

AYES: Whitmore, Ludwig, Cammarata, Heisler  
NAYES: 0  
ABSENT: Vanderweyde

RESOLVED to release \$300. to the Smithville Valley Jr. Grange (Mindy Eldred) for the annual Children's Christmas Party. Funds to be drawn from A7310.4.

NB2: consider line item payment for additional bills submitted by John Cammarata for alarm system and signs in the amount of \$444.94. Mindy Eldred of the Playground Committee indicated it was ok to release these monies from the Bottle Fund.

**RESOLUTION # 46 (2012) RELEASE \$444.94. TO JOHN CAMMARATA FOR PLAYGROUND PURCHASES**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore, the following Resolution was ADOPTED.

AYES: Whitmore, Ludwig, Heisler  
NAYES: 0  
ABSENT: Vanderweyde

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ABSTAIN: Cammarata

RESOLVED to release \$444.94 from the Bottle Fund to John Cammarata to reimburse him for the alarm system and the “vandalism” signs.

NB3: Codification possibility: from Town Topics in the news—Urban farming Things to be computerized, and placed on the website. This would fulfill any transparency requirement.

NB4: removed

NB5: Establish dates for the following Public Hearings: moved to after Old Business

OLD BUSINESS

8:20PM

OB1: Parking lot lights are ok now, light on other end by the Pavilion may need work; Community Center side light poles were also discussed

OB2: Town Budget: The amounts previously set for the tentative budget are under budget for 2013 by about \$5,000. The proposed amount to be raised by tax is \$491,261.00. There was some discussion on the Budget but Board members were comfortable moving forward with a Resolution accepting the Tentative Budget as the Preliminary Budget.

**RESOLUTION # 47 (2012) ACCEPT THE TENTATIVE BUDGET AS THE 2013 PRELIMINARY BUDGET**

On a motion by Councilman Ludwig, 2<sup>nd</sup> by Councilman Cammarata, the following Resolution was ADOPTED.

AYES: Whitmore, Ludwig, Cammarata, Heisler

NAYES: 0

ABSENT: Vanderweyde

RESOLVED to accept the Tentative budget as the Preliminary Budget for 2013.

**NB5: Establish Public Hearings for the Preliminary Budget, the Genegantslet and Smithville Center Fire Contracts and the Seasonal/Snowmobile Roads.**

The Public Hearing for the Budget takes place following the Elections. A date of November 7<sup>th</sup> @ 6:30pm was chosen by the Town Board for the 1<sup>st</sup> Public Hearing, with the rest to follow.

Budgets for the Genegantslet Fire Co. contract and the Smithville Center Fire Contract were submitted by Genegantslet Fire Chief Bob Whitmore. The amounts are the same as 2012: \$87,285. to be raised for the Genegantslet contract and \$10,000. amount to be raised for the Smithville Center contract.

The Seasonal/Snowmobile Roads Public Hearing are done annually. A Resolution to advertise for the Public Hearings was brought forth.

**RESOLUTION # 48 (2012) CALL FOR PUBLIC HEARINGS ON 2013 PRELIMINARY BUDGET, THE GENEGANTSLET AND SMITHVILLE CENTER FIRE CONTRACTS, AND SEASONAL/SNOWMOBILE ROADS FOR THE 2012/2013 SEASON FOR WEDNESDAY NOV. 7<sup>TH</sup>**

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On a motion by Councilman Whitmore, 2<sup>nd</sup> by Councilman Ludwig, the following Resolution was ADOPTED.

AYES: Whitmore, Ludwig, Cammarata, Heisler  
NAYES: 0  
ABSENT: Vanderweyde

RESOLVED to establish Public Hearing dates and times for the above mentioned topics: to hold a Public Hearing on the 2013 Preliminary Budget on Nov. 7<sup>th</sup> @ 6:30pm; to hold a Public Hearing on the Genegantslet Co. Fire Contract for 2013 @ 6:40pm; to hold a Public Hearing on the Smithville Center Fire Contract for 2013 @ 6:50pm; to hold a Public Hearing on Seasonal Roads @7pm; and to hold a Public Hearing on Snowmobile Roads @ 7:10pm. Such to be advertised in the Chenango American newspaper.

MINUTES APPROVAL FOR Sept. 17th, 25<sup>th</sup> and October 9th 8:30PM

The minutes of the above list were reviewed by Board members. A motion was made by Councilman Whitmore, 2<sup>nd</sup> by Councilman Ludwig to approve the three sets of minutes. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent.

WARRANTS 8:35PM

**General Warrant # 10**, Vouchers # 129-137 in the amount of \$2,044.40 were submitted for payment. A motion to accept and pay these bills was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent.

Highway Warrant # 10, Vouchers #133-145 in the amount of \$74,752.92. were submitted for payment. A motion to accept and pay these bills was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Whitmore. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent.

OTHER--UNION

The Town Board will need to set a date to talk to Roberta Dunker with regard to a Step 2 Hearing.

CLOSE A motion to close the Town Board meeting was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Whitmore. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent. 8:56PM

**Executive Session to discuss Union Negotiations** 8:57PM

A motion to go in to Executive Session to discuss Union Negotiations was made by Councilman Ludwig, 2<sup>nd</sup> by Councilman Cammarata. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent.

**Out of Executive Session** 9:45pm

A motion to come out of Executive Session was made by Councilman Cammarata, 2<sup>nd</sup> by Councilman Whitmore. All 4 Board members (Whitmore, Ludwig, Cammarata, Heisler) in favor, motion carried. Vanderweyde absent.

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Supervisor Heisler declared the meeting adjourned at 9:45pm. The next meetings are the Public Hearings on Nov. 7<sup>th</sup> and the regular Town Board meeting on Nov. 19<sup>th</sup>.

Alison B. Owens

Smithville Town Clerk