

Minutes of the Smithville Town Board
May 20, 2013

OPENING

Supervisor Fred Heisler

6:30PM

ROLL CALL

Supervisor Fred Heisler Jr.
Councilwoman Elizabeth Vanderweyde
Councilman Bob Whitmore
Councilman Karl Ludwig
Councilman John Cammarata

ALSO PRESENT

Town Clerk Alison Owens
Highway Sup't Bruce Kinney (arrived at 7:15)
Justice Jordon Lilley
PB members Tom Pollard and Tim Hanna
Richard & Sally Crow, DCO Christine Stark

LATE ADDITIONS: C3 communication from Sally Crow

OPENING OF FUEL BIDS

6:35pm

Town Clerk Owens read the legal notice as it appeared in the Chenango American. Supervisor Heisler opened and read the fuel bids as follows: XX= Not Bid

VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCUATING	FIRM BID
Blue Ox 38 N. Canal St. Oxford, NY 13830				
ULSD			XX	XX
ULSD Winter Blend			XX	XX
'87 UL Gas w/10% Eth			XX	XX
Kerosene for Heat			XX	XX
Propane			XX	\$1.999/gal
500 gal. tank				
Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902	Albany OPIS			
ULSD	5/9/13 (\$3.0621)	+ .1636	\$3.2257/gal	\$3.4792/gal
ULSD Winter Blend	5/9/13 (\$3.1767)	+ .1636	\$3.3403/gal	\$3.7292/gal
'87 UL Gas w/E10	5/9/13 (\$2.9486)	+ .2163/gal	\$3.1649/gal	XX
Kerosene for Heat	5/9/13 (\$3.1767)	+ .1863/gal	\$3.3630/gal	\$3.7559/gal
Propane	5/16/13 (\$1.1755)	+ .3654/gal	\$1.5409/gal	\$1.7362/gal
Economy Heating P.O. Box 575 Apalachin, NY 13732				
ULSD	5/16/13	Rack (3.016)+ \$.25	XX	\$3.999/gal
ULSD Winter Blend			XX	+ .05 from ULSD
'87 UL Gas	5/16/13	Rack (\$2.88) +\$.20	XX	\$3.999/gal
Kerosene for Heat	5/16/13	Rack (\$3.22) +\$.25	XX	\$4.249/gal
Propane			XX	XX

Minutes of the Smithville Town Board
May 20, 2013

It was suggested to check the NYS bids. While NYS bids can be cheaper, it could become problematic if it is not known who services the tank, or makes the deliveries. Justice Lilley will send a computer link to NYS contract prices to the Town Supervisor. It was further suggested to table a decision on awarding the contract pending review of the NYS bid contracts or to hold a work session for continued discussion.

CORRESPONDENCE

6:42PM

C1. Ambit Energy: annual energy refund for the Town Barn account

C2: NYSDOT: transportation enhancement projects available through TEP. Supervisor Heisler will call NYSDOT to find out further information.

C3: correspondence from Sally Crow regarding a meeting on gas and oil production in Oneonta May 30th.

NEW BUSINESS

6:55PM

NB1: Consider Resolution to sponsor the Smithville Day 5K with the Genegantslet Fire Dept. This and NB2 and NB2A are an annual request from the Smithville Day 5K chair.

RESOLUTION # 30 (2013): CO-SPONSOR THE 5K WITH THE GENEGANTSLET FIRE DEPT

On a motion by Councilwoman Vanderweyde, 2nd by Councilman Ludwig, the following Resolution was adopted.

Ayes Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler

Nayes 0

RESOLVED to co-sponsor the Smithville Day 5K on June 8th with the Genegantslet Fire Dept.

NB2: Consider Resolution to approve use of Water St. for 5K

RESOLUTION # 31 (2013): APPROVE WATER ST. FOR USE IN 5K

On a motion by Councilman Ludwig, 2nd by Councilman Cammarata, the following Resolution was adopted.

Ayes Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler

Nayes 0

RESOLVED to approve the use of Water St. for the Smithville Day 5K June 8th.

NB2A: use of Community Center for registration June 7th in the evening and 8th in the morning
Vanderweyde/Ludwig

RESOLUTION # 32 (2013): APPROVE USE OF COMMUNITY CENTER FOR 5K REGISTRATION

On a motion by Councilwoman Vanderweyde, 2nd by Councilman Ludwig, the following Resolution was adopted.

Ayes Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler

Nayes 0

Minutes of the Smithville Town Board
May 20, 2013

RESOLVED to use the Community Center for 5K registration June 7th in the evening and June 8th in the morning.

NB3: Consider WoollyBear.com (Roy Petersen) to maintain the Town's website.

Supervisor Heisler would like to see the Town devise a strategy in the future for having a professional take over the responsibility and/or mesh with the generosity of a towns person to maintain the website. The two volunteers currently maintaining the website were present and verbally gave their opinions. Supervisor Heisler said this would be considered at a work session. It may need to be put into next year due to budget constraints

NB4: Consider extension of building permit for Playground Restroom facilities. The current building permit will expire 6/29/13. To renew will cost \$50.00

RESOLUTION # 33 (2013): RENEW BUILDING PERMIT FOR PLAYGROUND RESTROOMS

On a motion by Councilman Ludwig, 2nd by Councilman Vanderweyde, the following Resolution was adopted.

Ayes Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler
Nayes 0

RESOLVED to renew the building permit for the playground restrooms @ \$50.00.

NB5: Consider revised rental form agreement. The application as revised did not include a change to the security deposit, moving from \$45.00 to \$75.00. Once the change is made, the application can be used.

RESOLUTION # 34 (2013): CHANGE SECURITY DEPOSIT TO \$75.00 ON COMMUNITY CENTER APPLICATION

On a motion by Councilman Ludwig, 2nd by Councilman Vanderweyde, the following Resolution was adopted.

Ayes Vanderweyde, Ludwig, Cammarata, Heisler
Nayes Whitmore [correction]

RESOLVED to change the security deposit to \$75.00 on the Community Center application.

NB6: Consider written agreement with Southern Chenango (Tractor Club) for use of Town property
There is no written agreement with the Tractor Club. The verbal agreement was to make a donation to the Town after expenses involved in maintaining the field. Supervisor Heisler suggested it be put in writing what the Town will do and what the Tractor Club will do. This will be considered further between the Town and the Tractor Club.

NB7: Consideration of fuel bids had been tabled until next meeting but Hwy Sup't Kinney (who was not present for the opening of the bids and subsequent discussion) explained he would rather decide now from the bids presented than make a decision later. State contracts have a different calendar and may not allow the Town to be able to get in until January. The Town would have to buy different tanks, etc. from the different vendors and would have to purchase a specific amount of fuel/propane according to the bid. With the different sizes of the current tanks at the Town Barn, this would be a problem. After considering these issues brought up by the

Minutes of the Smithville Town Board
May 20, 2013

Highway Sup't, and considering the current bids before them, and considering that Mirabito's bids were the lowest overall, the Town Board made the following Resolution:

RESOLUTION # 35 (2013): ACCEPT ALL OF MIRABITO'S FUEL/PROPANE BIDS

On a motion by Councilman Cammarata, 2nd by Councilman Vanderweyde, the following Resolution was adopted.

Ayes	Vanderweyde, Ludwig, Cammarata, Heisler
Nays	0
Abstain	Whitmore [correction]

WHEREAS Mirabito's fuel and propane bids were the lowest, BE IT THEREFORE RESOLVED to accept all 4 of Mirabito's firm price fuel bids for USLD, USLD Winter Blend, Kerosene and Propane plus Mirabito's fluctuating bid price for '87 Octane gasoline.

OLD BUSINESS

7:40PM

OB1: further discussion of Justice quarters

The suggested renovation of the current quarters into 3 separate offices seems to work for all people involved. The design was done to minimize the # of wall changes. The next step will be to work through some of the smaller problems at a work session and to get some cost estimates. Another item needed is a bench for the Judge in the main meeting room.

REPORTS

7:55PM

R1.) Planning Board: no report submitted. Planning Board members Pollard and Hanna reported the Planning Board is working the Site Plan review with 2 drafts, merged into 1. Copies were dropped off to Hwy Supt. Board members had reviewed the draft copy. The Site Plan Local Law is expected to be enacted into law by the end of 2013.

R2.) Assessor: no report submitted

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

R4.) Justice: no written report submitted. Court held 2nd, 3rd, 4th Tues. people call during week and try to pay fines at the Town Clerk's office. Would really like to see a Court Clerk for next year, someone to collect fines or answer questions with regard to fines, attend Court during day to answer questions, perhaps obtaining information from the Justice computer. Supervisor Heisler suggested the Justice write up a list of duties for a potential Court Clerk for the Town Board to review.

R5.) DCO: no report submitted, inspection report available; Complaint form for DCO to give to Justice in addition to the appearance ticket is now available. This should be added onto the website. Another dog bite was reported by Robert Fowler's dog, Round Pond Rd.. The dog was not euthanized last time and this time A police officer was attacked by dog.. The owner told to post a "Dangerous Dog" sign on the property. A stray dog at large across State Hwy 41 from the Community Center has also been reported.

R6.) Attorney: no report submitted

R7.) Smithville Day: no report submitted. The SDC did request a 2nd port-a-john to use during that day. Board members considered this but felt it was not necessary. The SDC did also request orange emergency cones to use for the 5K, and also some for parking. Highway Sup't Kinney said some from the Highway dept. would be provided.

R8.) Community Center: CC Inspection report items discussion.

- door handle on front door: has not been purchased yet

Minutes of the Smithville Town Board
May 20, 2013

- light posts for side entrance: were ordered and are in. The cost was less than thought.
- cigarette disposal receptacle: was ordered, has arrived but is not yet set up

R9.) Playground Committee: report submitted

R10) Town Clerk: report submitted

R11) Highway: 2 vehicles purchased at auction: a 2002 Volvo 10 wheeler w/Tenco plow with 98,000 miles. This came from the Town of Bloomfield. It has no sander; the purchase price was \$55,000. The 2nd vehicle purchase is an '07 Ford F-350 pick/up with 43,000 miles from the Village of Watkins Glen. The purchase price was \$17,000. Creek work on Pond Creek has been completed

Cemetery worker is needed as Groundskeeper Keith Sabin is not able to do the cemeteries this year. It was suggested to request the Sheriff's Dept. work detail to do the cemeteries. It was also suggested to find out if a substitute groundskeeper could be hired to help out.

R12) Supervisor's Report: report submitted. A motion to accept the Supervisor's report was made by Councilman Cammarata, 2nd by Councilwoman Vanderweyde. All five Board members: Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

The Sales Tax check for the 1st 3 months of the year was considerably less, about 19.6% less for the Town of Smithville. Further reductions in the sales tax revenue could impact the 2014 Budget.

MINUTES APPROVAL FOR April 15th

8:35PM

The minutes of the April 15th were reviewed. A motion to accept these minutes was made by Councilman Ludwig, 2nd by Councilwoman Vanderweyde. Four Board members were in favor: Vanderweyde, Ludwig, Cammarata and Heisler; Whitmore abstained.

WARRANTS

8:40PM

General Warrant # 5, Vouchers # 54-71, in the amount of \$4,200.51 were presented for payment. An additional approval of voucher # 72, for \$92.00 for stamps for the Justice was also presented for payment. This voucher will appear on the June 17th Warrant. A motion to pay these bills was made by Councilman Cammarata, 2nd by Councilwoman Vanderweyde; all 5 Board members, Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

Highway Warrant # 5, Vouchers # 52-67, in the amount of \$95,823.15 were presented for payment. A motion to pay these bills was made by Councilwoman Vanderweyde, 2nd by Councilman Ludwig; all 5 Board members, Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

EXECUTIVE SESSION

Into Executive Session 9:28pm--A motion to go into Executive session for the purpose of discussing a legal matter was made by Councilman Ludwig, 2nd by Councilman Cammarata; all 5 Board members, Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

Out of Executive session 9:52—A motion to come out of Executive session was made by Councilman Ludwig, 2nd by Councilman Cammarata; all 5 Board members, Vanderweyde, Whitmore, Ludwig, Cammarata and Heisler were in favor, motion carried.

ACTION TAKEN

RESOLUTION # 36 (2013): PAY RESTITUTION TO GEORGE MARBLE

On a motion by Councilman Ludwig, 2nd by Councilman Vanderweyde, the following Resolution was adopted.

Ayes Vanderweyde, Whitmore, Ludwig, Cammarata, Heisler
Nays 0

Minutes of the Smithville Town Board
May 20, 2013

RESOLVED to pay George Marble \$200. for restitution from a Court case in 2012 .

There was no other business to come before the Board. A motion to adjourn was made by Councilman Cammarata, 2nd by Councilwoman Vanderweyde. All 5 Board members in favor, meeting adjourned at 9:55PM. The next meeting is June 17th.

FYI's: * Empire Energy Forum webinar May 22nd "New York and Hydraulic Fracturing"

- Regional Digest Funding Workshops
- Road Posting, Bonding, Maintenance Webinar for PB members

Alison B. Owens

Smithville Town Clerk