

Minutes of the
Smithville Town Board
May 19, 2025

OPENING of Town Board meeting
ROLL CALL/PLEDGE/LATE ADDITIONS:

6:30PM

Supervisor John Cammarata
Board members: Dakota Warren, absent

ALSO:

Alison Owens, Town Clerk
Vince Witkowski, Hwy Sup't

Shane Butler, absent
Russell Wark
Fred Heisler

Patty Castaldy, resident
Priscilla Shafer, resident
Roseann Moore, resident
Marie Kehl, PB Chair
Barbara Tallet, resident

FUEL BID NOTICE AND OPENING OF BIDS, May 19, 2025

6:34PM

VENDOR/PRODUCT	POSTING DATE	DIFFERENTIAL	FLUCTUATING	FIRM BID
Hinds Energy PO Box 100 Montrose, PA 18801				
ULSD	4/23/2025 \$2.639 p/g	\$.40	\$3.039 p/g	not bid
ULSK Winter Blend	4/23/2025 \$2.689 p/g	\$.40	\$3.089 p/g	not bid
Kerosene	4/23/2025 \$3.199 p/g	\$.40	\$3.599 p/g	not bid
'87 UL Gas w/10% Eth	4/23/2025			not bid
Propane	4/23/2025 \$1.77 p/g	\$.60	\$2.399 p/g	\$1.799
1000 gal. tank				
Mirabito Energy Prod P.O. Box 5306 Binghamton, NY 13902				
ULSD	5/16/2025 \$2.4128 p/g	\$.2725	\$2.6853 p/g	\$2.7087 p/g
ULSK Winter Blend Kerosene	5/16/2025 \$3.0335 p/g	\$.2725	\$3.3060 p/g	\$3.3087 p/g
'87 UL Gas w/E10	5/16/2025 \$2.3529 p/g	\$.3535	\$2.7064 p/g	not bid

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Propane (Selkirk)	N/A	N/A	N/A	\$1.6500 p/g
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The 2 bids were opened and read by Supervisor Cammarata and reviewed by the Board members present. While there was a quorum of 3 Board members, only 2 were eligible to vote as the remaining Board member was an employee of one of the bidders. It was recommended to wait until the end of the meeting to contact the absent Board members by phone for their vote on the fuel bids.

RESULTS OF AFTER MEETING VOTE:

The fuel bids presented by Hinds Energy and Mirabito Fuel were discussed both at the Board meeting and on the phone with the 2 absent Board members. Four of the Board members felt to accept the firm bid of propane by Mirabito, the fluctuating price for '87 Octane and the firm prices for ULSD and ULSK also by Mirabito were better priced than Hinds Energy and allowed for all products to be delivered by the same company. There was also some confusion on Hinds Energy's separate bids for ULSK and Kerosene.

RESOLUTION # 27 (2025): ACCEPT ALL OF MIRABITO'S FUEL BIDS AS PRESENTED

On a motion by Supervisor Cammarata, 2nd by Mr. Heisler, the following Resolution was ADOPTED

AYES: Cammarata, Heisler,
AYES, but voting by phone: Butler, Warren
NAYES: 0
ABSTAIN: Wark

RESOLVED to accept Mirabito's firm bids for ULSD, ULSK and Propane; also Mirabito's fluctuating bid for "87 Oct. E10 for the period of June 1, 2025 to May 31, 2026

CORRESPONDENCE

6:40PM

C1) Email requesting use of CC for exercise classes

Resident Rosanne Moore has requested use of the Community Center for Zumba exercise classes. She and her co-workers are licensed to teach and they have authorized insurance. Their insurance company will add the Town of Smithville as additional insured. Each participant has to be physically fit in order to participate. There is also a "hold harmless" form on the Community Center application to sign. The Zumba exercise program does not charge for their classes but they do put out a donation basket at each class.

Hours for having a Zumba Class were discussed but no decision was made. Board members considered this option for the Community Center and decided that if it would work within scheduling times with the Town's other activities and they provided appropriate insurance, "hold harmless" forms and physical capabilities of participants, then the Board would be in favor.

RESOLUTION # 28 (2025): ALLOW ZUMBA CLASSES TO BE PROVIDED IN THE COMMUNITY CENTER

On a motion by Mr. Heisler, 2nd by Mr. Wark, the following Resolution was ADOPTED

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AYES: Heisler, Wark, Cammarata
NAYES: 0
ABSENT: Butler, Warren

RESOLVED to allow Zumba classes to be held in the Community Center following the guidelines for insurance, “hold harmless” clauses, physical capabilities of participants, overcoming scheduling conflicts and a donation only policy.

NEW BUSINESS

6:37PM

NB1) consider Attorney Bond Resolution for 440K for truck purchases

The 1st Resolution for this bond took place at the April 21st meeting. This 2nd Resolution is to correct the amount and to provide further information for NBT bank and Trespasz Law Offices, who is providing the counsel for the financing. The Bond Notification or Permissive Referendum will be advertised in the Evening Sun, on the Town’s website and 4 other places in the Town. After 30 days the Estoppel notice will be published in the Evening Sun and on the Town’s website. If no complaints are heard, then the bonding will continue. At this time the bonding is for the acquisition of a 2026 Ford pick-up truck with box and plow purchase and also the STARFIGHTER (Western Star) truck and plow at a cost of \$440,000.00. The Resolution passed with 3 Board members or minimum quorum.

RESOLUTION # 29 (2025): BOND WITH NBT BANK FOR PURCHASE OF 2026 F-600 WITH SEPARATE BOX AND PLOW PURCHASE; ALSO PURCHASE OF THE SNOW FIGHTER (WESTERN STAR) TRUCK

On a motion by Mr. Wark, 2nd by Mr. Heisler, the following Resolution was ADOPTED

AYES: Heisler, Wark, Cammarata
NAYES: 0
ABSENT: Butler, Warren

RESOLVED to continue with the purchasing and financing of the FORD 2026 F-600 and separate box and plow; also the purchasing and financing of the Snow Fighter (Western Star) Truck 10 wheeler. Such amount to be bonded is \$440,000.00 and will be financed as follows from the Bond Resolution described in the appendix of these minutes and subject to a Permissive Referendum. (Please see the appendix for the full description of the RESOLUTION) This bond will be for immediate purchase of the F-600, then the full bonding will be in the fall of 2025 for the 10 wheeler.

NB2) consider Town Board action to remove PB member

A member of the Planning Board member can no longer attend the meetings but does not want to resign. Mr. Cammarata has called the Association of Towns to receive counsel on appropriate action to take. After a brief discussion, Mr. Heisler said he would communicate with the person first.

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NB3) consider Resolution for proposition on ballot to allow the elected office of Town Clerk/Tax Collector to become an appointed 2yr. position. This will be the same proposition that was on the ballot in November 2024 with the exception of moving from a 4 yr term to a 2 yr term.

RESOLUTION # 30 (2025): REPEAT THE PROPOSITION ON LAST YEAR'S BALLOT WITH THE FOLLOWING EXCEPTION:
"SHALL THE POSITION OF TOWN CLERK/TAX COLLECTOR FOR THE TOWN OF SMITHVILLE BE CHANGED FROM ELECTED TO APPOINTED WITH A 2 YEAR TERM?"

On a motion by Mr. Wark, 2nd by Mr. Heisler, the following Resolution was ADOPTED

AYES: Heisler, Wark, Cammarata
NAYES: 0
ABSENT: Butler, Warren

RESOLVED to place a proposition on the November 2025 ballot for the Town of Smithville asking Town of Smithville residents: "Shall the position of Town Clerk/Tax Collector for the Town of Smithville be changed from ELECTED to APPOINTED with a 2 year term?"

NB4) consider award of fuel bids, addressed after the meeting but the discussion was placed with RESOLUTION # 27.

OTHER:

The Town Board then addressed questions from Mrs. Patty Castaldy and Mrs. Priscilla Shafer concerning dust oil for the dirt roads in front of their residences.

Mrs. PAT CASTALDY is concerned about the new assessment she received recently and added that nothing is being done about the roads. She would still like dust oil and not the calcium applied to her road but no action has been taken.

Mr. CAMMARATA explained it is not a Board position to take, it is a Hwy Sup't decision. Dust oil is not covered under the CHIPS program which Towns use for that expenditure but Calcium is covered. The Board can consider a separate budget line at Budget time, depending on the cost. There is no guarantee that it will fit in next year's budget.

Mrs. PRISCILLA SHAFER cleans her own ditches on Robbins Rd, and has asked repeatedly for dust oil; the Town of Greene is going to stone and oil from the Town of Greene line on Robbins Rd. to 3A

Mr. CAMMARATA said he will check with the road crew who re-did N. Tyner Rd. with polymer mix and see about Robbins Rd and if something could be done.

HWY SUPT WITKOWSKI said he is doing the best he can with the # of roads and supplies available

OLD BUSINESS (UPDATES IF ANY)

7:20PM

OB1) further discussion on the water system by Brandon Becker will take place next NEXT MONTH. There is a new 2.5 mil grant now available which Brandon will discuss next month. Development in the hamlet for a gas station or Senior housing would require a water system and not a well.

OB2) report on addition moved to next month. Pinnacle has not finished the drawings.

OB3) **possible discussion on dog licensing, code enforcement, cemeteries:** Only the cemeteries topic was discussed as the Code Enforcement Officer was not available.

CEMETERIES:

Due to the lateness of the season, the contractor had not been able to make the rounds of the 7 class 2 cemeteries for an initial cutting. Town Clerk/Historian Owens removed 3 cemeteries from the list: 2 because of accessibility issues and 1

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because it is being mowed by a neighbor. Of the remaining cemeteries and the impending Memorial Day weekend, there was discussion on whether the work could be done by that date. Additionally there is a tree down in Loomis Cemetery which Mrs. Owens is asking if the Highway Dept. could cut it up and remove before any mowing or weed whacking can take place. Mr. Witkowski will see what can be done. All of these class 2 cemeteries have stones fallen, propped up against a tree or misplaced. Mrs. Owens has a list of archived maps to properly position these stones when the time comes.

Wilcox Cemetery is receiving special attention later this summer for a planned Sons of the American Revolution commemorative event to honor Rev. War soldier Job Wilcox. Descendents are willing to help out with the repair of the downed fencing along the front. More info as it becomes available.

The Old/New Cemeteries of the Association: According to deed research, a 1906 deed to the “Old Cemetery” indicates a legally established right-of-way for access via the adjoining property on the southwest corner of the cemetery. Historically it was used by “wagons and sleighs” and legally could still be valid. The vacant lot will be up for auction this coming week and it remains to be seen if access can be restored to the Old part of the cemetery and subsequently the newer section which has opened up to the south of the old. Currently any mobile traffic into the new part of the cemetery has to traverse the neighbors’ lawn,

REPORTS

7:50PM

R1.) Highway: report submitted

- Culvert Pipes changed on Collyer Rd.
- Air tank needs welding
- Crossover pipes need replacing on Collyer, Skillman /Hoffman, Pollard, German Hollow
- Beavers are being a problem; there is a person trapping them
- CAT called on a grader trade-in 140 used grader 2022, 650 hours that they would sell to the Town, 7 yr warranty. Mr. Witkowski is trying to find out where it came from. He has also put in a request to see if CHIPS will cover that purchase.

R2) Assessor: report submitted: Grievance Day June 4th 4-8pm

R3.) Enforcement Officer: no report submitted

R4.) Planning Board: no report submitted. No meeting in May, no quorum

R5.) DCO: no report submitted;

R6.) vacant R7.) Justice: no report submitted

R8.) Custodian/Groundskeeper: no report submitted

R9.) Playground Committee: no report submitted

R10) Town Clerk: report submitted

- New cartridges for the HP hall copier are needed at a cost of \$950.00 Mrs. Owens checked other locations for pricing but the best quote came from the Town’s copier service rep. Board members were ok with ordering them.

RESOLUTION # (2025): ORDER INKJET CARTRIDGES FOR THE HP HALLWAY COPIER AT A COST OF \$950.

On a motion by Mr. Wark, 2nd by Mr. Heisler, the following Resolution was ADOPTED

AYES: Heisler, Wark, Cammarata

NAYES: 0

ABSENT: Butler, Warren

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RESOLVED to purchase a pack of 4 inkjet cartridges for the hallway copier at a quoted price of \$950., to be paid for from A1670.4 (Central Printing and Mailing)

R11) vacant

R12) Supervisor's Report: submitted

- There will be a meeting on Friday May 23rd regarding N. Tyner Rd and problems with it since the work was done last summer.
- Properties owing back taxes will be sold by the County at auction in October 2025.
- The NYSEG meter for use of the telecommunications tower has been disconnected. This tower is now going to be taken over by the County for a new County-wide communications system, It will take about 3 months to construct the new County-wide system
- Gates-Cole, the Town's insurance company, has said to expect an 18% increase in rates next year

A motion to accept the Supervisor's report was made by Mr. Wark, 2nd by Mr. Heisler. All 3 Board members in favor, motion carried. Mr. Butler and Mr. Warren were absent.

MINUTES APPROVAL for April 21, 2025

8:20PM

The minutes of the April 21st meeting were reviewed. A motion to approve these minutes was made by Mr. Heisler, 2nd by Mr. Wark. All 3 Board members in favor, motion carried. Mr. Butler and Mr. Warren were absent.

WARRANTS

8:25PM

General Warrant # 5, Vouchers # 55-71 in the amount of \$8406.45 were submitted for payment and were reviewed by Board members. A motion to accept and pay these claims was made by Mr. Heisler, 2nd by Mr. Wark. All 3 Board members in favor, motion carried. Mr. Butler and Mr. Warren were absent.

Highway Warant # 5, Vouchers # 58-65, in the amount of \$9096.95 were submitted for payment and reviewed by Board members. A motion to accept and pay these claims was made by Mr. Heisler, 2nd by Mr. Wark. All 3 Board members in favor, motion carried. Mr. Wark and Mr. Butler were absent.

EXECUTIVE SESSION

8:15PM

A motion to go into Executive session to discuss an employee situation was made by Mr. Wark, 2nd by Mr. Cammarata Into Executive Session at 7:51pm

A motion to come out of Executive session was made by Mr. Heisler, 2nd by Mr. Wark. All 3 Board members present were in favor, motion carried. Out of Executive Session at 8:30pm

There was no other business to come before the Board. Supervisor Cammarata declared the meeting adjourned.

CLOSE:

8:32PM

Alison Owens
Smithville Town Clerk

A regular meeting of the Town Board of the Town of Smithville, in the County of Chenango, New York was held at the Smithville Community Center, 5285 State Highway 41, Smithville Flats, New York on May 19, 2025 at 6:30 o'clock P.M. (Prevailing Time).

There were present: (Board Members)

John Cammarata
~~Dakota Warren~~
~~Shane Butler~~
Russell Wark
Fred Heisler

There were absent: (Board Members)

Dakota Warren
Shane Butler

Also Present:

Alison B. Owens, Town Clerk
Mark Spinner, Esq.

The following resolution was offered by Russell Wark, who moved its adoption, and second by Fred Heisler to wit:

BOND RESOLUTION OF THE TOWN OF SMITHVILLE, CHENANGO COUNTY, NEW YORK, ADOPTED ON MAY 19, 2025, AUTHORIZING THE ACQUISITION OF ONE (1) SNOW FIGHTER TRUCK AND PLOW AND ONE (1) FORD F600 CAB AND CHASSIS WITH BOX AND PLOW INSTALLED AT AN ESTIMATED MAXIMUM COST OF \$[440,000], APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$440,000 OF BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY THE COST OF THE PROJECT

WHEREAS, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Smithville, Chenango County, New York (the "Town") to manage, maintain and control Town properties as the purposes of the Town may require; and

WHEREAS, the Town Board of the Town has determined that it is desirable for the Town to acquire a Snow Fighter Truck and a Ford F600 Cab and Chasses with Box and Plow installed (the "Project"); and

WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), having reviewed the impact of the Project upon the environment determined that the Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(25) of the Regulations; and

WHEREAS, the Town Board now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED ON MAY 19, 2025 BY THE TOWN BOARD OF THE TOWN OF SMITHVILLE, CHENANGO COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The acquisition of the Project, all as required for the purpose for which the Project is to be used, at a maximum estimated cost of \$440,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved.

Section 2. The plan for the financing of the aforesaid specific object or purpose includes the issuance of up to \$440,000 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds, which are hereby authorized to be issued pursuant to the Local Finance Law, and the levy of a tax to pay interest on said obligations, apportioned as follows:

Section 3. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(25) of the Regulations that requires no further review under SEQRA.

Section 4. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 5. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements, certificates and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town and such authorization is intended to include authority to enter into and execute on behalf of the Town all agreements, certificates and instruments required in connection with financing the Project costs.

Section 7. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 8. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 28 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is fifteen (15) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 9. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for

the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the Town's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Smithville, Chenango County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 11. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in

addition to those required by Section 52.00 of the Local Finance Law, as the Town Treasurer shall determine.

Section 13. Trespasz Law Offices, LLP is hereby appointed bond counsel to the Town in relation to the issuance of the obligations authorized herein.

Section 14. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall be subject to permissive referendum and a summary hereof (attached hereto as **FORM OF NOTICE I**) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by Section 90 of the Town Law. This Resolution shall become effective 30 days after publication of **FORM OF NOTICE I**. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached hereto as **FORM OF NOTICE II**).

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of the Town this 19th day of May 2025, the result of which vote was as follows:

Trustee	Voting
John Cammarata	AYE
Dakota Warren	ABSENT
Shane Butler	ABSENT
Russell Wark	AYE
Fred Heisler	AYE

DATED: May 19, 2025