

MINUTES OF THE SMITHVILLE TOWN BOARD
July 19, 2010

The regular meeting of the Smithville Town Board was called to order at 6:02PM by Supervisor Allan Johnson. Present were the following:

Supervisor Allan Johnson
Board members:
HollyMohr,
Elizabeth Vanderweyde
Charles Schultes
Roger Connelly

Also: Bruce Braman, Town Justice
Alison Owens, Town Clerk
Janice Fiene
James Kenyon
Marie Henninge
BarbaraAnn Whitmore

ADDITIONS/DELETIONS: adding C4, Tax Collector report and Highway report, NB2

CORRESPONDENCE

C1, C1A, C1B: Seeber's Tavern: a notice of alteration to the exterior of building & a request for a waiver of the 30 day advance notice was received and noted. Currently beer can be consumed anywhere on the property but wine and liquor must be consumed on the porches and indoors. The entire back yard has now been completely enclosed to allow for wine and liquor to be consumed once the change is allowed. A NYS liquor license has to provide for 30 days notice. Seeber's Tavern is requesting a waiver of 30 day advance. The NYSABC Board will not grant a liquor license if the Town Board expresses concerns about Seeber's Tavern and its proposed liquor license. Secondly—Seeber's Tavern is requesting a change in class for the liquor license to a hotel license for Bed & Breakfast, room service, etc. After further discussion, the following RESOLUTION was proposed and adopted:

RESOLUTION # 16 (2010): APPROVE SEEBER'S TAVERN'S REQUEST FOR WAIVER

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

ADOPTED

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

RESOLVED to approve the request for the waiver of the 30 day advance notice for alterations and the change in class made by Janice Fiene for Seeber's Tavern.

C2: NYSDOT: **notice of bridge replacement on NYS 41**; The NYSDOT had mailed letters to each Board member and to several residents along the proposed detour for the bridge replacement. The bridge replacement targets the State Hwy 41 bridge over Pond Creek in the center of the hamlet. NYSDOT proposed either a one lane closure of State Hwy 41 during bridge replacement or a detour following Tarbell Rd., Round Pond Spur and Round Pond Rd. The NYSDOT asked individuals to comment. Town Clerk/Historian Alison Owens had responded in an email to the indicated person, Kirk Boothroyd. Her response was read to Board members and those in attendance. The detour site would not be feasible due to the angle for turns and weight limits on the Tarbell Rd. bridge over Pond Creek. Board members asked Supervisor Johnson to call and talk with Kirk Boothroyd.

C3: Jr. Grange: request for advance funds \$150. for October Harvest Festival. This was OK with the Town Board.

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C4: letter from Justice Lenga with regard to arrests made outside of Seeber's this past weekend. Janice Fiene of Seebers Tavern commented on the actions taken. She indicated most of the problems are coming from the business directly across the road and are not a result of business with Seeber's patrons.

NEW BUSINESS

NB1: Resolution authorizing adoption of standard workday: This will need to be done due to **new State regulations on the Retirement System**. Supervisor Johnson has made a draft resolution to adopt the standard workday. He asked Board members to review the draft for a Resolution next month.

NB2: **Flood Zone maps**: Director of Chenango County Health Dept. Marcus Flint; Chenango County is offering their Code Enforcement Officer to act as Flood Plain Administrator at no charge to the municipality. Members of the Town Board were ok with having the County Code enforcement sign building permit applications for the Town of Smithville with regard to the Flood Zone. Supervisor Johnson will take care of the paperwork needed.

OLD BUSINESS (updates since last meeting)

OB1: Noise Control Local Law: Board members discussed briefly the comments from the Public Hearing. Supervisor Johnson asked each Board member what their opinion was with regard to the proposed local law. Councilmen Connelly and Schultes and Councilwomen Vanderweyde and Mohr all thought it should be dropped completely. The mood of the Public seemed to move toward respect for neighbors property and less toward a local law that was vague and did not give direct interpretation of noise level to any one specific individual. It was recommended that for further complaints, the NYS Police or the Chenango County Sheriff's Dept. be contacted.

MINUTES APPROVAL: The minutes of the June 27th meeting were reviewed. A motion to accept the minutes was made by Councilwoman Mohr, 2nd by Councilman Schultes. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

REPORTS

R1.) Planning Board: no report

R2.) Assessor: no report

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

R4.) Justice: Justice Braman was in attendance to discuss **Court Clerk salaries**. Discussion ensued with regard to a Clerk position and what would be needed for the Town of Smithville. Councilwoman Vanderweyde had accessed information about income monies from Chenango County Justice courts which she shared with Board members. She does not feel the amount of monies coming in from Smithville Courts warrant the need for a clerk. What is more warranted is extra computer support from the 6th Judicial District. Other Towns have judges who are also their own clerks. Townsperson Marie Henninge, who has had experience with the Unified Court System, feels that electronic filing is making the work load more difficult and the Judges do need the extra help. Braman says he needs to have a 2nd person in the court so he does not leave the money and paperwork alone in the courtroom. Also discussed was Smithville Court case load and salaries of Justices in Chenango County. The Board will continue the considerations.

R5.) DCO: no report

R6.) Attorney: report submitted

R7.) Smithville Day Committee: 2010 Smithville Day report, intake approx. \$288.00. Outgo was approx. \$500.+

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- R8.) Community Center: leak on back door. Board members suggested the Town Clerk ask Keith Sabin if he would be interested in fixing it.
- R9.) Playground Committee: no report
- R10) Town Clerk: report submitted
- R11) Highway: report submitted. Discussion on the problems with the current Town Barn structure.
- R12) Supervisor's Report: report submitted. A motion to accept the Supervisor's report was made by Councilwoman Mohr, 2nd by Councilwoman Vanderweyde. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

WARRANTS

General Warrant #7, Vouchers # 103-119 in the amount of \$2382.98 was submitted for payment. A motion to accept and pay these bills was made by Councilwoman Mohr, 2nd by Councilman Schultes. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

It was recommended to sell the old Craftsman lawn tractor. Councilmen Connelly & Schultes will estimate the value of the lawn tractor and suggest a method of selling.

Highway Warrant # 7, Vouchers #101-108, in the amount of \$4123.60 was submitted for payment. A motion to accept and pay these bills was made by Councilman Connelly, 2nd by Councilman Schultes. All 5 Board members: Mohr, Schultes, Vanderweyde, Connelly and Johnson were in favor, motion carried.

There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned @ 8:39pm. The next Town Board meeting will be August 16, 2010.

Alison B. Owens

Smithville Town Clerk