

MINUTES OF THE SMITHVILLE TOWN BOARD

September 21, 2009

The regular meeting of the Smithville Town Board was called to order at 6:05PM by Supervisor Allan Johnson. The following were in attendance:

SUPERVISOR Allan Johnson  
BOARD MEMBERS:  
Roger Connelly  
Holly Mohr  
Dianne Graves  
Kay Borne

ALSO PRESENT:  
Bruce Kinney, Hwy Sup't.  
Keith Klein, Assessor  
Robert Whitmore, Genegantslet Fire Chief  
Bill Lenga, Justice  
Carrie Converse, DCO  
Neal Root, Enforcement Officer  
Alison Owens, Town Clerk  
And several Townspeople

There were no additions or deletions to the agenda.

CORRESPONDENCE

C1: NYSERDA funds available for energy conservation study, see also C1B

C2: Value added service for Town of Smithville from Mang Ins.

C3: Mang Insurance: delete 1996 Ford Dump Truck & 1989 Ford Ranger

C4: **New Data Deadline Town Board Policy**; Thursday before the Board meeting at noon is the deadline for claims, correspondence and committee reports to give Board members a chance to read through the paperwork before the meeting.

C5: 2010 Census: NYS grant information

**C6: People's convention to Reform New York Act**: a request for support for a grassroots program to address needed reforms in NYS government policy. After reviewing the correspondence, Board members asked to have the included sample Resolution drafted into a Resolution by the Town of Smithville.

**RESOLUTION # 37 (2009): SUPPORT GRASSROOTS PROGRAM FOR THE PEOPLE'S CONVENTION TO "REFORM NEW YORK ACT"**

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

AYES: Borne, Mohr, Graves, Connelly, Johnson

NAYES: 0

RESOLVED to support the Grassroots program for the People's Convention to "Reform New York Act". The Resolution in its entirety appears on the last page of the minutes.

C7: NYSEMO—single audit certification; this was faxed in.

C8: Community Center rental to the Board of Elections on Oct. 20, 2009 to demonstrate new voting machine and how to use it. This is for the General Public. The Board of Elections will take care of the news items.

NEW BUSINESS

**NB1:** Angelo Chioffi, part-time resident on Collyer Rd., was recognized and addressed the Board concerning **street lighting** on his section of Collyer Rd. He is concerned about trespassers and also

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concerned for the safety of his family and visiting guests. He asked if street lights could be installed near his house on Collyer Rd. Mr. Cioffi has seen other single street lights on properties in Smithville. Supervisor Johnson and Highway Sup't. Kinney responded it would be best to contact NYSEG and inquire about a private pole with a light. Many other residents in Smithville install these on their property and privately pay for the monthly bill through NYSEG. The Town does not have plans to increase the number of street lights in the hamlet. Mr. Chioffi said he would check into that option.

**NB2:** A group of Tyner residents was recognized and spoke of a concern with a Tyner resident holding **large, loud, drinking parties** at his house periodically during the summer months. Attendance ranges from 60-100+ people, damage to other neighbors' property occurs (from parking on lawns, tearing up grass, knocking over mailboxes), music is loud enough to vibrate windows in nearby houses, and the parties do not end until 2-3AM. A bonfire on the property was noted to be 30-40'. When the offending resident was approached and asked to please quiet the party down, he agreed but did nothing. Later, he was heard to have used vulgar language and made threats against the neighbors. The Sheriff's Dept and the State Police have been contacted numerous times but have done nothing except drive-by. The residents would like to know if a local law or ordinance could be established with respect to noise or a mass gathering permit.

Supervisor Johnson expressed sympathy with the situation. He confirmed several calls had been made to the Sheriff's Dept and the State Police regarding the situation in Tyner. He also asked the County Health Dept. if they had a Mass Gathering Law and was told yes but it would not apply to the Tyner situation. He encouraged the residents of Tyner to keep calling the Sheriff's Dept and the State Police. The Town does not have a police department to enforce a local law or ordinance.

Later in the meeting, comments came from Justice Lenga and other Townspersons that the State Police can write a ticket for a justifiable offense, and the offender can be brought into the Town of Smithville Court. Other possibilities: a C-summons can be issued; an order of protection can be applied for; a request for an application for a Mass Gathering can be considered; a request for written reports of the calls into and action taken by the police agencies can be requested; Steve Dutcher, Constable for the Town of Smithville, can be called upon to provide help for Town of Smithville problems.

Justice Lenga will look into the NYS laws further and Supervisor Johnson will continue to pursue other avenues discussed.

**NB3:** Ross Joscelyn approached the Board and asked permission for a young man in the Oxford School District to work with him in **Loomis Cemetery, cleaning out brush** and perhaps repairing some of the stones. The young man is in the 8<sup>th</sup> grade and needs to complete 30 hours of volunteer work for a class he is taking. The student will be under Ross's supervision and will not be operating power equipment. Town Board members did not have any objections under the above stated conditions.

**NB4:** The Oxford Fire Companies 5 yr. contract for fire protection in the Town of Smithville was presented to Supervisor Johnson. The 1<sup>st</sup> year (2010) of the contract calls for a decrease in annual cost to \$14,554.00 followed by annual increases for the next 4 years through 2014: 2011 \$14,984.00; 2012 \$15,439.00; 2013 \$15,900.00; 2014 \$16,374.00. The contract will require a Public Hearing. Board







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**2010 BUDGET MATERIAL:**

Supervisor Johnson distributed a working draft of the 2010 Budget. These figures were only a guideline and were not considered to be the preliminary Budget, which will be presented to the Town Clerk by Sept. 30<sup>th</sup>. A Town Board Budget work session was scheduled for Thursday October 8<sup>th</sup> at 6PM.

The next Town Board meeting will be Monday October 19<sup>th</sup> at 6PM. There was no other business to come before the Board. Supervisor Johnson declared the meeting adjourned at 8:37PM

Alison B. Owens

Smithville Town Clerk