

SUPERVISOR'S REPORT:

The Supervisor's report for the periods ending November 30, 2009 and December 31, 2009 were filed with the Town Clerk.

- Supervisor Davis distributed to the Board a graph showing the electric usage at the Town Hall and Library. Electric usage had gone down, since the winterization of the Library. The usage at the Town Hall fluctuated, probably due to the problems with the outside lighting last year.
- The check for Mike's Towing, who did towing work for the Highway Department, was not received by them. A stop payment needs to be placed on the lost check, the fee for stop payments is \$20.00. The Board agreed to stop payment on the check and pay the fee. A new check will be issued to Mike's Towing.
- Supervisor Davis attended the 'Fiscal Oversight/Red Flags for Fraud' seminar in Boonville and has the following suggestions:
 - Highway Department -- needs to keep track of the fuel consumption at the garage.
 - Codes Enforcement -- all building permits need to be numbered with a receipt showing the same number. A inked stamp will be used to number the permits and receipts.
 - Cancelled Checks -- the back of cancelled checks need to be supplied with the bank statements. A request was made to Adirondack Bank and in the future they will send copies of the back of the checks along with the front of the cancelled checks.
 - Bank Statements -- the Board should review the statements on a quarterly basis, if not a monthly basis. The statements will available at the Board meetings for review.
 - Quarterly Audits -- the Board should consider auditing the different department books more than once a year, maybe on a quarterly basis.

10-34 Motion: to approve the Supervisor's Report, subject to audit.

Made by: Leonard Charney Second Andrew Mierek

Motion carried: 4 Ayes 0 Nays

Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy

HIGHWAY SUPERINTENDENT'S REPORT:

New Truck: Still gathering information from Western Star, Freightliner and Stadium International for a new single axle truck, to replace Truck #14. The Stainless Steel sander on the truck is in good condition and can still be used. Approximate cost of the truck \$ 110,000 to \$150,000.

Municipal Leasing: Have been looking into municipal leasing of highway equipment. Leasing is actually a lease to own situation. By leasing, a consistent rotation schedule of equipment can occur and lowers maintenance costs, which is a cost savings to the Town. H/S Stevens stated

Town Board Meeting February 08, 2010 Page 3

that he would like to have a representative discuss the pros and cons of leasing with the Board. Following a short discussion, the Board agreed to look into leasing of highway equipment.

Old Trucks: A discussion by the Board with H/S Stevens concerning truck rotation and keeping the older trucks, after buying new ones. Should the town keep the 4 wheel drive trucks or sell them. The matter was tabled for further consideration.

County Road Maintenance Proposal: Oneida County is considering having the towns take over the maintenance of all County roads. The County would pay the towns a pre-determined

amount each year for the maintenance. The proposal is still in preliminary talking stages.

Construction Projects: H/S Stevens stated that now the road work is caught up, he has a couple of construction projects for the highway garage. Would like to construct an outside wash bay for the trucks at one end of the garage. A lot of heat escapes in the winter, when the overhead doors are opened to wash the trucks inside.

10-35 Motion: to accept the Highway Superintendent's report.

Made by: Edward Mader Second Veronica Murphy
Motion carried 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

OLD BUSINESS:

Standish Street: ZBA Chairman Centro advised the Board, that a Public Hearing was held on January 25, 2010 to hear an appeal from Albert McLeish concerning his garage on Standish Street. The appeal was for a 6 inch reduction of the side line set back between his property and the Marquette property and a 40 foot front reduction from the center of Standish Street. Mr. Marquette stated his objections to the variance and Mr. McLeish's attorney Armand Feisten did a presentation based on the Town's Zoning Ordinance. Following the public comment and ZBA Board discussion, the requested variances were granted to Mr. McLeish.

Main Street/Croft Appeal: ZBA Chairman Centro reported that at the same Public Hearing an appeal was heard from Donald Croft, Main Street, Westernville requesting an interpretation under the Town's Zoning Ordinance as to "what is a structure" and is the concrete slab on his property a 'structure'. Following public comment and ZBA Board discussion, it was decided that the concrete slab was a 'structure' under the definition in the Town's Zoning Ordinance, because it has a partial basement under it. Also, because the partial basement was used for storage over the years, there was no discontinuance of use. Mr. Croft was granted a variance to increase the front of the slab/basement by 6 feet, but certain restrictions were imposed -- that the rear of the garage had to be reduced by 5 feet and a engineered drainage system had to be installed between the garage and Mr. Pohopek's (adjoining land owner) property.

NYSERDA Grant: Supervisor Davis stated that all the paperwork was submitted for the grant to upgrade/winterize the Town Hall with a new furnace and storm windows. The Town was advised that we are not eligible, because the cost savings anticipated was not enough to qualify.

Town Board Meeting February 08, 2010 Page 4

Shared Service Grant: Supervisor Davis advised the Board that the Shared Services Grant with the Town of Floyd for dumpsters has been denied. But we can apply for the grant again this year, but the Board needs to pass a new resolution in support of the grant. The Board held a discussion

concerning the benefits and downside of proposed program applied for in the grant. C/M Murphy stated that this program exposes the Town to unknown expenses.

10-36 Motion: to support the resolution concerning the Shared Services Grant with the Town of Floyd as follows:

"that the Supervisor of the Town of Western is hereby authorized and directed to file an Application for funds from the New York State's Local Government Efficiency Grant Program, with the Town of Floyd as a co-applicant, in an amount not to exceed \$21,600, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance. Upon notification of an award from the Local Government

Efficiency Program, the Western town council also agrees to execute an inter-municipal agreement with the Town of Floyd for cooperatively implementing a solid waste collection program in the Town of Western, to commit \$ 1,200 in local match towards equipment purchases, and to commit the additional funds as needed and as determined by the inter-municipal agreement to operate the program (currently projected at approximately \$2,025 for the first year of the program”.

Made by: Andrew Mierek Second Edward Mader
Motion carried: 3 Ayes 2 Nays
Ayes: Andrew Mierek, Edward Mader, Robin Davis
Nays: Leonard Charney, Veronica Murphy

NEW BUSINESS:

Annual Audits: The Audit Committee (C/M Mader, C/M Mierek) reported that they audited the books of the Town Supervisor, Town Clerk and Town Justice on Saturday January 23, 2010 and all the books were in order.

Hydro-Electric Power at Delta Dam: C/M Charney reported that he attended the public meeting concerning the proposed hydro electric power plant to be built at Delta Dam, by a company from Watervilet New York. The cost of the power plant is proposed to be 8 million dollars, with a two year construction time frame. The New York State Canal Corporation would control the amount of water to be drawn from the lake and would not allow the lake to be drained at any point. The power generated would be fed into the power grid via underground lines to the power sub-station at Stokes or lines on Rte 46. At this point all economic and other benefits would go to the City of Rome. C/M Charney raised the question (to the builders) what economic benefits would the Town of Western receive because over three quarters of the lake is within the boundaries of the town. At this point, no benefits are being looked at for the Town of Western. C/M Charney suggested that they could build a hiking trail from the state park to the town, but received no commitment from the builders. He suggested that the Town write a letter to the builders suggesting that they do something for the Town.

C/M Mader asked who would supply emergency services to the site during construction and then afterwards. That issued would need to be cleared up in the future. The subject was tabled.

Town Board Meeting February 08, 2010 Page 5

Dog Control Fees: Supervisor Davis stated that under Agriculture and Markets Law, the Town can charge a fee (to the owner) when a dog is picked up and held by the Dog Control Officer. Currently no fee is being charged. Does the Board want to adopt the fees set by the State or raise them. If you raise them, a local law will need to be passed. A discussion by the Board followed.

10-37 Motion: to adopt the impoundment fees, as outlined by the NYS Agriculture and Markets guidelines, for dog control in the Town as follows:

- \$ 10.00 for the first impoundment of any dog owned by that person
- \$ 20.00 for the first 24 hours or part thereof for second impoundment, within one year.
- \$ 3.00 for each additional 24 hours or part thereof for the second impoundment.
owned by that person.
- \$ 30.00 for each additional 24hours or part thereof for third impoundment, within one year.
- \$ 3.00 for each additional 24 hours or part thereof for third impoundment.
owned by that person.

Made by: Andrew Mierek Second Edward Mader
Motion carried: 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

Storm Windows/Town Hall: Supervisor Davis stated that she has obtained a quote for storm windows for the Town Hall, the estimated costs is \$ 5900.00 for all. If we want to put storm windows that open upstairs the additional cost would be \$ 2,000.00. The matter was tabled for more information.

Senior Citizens: T/C Centro reported that the club has requested the full amount in their budget to be paid to them in one check. The vouchers for \$ 2,200.00 (#37 & #38) were included in the February bills. A discussion by the Board was held concerning the lump sum payment and would it be spent in a prudent manner.

10-38 Motion: to require the Town of Western Senior Citizens Club to file quarterly reports with the Town Board, concerning the funds allocated to them in the 2010 budget.

Made by: Edward Mader Second Veronica Murphy
Motion carried: 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

Library: T/C Centro reported that the 'Friends of the Library' in 2009 purchased for the Library, 8 new chairs (\$500.00) and 2 paper back display racks (575.00). The 'Friends' receive their funds from membership and fund raisers.

10-39 Motion: to adjourn the February 08, 2010 Town Board meeting at 9:00 pm.

Made by: Veronica Murphy Second Edward Mader
Motion carried: 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

Mary J. Centro, RMC Town Clerk

Next Regular Town Board Meeting
March 08, 2010 @ 7:00 pm