

**TOWN OF WESTERN
BOARD MEETING
MARCH 08, 2010**



Present

Town Supervisor	Robin Davis	Town Clerk	Mary J. Centro
Councilman	Leonard Charney	Councilman	Edward Mader
Councilman	Andrew Mierek	Councilman	Veronica Murphy
Highway Superintendent	Thomas Stevens	Attorney	Charles Engelbrecht, Esq.

Visitors

Harlan Moonan (NOCCOG)



Supervisor Davis called the March 08, 2010 Town Board meeting to order with the Pledge of Allegiance at 7:00 pm

MINUTES:

10-40 Motion:

A motion is in order and on file that the reading of the minutes of the previous Board meetings be dispensed with.

10-41 Motion: to accept the minutes of the February 2009 Board meeting.

Made by: Edward Mader Second Leonard Charney

Motion carried: 5 Ayes 0 Nays

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

WARRANT:

10-42 Motion:

A motion is in order and on file that the reading of the itemized warrant be dispensed with and the totals read only.

The Warrant (bills) for the month of March 2010 were presented by the Town Clerk:

General Fund	Vouchers 078 -- 102	\$ 116,926.06
Highway Fund	Vouchers 103 -- 117	\$ 8,614.22
	Total	\$ 125,540.28

10-43 Motion: to approve the March 2010 Warrant, subject to audit,

Made by: Veronica Murphy Second Andrew Mierek

Motion carried: 5 Ayes 0 Nays

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

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SUPERVISOR'S REPORT:

The Supervisor's report for the periods ending February 28, 2010 was filed with the Town Clerk. Supervisor Davis stated that the current bank statements are in the notebooks on the table and are available for review by the Board either before or after the Board meeting.

10-44 Motion: to approve the Supervisor's Report, subject to audit.

Made by: Andrew Mierek Second Leonard Charney

Motion carried: 4 Ayes 0 Nays

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

HIGHWAY SUPERINTENDENT'S REPORT:

February Snow: This year there were not many large snow storms as in other winters, but February 26th a heavy snow fall of 24 inches fell. This made plowing difficult and caused a lot of tree damage. During the snow storm there were so many trees down, that we had to put chainsaws in our trucks to keep the roads open. The normal condition, this winter, has been light snow over night with freezing rain, fog or drizzle at sunrise, then the day warming up in the afternoon, but that day was different.

Mechanical Break Downs: The department has been experiencing more mechanical break downs than usual due to utilizing our equipment more. Another example of the need to rotate our trucks is truck #31, a Chevy one ton, dual wheel small truck, we have been perpetually putting more and more money into repairs on it. Because of the corrosive nature of our business, we had to replace all of the brake and fuel lines because of rust. The lines were difficult to repair because of the extreme rust. Just recently truck #31 broke down after dark, during the afternoon shift. We managed to tow it back to the garage the next day and attempted to fix the truck. Because of the on board computer system, we were unable to fix the truck and had to send it to the Chevy dealer, for costly service work. Our small trucks should be rotated at about every five years, so major maintenance issues can be avoided and while we still have residual value in the truck.

Water Filter System: The department has installed a new water filter system at the highway garage. The system was needed because of sediment in the water, causing problems with the pressure washer.

Mowing Contract: The Town will be signing the contract with Oneida County, for summer road side mowing. The County will pay the Town \$5000.00 for mowing services. The County mowing will be combined with the Town's mowing. The County will supply the mower.

New Truck: Have been busy researching for a new single axle truck, to replace the 1985 Ford Pickup (Truck #14) comparing specifications between various trucks. Also, been explaining to the truck dealers just what is needed by the Town of Western and trying to keep the cost down. H/S Stevens stated that the Town would need to order the truck soon, to have it by fall.

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H/S Stevens stated that next year the Town will need to replace the 1995 Auto Car (truck #25) with a new truck. Over the past few years, the maintenance costs on this truck have increased substantially. A new tandem axle would cost between \$ 90,000 to \$105,000. The new federal emission standards will add another \$ 8,000 -- \$ 9,000 to the cost of any new truck. The Freightliner dealer has a truck left over and is willing to reduce the price. Following a lengthy discussion it was decided to try and purchase a single axle and tandem axle trucks this year.

10-45 Motion: In order to avoid the new federal emission standards, that should be a cost savings to the Town of approximately \$10,000, the Board authorizes H/S Stevens to reserve for purchase a "2011 Freightliner M-2, 12V, 6x4" tandem axle truck. With a deposit not to exceed

\$5,000.

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

10-46 Motion: to authorize H/S Stevens to purchase a “2011 Freightliner 2x4” single axle, not to exceed \$124,000.

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

Equipment Repair: We have continued with our normal scheduled maintenance:

- ☞ Repairs to the pressure washer
- ☞ Truck #25 -- wing work, new fan and radiator work.
- ☞ Truck #16 -- front hub and hydraulic sander line.
- ☞ Truck #01 -- brakes and plow repair
- ☞ Truck #31-- breakdown requiring dealer service
- ☞ Loader #22 -- alternator and bracket replacement.

Truck Financing: A discussion was held concerning how to finance the new trucks. Options would be municipal leasing or bonding. At this time leasing percentage rate is 4 ½ percent. Bonding (borrowing) for the equipment would put the Town in debt and may not be a favorable option to the residents, because of the current economic downturn. The percentages for bonding at this time is unknown. A discussion followed and it was unclear as to how to finance the trucks. The Board will decide at the April 2010 Board meeting as to how to pay for the new trucks after receiving more information about each option.

10-47 Motion: to accept the Highway Superintendent’s report

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

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OLD BUSINESS:

Summer Youth Program: Supervisor Davis stated that she has been notified that the paperwork for the 2010 program still needs to be submitted. She asked C/M Murphy if she filled out the paperwork and sent it in. Supervisor Davis stated she had written the County a letter explaining how the Town had changed the program and that the Town gives money to the Town Library, that supplies services to the children. The Town did receive the funds allocated, by the County for 2009, but the paperwork still needs to be submitted.

NEW BUSINESS:

2010 Mowing Contract: H/S Stevens stated that the Board needs to approve the 2010 Mowing Contract with Oneida County for a contract price of \$ 5,220.00.

10-48 Motion: to authorize Supervisor Davis and H/S Stevens to sign the 2010 Mowing Contract with Oneida County. The County will supply the mower.

Made by: Leonard Charney Second Andrew Mierek

Motion carried: 5 Ayes 0 Nays

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

Snow Removal: Supervisor Davis stated that the Board needs to appoint a new individual to shovel the walks at the Town Hall, due to the fact that the person hired this winter, did not do the job. One person has expressed an interest in the job. A short discussion followed.

10-49 Motion: to hire Roy (JJ) Dunlap, Westernville to shovel the walks at the Town Hall for a salary of \$ 10.00 per hour.

Made by: Edward Mader Second Veronica Murphy

Motion carried: 5 Ayes 0 Nays

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

National Grid Assessment Reduction: Annette Lux, (Chairman Assessors) has advised Supervisor Davis stated that National Grid has asked for an assessment reduction on their facilities in the Town. Following a discussion by the Board, it was decided that National Grid would have to follow the grievance procedures, that homeowners have to follow. The Board will support the decision of the Assessors.

10-50 Motion: To support the Town of Western Assessor's in their decision not to reduce National Grid's assessment and that the utility company has to follow the grievance procedures of the Town.

Made by: Leonard Charney Second Edward Mader

Motion carried: 5 Ayes 0 Nays

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

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ZBA Vacancy: ZBA Chairman Mary Centro advised the Board, that ZBA member Christine Coonrod will be moving out of the Town of Western, in the next few months. If any Board member knows anyone who might be interested, please let Supervisor Davis know.

Association of Towns Training: C/M Charney reported on attending the Association of Towns training in New York City in February 2010. One of the seminars he attended was on gas drilling in New York State. There is a layer of shale in the state called 'Marcellus Shale' where large deposits of natural gas may exist. It takes very heavy drilling rigs and huge amounts of water to drill for this gas. When the water used, flows into the natural water table, it causes irreversible water pollution. There are many potential problems connected with the drilling, not only the pollution but damage to the highway system. The D.E.C. is studying the situation and has not issued any permits, as of yet. Towns can be damaged and financially hurt. They need to be on alert, if approached by any drilling concern. Towns should consider passing strict zoning regulations about natural gas or oil drilling in their towns.

Green Projects Grants: Senator Schumer newsletter reported that there is Federal Stimulus funds available to towns for green projects. It was suggested that Supervisor Davis write a letter to Senator Schumer's office, concerning the salt shed the Town will be building.

Clark Road: H/S Stevens reported that one of the residents living on Clark Road inquired as to when the Town in going to improve the road, per an old agreement with former residents. Apparently the agreement was to re-build the road. This resident wants the road improved so that his/her land can be developed. One of the problems with re-building the road, is that parts of it are in a deep swampy area and would be costly to re-build. Also the swamp land may be classified as Federal Wet Lands and cannot be developed.

➤ T/A Engelbrecht suggested that the Town purchase the 4 or 5 lots that are located in the swampy area and then abandon the road in that area. If, the lot owners are unwilling to sell, then the Town can take the land by Eminent Domain. This might be a solution to the problem of re-building the complete road. If, parts of the road are abandoned, current landowners would not be land locked because access to the road can be made from Bankert Road and Whaley Road.

Heritage Days: A letter was received from the Heritage Days Committee, requesting the use of Town property for their 7th annual celebration on June 4 -- 6th, 2010. They are requesting the use of the Library grounds, Schallenberg (Town) Park and Town Hall. A short discussion followed.

10-50 Motion: to allow the Heritage Days Committee to use Schallenberg (Town) Park, Library grounds and the Town Hall for their 2010 celebration on June 4, 5 and 6.

Made by: Andrew Mierek Second Veronica Murphy

Motion carried: 5 Ayes 0 Nays

Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis.

Republican Club: Supervisor Davis, who is President of the Republican Club. reported that their current treasurer has resigned. She suggested that the club dissolve and any funds in their accounts be donated to the Town. The Board held a short discussion concerning the use of the funds.

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Book Committee: C/M Murphy reported that the *Moccasin Tracks to Ski Trails* Book Committee still has \$ 500.00 in its accounts, that they would like to donate them to the Town, for some use.

➤ The Board suggested that the money from the Republican Club and the Book Committee could go toward putting new specially treated wood chips under the playground equipment at Schallenberg (Town) Park, as suggested by our insurance company.

Executive Session: Supervisor Davis stated that the Board needs to go into Executive Session to discuss the Article 78 Action filed, by Mr. Pohopek (Main Street Westernville) against the Zoning Board of Appeal decision concerning the Donald Croft (Main Street Westernville) Appeal. T/A Engelbrecht was invited into the Executive Session.

10-51 Motion: to go into Executive Session, to discuss the issue outlined by the Supervisor.

Made by: Andrew Mierek Second Leonard Charney

Motion carried: 5 Ayes 0 Nays

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

The Board went into Executive Session at 8:50 pm.

10-52 Motion: to resume the March Town Board meeting at 9:15 pm.

Made by: Edward Mader Second Veronica Murphy

Motion carried: 5 Ayes 0 Nays

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

Article 78 Action: Following the discussion in the Executive Session, the Board decided that the Town needs to defend the Zoning Board of Appeals in this matter.

10-53 Motion: to authorize T/A Engelbrecht to answer the Article 78 Action, and to defend the Zoning Board of Appeals and the Town in this matter.

Made by: Veronica Murphy Second Edward Mader

Motion carried: 5 Ayes 0 Nays

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

T/A Engelbrecht asked to be excused from the April 12, 2010 Town Board Meeting, due to being out of the area.

10-54 Motion: to adjourn the March 08, 2010 Town Board meeting at 9:30 pm.

Made by: Andrew Mierek Second Veronica Murphy

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
April 12, 2010 @ 7:00 pm