

the Board either before or after the Board meeting.

10-67 Motion: to approve the Supervisor's Report, subject to audit.

Made by: Andrew Mierek Second Edward Mader

Motion carried: 4 Ayes 0 Nays

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

HIGHWAY SUPERINTENDENT'S REPORT:

Weather: typical New York State weather, 80 degrees one day and snow on Mother's Day. All trucks are changed over for summer work. Let's hope that the snow is done.

Training: on 04/14/10 the Highway Department attended a full day Safety Training seminar held in Boonville. Several other towns also attended. The training was paid for by Oneida County. The training was for working with sand and gravel operations, as required by the Mining, Safety and Health Association.

On 04/24/10, which was a Saturday, three department employees attended a day long 'truck brake seminar' at Whitesboro Springs. There was an \$ 80.00 fee per man for this certified training.

On 04/26/10, the Highway Department along with several of Town of Lee employees, attended a CPR/First Aid Course at the Westernville Fire House. The course was given by Tom Howard. The Department is now certified in CPR.

The men have viewed DVD's on proper flagging procedures and are now practicing those procedures.

Road Cleaning & Mowing: cleaning of the roads is finished for the most part. We have a few roads scheduled for stone and oil projects, that will have to be cleaned more thoroughly. We are currently hauling stone products to stockpile for our stone and oil road projects. We recently picked up the Oneida County mower and have serviced our mower to begin our road side mowing.

Kettle Hill: during the last snow storm, a stream of water began to run down the west driving lane of the road, creating a dangerous situation. Oneida County provided their Gradall, with an operator and two flag men for several days to do ditching on the hill. This allowed us to take care of the issue of the water coming out of the middle of the Stokes Westernville Road on Kettle Hill. The water was a major issue during the winter.

Highway Garage: during bad weather, the men are continuously making progress on the interior of the highway garage. Some painting and rearranging of our oil and air filter racks to the upstairs and moving the men's lockers downstairs. We have also completed a major cleaning and rearranging of our outside yard area and material stock piles.

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Equipment: the following repairs have been done to highway equipment:

- ☞ The 2000 International mainline plow truck (#30), had to have a brake valve replaced and the oil pan replaced because it had rusted through. This is a big concern because it is one of our newer trucks.
- ☞ The 2008 one ton pick up truck (#8), required work on its tail gate locks because of rust.
- ☞ The Bobcat Skid Steer had to have a safety switch replaced.
- ☞ The equipment trailer required frame welding.

County Shared Services: as part of the Oneida County Highway Superintendents Association Executive Board, H/S Stevens was invited to the County Office building to begin a discussion on the feasibility of a shared service contract between the County and the townships for the maintenance of the 575 miles of county roads. There are 17 miles of County Roads within the Town. The County is proposing that the towns take over the maintenance of the county roads in the summer months. The meeting was with County Executive Picente and members of the County DPW and others. There are many issues to be considered and our Association suggests a slow, thorough, conservative approach to this offer.

Salt Shed: H/S Stevens stated that he needs stamped mechanical drawings before he can proceed with the foundation for the new salt shed. The concrete foundation of 3 walls for a building measuring 72 x 120 feet, with a 5 foot knee wall on a footer are needed. The building will have a dirt floor, it cannot have a concrete floor, only a black topped floor. The stamped plans are available from *Clear Span Tech Supply* and will cost \$2,500.00. The cost of the concrete foundation is separate from the cost of the building. The foundation should be paid for by the \$ 30,000.00 grant from Senator Griffo's office. The Town needs to act on the salt shed because the grant expires in July 2010.

- C/M Mierek and C/M Murphy asked when did the Town decide to build a salt shed. When was the grant money restored because we thought the grant had been cancelled.
- Supervisor Davis stated that the Board agreed to build a salt shed, when the grant was applied for. The grant was restored late last year by Senator Griffo's office.

A discussion was held, concerning the costs for the cement and the black top for the floor. C/M Charney suggested that the Town purchase the stamped plans for the foundation. It was decided to let out bids for the cement and open the bids at the June 14, 2010 Board meeting.

10-68 Motion: to authorize H/S Stevens to purchase a set of engineered stamped foundation plans for the proposed salt shed. Cost not to exceed \$ 2,500.00.

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

Cost Savings: The decision to purchase the Town of Lee's old Gradall, has been a huge savings. To date, we have had to replace two hydraulic boom cylinders on our matching Gradall. The one curl cylinder replacement would have been \$ 4,000.00 and several weeks lead time to purchase, due to available. The other boom cylinder, which is five times the size of the curl cylinder and

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much more expensive, has been replaced using parts from the old machine. These savings are huge and it keeps our Gradall operational.

10-69 Motion: to accept the Highway Superintendent's report

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

OLD BUSINESS:

Truck Financing: Supervisor Davis stated that the Board needs to decide on how to finance the two new trucks that are being purchased, whether to bond for one year or for five years. At this point Adirondack Bank is offering the following percentages: 1.95% for one year and 2.95% for a five year bond. A discussion by the Board followed. Supervisor Davis stated that she felt a five year lease was the best option. A public hearing will be needed, before a decision on the bonding can be made.

10-70 Motion: to hold a public hearing on June 14, 2010, at 6:30 pm, for the Board to consider an anticipated bond issue, to finance the two new highway trucks being purchased.

Made by: Leonard Charney Second Andrew Mierek

Motion carried: 5 Ayes 0 Nays

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

ZBA Appointments: Supervisor Davis reported that there are two vacancies on the Zoning Board Appeals due to the resignation of two members. One member resigned for personal reasons and the other member has moved out of the Town. The following names are being submitted for consideration: Lawrence Mierek and William Gamela.

10-71 Motion: To appoint Lawrence Mierek, (Carmichael Hill Road) to fill the un-expired term of a former ZBA member. The term of office to be from May 10, 2010 to December 31, 2013.

Made by: Edward Mader Second Veronica Murphy

Motion carried: 5 Ayes 0 Nays

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

10-72 Motion: To appoint William Gamela, (Buck Hill Road) to fill the un-expired term of a former ZBA member. The term of office to be from May 10, 2010 to December 31, 2016.

Made by: Edward Mader Second Veronica Murphy

Motion carried: 5 Ayes 0 Nays

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

Copy/Fax Machine: Supervisor Davis stated unfortunately both the copy machine and fax machine in her office have stopped working and she will need to purchase new machines. She was able to purchase a new combination machine for \$ 495.00, using several coupons and receiving \$50.00 for the old machine. A two year service contract was also purchased.

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NEW BUSINESS:

Girls Soccer League: Supervisor Davis received a letter from Duane Wheeler on behalf of the Girls' Independence Soccer League asking the Town for a donation to their summer league. A short discussion followed concerning how many girls from the Town play in the league.

10-73 Motion: to donate \$ 500.00 to the Girls Independence 2010 Summer Soccer League.

Made by: Andrew Mierek Second Leonard Charney

Motion carried: 5 Ayes 0 Nays

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

New Dog License Procedures: T/C Centro briefed the Town Board on the new dog license procedures being proposed by New York State. Due to budget cuts the State is proposing that townships take over the total licensing of dogs in their towns. She outlined the changes to the system and what will stay the same. By January 2011, the townships will have to have their own

forms and tags. More information will be forth coming from the State by year end.

Flowers at the Library: The Westernville 4-H Club is requesting to plant flowers around the front of the Library, as a civic project. The Board agreed that it was a good idea.

10-74 Motion: to allow the Westernville 4-H Club to plant flowers at the Library.

Made by: Veronica Murphy Second Andrew Mierek

Motion carried: 5 Ayes 0 Nays

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

Tennis Courts: Supervisor Davis asked the Board if they would consider eliminating the tennis courts next to the library and making a parking area. A discussion followed with C/M Murphy against the idea stating that people use the courts. Overall the Board was not in favor of the idea.

Old Kettle Hill Road: Mr. Joseph Surace (owner of land adjacent to the old Kettle Hill Road) attended the meeting to discuss the quit claim deed that was given to Mr. Gubbins for a portion of the abandoned Old Kettle Hill Road, adjoining a lot Mr. Gubbins owned there. Mr. Surace states that he has historical documentation proving he is the sole legal owner of the old Kettle Hill Road. Mr. Surace is questioning the Town's right to grant a quit claim deed to Mr. Gubbins. He is also questioning how did the quit claim deed get added to the warranty deed, when he feels the quit claim deed is not a legal document. Mr. Gubbins has sold the lot and the new owner wants to build on the lot and needs a utility easement. In the past Mr. Surace would not allow a utility easement across his property or his portion of the old road. The new owner of the lot has now run a utility line down the old road, using the quit claim deed as his right. Mr. Surace would like the Town to rescind or call back the quit claim deed given to Mr. Gubbins and now in possession of the new owner of the lot.

Supervisor Davis tried to explain to Mr. Surace several times, that the Town only conveys in a quit claim deed, that the Town has no interest/ownership in a particular piece of property or road. The matter was tabled for more information.

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Low Volume Roads: H/S Stevens stated that the Board needs to support the current legislation concerning low volume/low maintenance roads by passing a resolution.

10-75 Resolution: to support the following resolution concerning low volume/low maintenance roads:

WHEREAS: the current framework of New York State Law does not provide for a design, construction and maintenance standard for local roads of less 400 vehicles per day (average daily trips); and

WHEREAS: in the absence of such state standard, it is feared that the liability standard towns may be held to are standards published by the American Association of State Highway Transportation Officials (AASHTO) which are designed to be applied to high volume roads and administered by towns with civil engineering staffs; and

WHEREAS: the AASHTO standards place an undue hardship on small rural towns with limited financial resources by which they may be called upon to maintain low volume vehicular traffic roads at the comparable level as high volume roads; and

WHEREAS: the designation of a low volume and minimum maintenance roads serves as a management tool to conserve forest, agriculture and recreation open spaces by providing access to these lands and deterring residential development that results in land fragmentation; be it

RESOLVED: that we the members of the Town of Western , support legislative action to provide

towns with the clear authority to designate town roads with less than 400 vehicles per day (average daily trips) low volume and minimum maintenance roads, as set forth in Senate Bill S.7181 and Assembly Bill A.10377.

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

Executive Session: Supervisor Davis stated that the Board needs to go into Executive Session to discuss the current litigation concerning the Pohopek Article 78 action against the ZBA.

10-76 Motion: at 9:10 pm for the Board to go into Executive Session to discuss the Article 78 litigation.

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

10-77 Motion: to resume the May 10, 2010 regular Town Board Meeting at 9:20 pm.

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

10-78 Motion: to adjourn the May 10, 2010 Town Board meeting at 9:25 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

Public Hearing on Bond Issue 6:30 pm
June 14, 2010

Next Regular Town Board Meeting
June 14, 2010 @ 7:00 pm

Opening Concrete Work Bids
June 14, 2010 7:00 pm

