

**TOWN OF WESTERN  
BOARD MEETING**

**JUNE 14, 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), Peter Donahue, Sr. Lawrence Mierek



Supervisor Davis called the June 14, 2010 Town Board meeting to order at 7:00 pm with the Pledge of Allegiance

**MINUTES:**

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

**10-79 Motion:** to accept the minutes of the May 2010 Board meeting.

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

**WARRANT:**

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 June 2010 were presented by the Town Clerk:

General Fund	Vouchers 223 -- 255	\$ 7,974.59
Highway Fund	Vouchers 256 -- 273	\$ 22,324.65
	<b>Total</b>	<b>\$ 30,190.26</b>

**10-80 Motion:** to approve the June 2010 Warrant, subject to audit,

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

**SUPERVISOR'S REPORT:**

The Supervisor's report for the period ending May 31, 2010 was filed with the Town Clerk. Total fund balances on hand at the end of the period are \$ 767,982.97. 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. A discussion was held concerning the

checking account reconciliation and the number of outstanding checks. It seems some checks are held and not cashed for several months.

**10-81 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:**

**Training:** on June 15, 2010 the Highway Department will attend a MSHAW training program along with several other towns. The course is to bring our Town and others into compliance with Federal regulations for mining safety for road screening projects. Large fines can be incurred for non-compliance with the regulations.

**Mohawk River Erosion Project:** the Highway Department has assisted Oneida County and New York State by improving an access road to the Mohawk River near the Stokes Westernville Road bridge. This was done so that the County can truck in large stones for an erosion abatement project in the river. Work in the river should be completed by summer's end.

### **Summer Work:**

- ☞ the Highway Department has cleaned up storm damage in one of the local cemeteries.
- ☞ we have been continually mowing both Town and County roads.
- ☞ three highway employees have been cutting, chipping brush and trimming trees every day to clean up our road edges.
- ☞ we have put in several driveway (culvert) pipes on Dixon, Beartown and Town Line Roads.
- ☞ new fire extinguishers have been updated or replaced at the Highway Garage, Town Hall, and Library.
- ☞ the Department assisted with traffic control for Heritage Days and will be assisting with traffic control for the upcoming auction to be held on Main Street.

**Equipment:** Normal maintenance continues on all the equipment. The knife blades on the chipper needed to be changed. We have had a couple of minor breakdowns with the Gradall. We were reimbursed for two large sander chains, due to a factory defect.

**Concrete Bids:** Due to a mis-interpretation between the New York State procurement policy and the Town of Westernville procurement policy, H/S Stevens did not advertise for bids for the concrete work needed for the new salt shed. The NYS new policy changed the amount to \$ 35,000 before bids are needed for a capital improvement project. The Town's policy states the amount is \$ 10,000.00. H/S Stevens did obtain four (4) estimates for the concrete work. He took

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the lowest estimate and had the footings and foundation poured and the concrete work for the salt shed is complete. The concrete estimates were:

Joseph Siegel Construction 4381 Lee Center Rd. Lee Center, NY	<u>\$ 18,700.00</u>	Campbell's Masonry 10709 Kayuta Park Lane Remsen, NY	<u>\$ 19,032.00</u>
Big Brook Builders Main Street Westernville, NY	<u>\$ 24,700.00</u>	M-T Concrete & Masonry 9486 Oliver Rd. Westernville, NY	<u>\$ 30,000.00</u>

C/M Murphy stated that she was confused, for she thought the Board was to vote on the lowest bid. She was upset that the concrete work had proceeded without the Board's approval.

T/A Engelbrecht stated that due to the mis-understanding concerning the procurement policy the Board can now authorize H/S Stevens to accept the lowest estimate.

**10-82 Motion:** to authorize H/S Stevens to accept the lowest bid for the concrete work for the footings and foundation for the salt shed.

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

**10-83 Motion:** to accept the Highway Superintendent's report

Made by: Leonard Charney Second Edward Mader  
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 how to finance the two new trucks that are being purchased, whether to bond for one year or for five years. A discussion was held concerning the bond issue. It was decided to bond for five (5) years.

**10-84 Resolution Statutory Installment Bond:** Statutory Installment Bond Resolution of June 14, 2010, authorizing issuance of a Bond in the amount of \$190,000.00 by the Town of Western, Oneida County, New York for the purchase of two Freightliner Trucks, Tandem Model M2112V and Single Axel Model M2112V --

**Whereas,** the Town Board of the Town of Western in Oneida County New York, by Resolution duly adopted on June 14, 2010, Authorized the Supervisor of the Town of Western to purchase two Freightliner Trucks, one Tandem Model M2112V and one Single Axle Model M2112V

**Now, therefore,** be it resolved; that

- 1). The Town Supervisor is hereby authorized to issue a Statutory Installment Bond pursuant to 62.10 of the Local Finance Law in the amount of \$ 190,000.00 for the purchase of said trucks; with interest at a rate of 2.95%, which bond shall be paid in equal annual principal installments of Thirty-eight Thousand Dollars (\$38,000.00), together with accrued interest upon the unpaid balance at the rate aforesaid, on the first day of July in the years 2011 through 2015 inclusive. Said bond shall be in registered form and both the installments of principal and of interest will be evidenced by notation on said bond at the time of payment.
- 2). The Statutory Installment Bond hereby authorized is hereby a "qualified tax exempt obligation" pursuant to Section 802(e) (3) (B) (iv) of the Tax Reform Act of 1985 ("H.R.3838").
- 3). The Town of Western reasonably anticipates and hereby agrees that it will not issue "qualified tax exempt obligations" in excess of \$10 million during the calendar 2010. The Town of Western further certifies that the sum of the principal of the Statutory Installment Bond issue; and the principal amount of any other "qualified tax exempt obligations" heretofore designated by the Town of Western during 2010 for the purpose of Section 802 (e) (3) (B) does not exceed \$10 million.

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- 4). The bond shall be in substantially the following form:

STATUTORY	UNITED STATES OF AMERICA	
INSTALLMENT	STATE OF NEW YORK	
BOND	TOWN OF WESTERN	\$ 190,000.00
	TRUCKS	
	STATUTORY INSTALLMENT BOND 2010	

- 5). The Town of Western a municipal corporation in the County of Oneida and State of New York, hereby acknowledges itself indebted, and for value received promises to pay Adirondack Bank at its office 185 Genesee Street, Utica, New York 13501, the principal sum of One Hundred Ninety Thousand dollars (\$190,000.00) in five (5) equal annual installments of thirty eight thousand dollars each, on the first day of July in the years 2011, 2012, 2013,2014 and 2015 inclusive; and to pay interest on the unpaid principal balance of such principal sum at the rate of 2.95 percent per annum, annually on the first day of July in each year from the date of this bond until it matures. Interest will not be paid on any installment of principal, or of interest, after the due date thereof. Both installments of principal and of interest on this bond will be paid to the registered owner of this bond in lawful money of the United States only upon presentation of this for notation of such payment thereon at the said office of Adirondack Bank, 185 Genesee Street, Utica, New York 13501.

- 6). This bond is a Statutory Installment Bond, the principal sum of which cannot exceed five hundred thousand dollars (\$500,000.00), unless it is issued and sold to the United States of America or an agency thereof , an it issued to Section 62.10 of the Local Finance Law of the State of New York pursuant to a Resolution for Statutory Installment Bond Issue duly adopted by the Town Board of the Town of Western on June 14, 2010. This bond may not be converted to a coupon bond.

7). The faith and credit of the Town is hereby irrevocably pledged or the punctual payment of the installments of principal and of the interest on this bond according to its terms.

8). It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York exist, to have happened and to have been performed precedent to and the issuance to this bond, exist, have happened and have been performed; and that this bond, together with all other indebtedness of such Town of Western is within every debt and other limit prescribed that the Constitution and laws of such state.

9). This Statutory Installment Bond is hereby designated a "qualified tax exempt obligation" pursuant to Section 802 (e) (3) (B) (iv) of the Tax Reform Act of 1985, as passed by the United States House of Representatives on December 17, 1985 (H.R. 3838). The Town of Western reasonably anticipates and hereby agrees that it will not issue "qualified tax exempt obligations" in excess of ten million dollars during the calendar year of 2010. The said Town of Western further certifies that the sum of the principal amount of the Statutory Installment Bond Issue and the principal amount of any other "qualified tax exempt obligations" heretofore designated by said Town of Western for the purpose of Section 802(e) (3) (B) does not exceed Ten Million Dollars.

**In Witness Whereof**, the Town Board of the Town of Western, New York has caused this Bond to be signed by Supervisor and the Clerk, and this Bond is to be dated as of June \_\_, 2010

Made by: Leonard Charney Second Andrew Mierek

Resolution carried: 5 Ayes 0 Nays

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

**Summer Recreation Program:** C/M Murphy stated that she has two individuals to work on the bus trips for the program. Rachel Barbato for Director to be paid \$ 11.50 per hour and Kara Carr as assistant director paid at \$ 10.00 per hour. They would supervise the children on the four (4) day trips. The trips this year are:

Munson-Williams Art Museum (Utica), Erie Canal Village (Rome) Ft. Ricky Game Farm (Rome) and either swimming in Boonville or Jervis Library (Rome).

- Supervisor Davis requested a typed list of the trips from C/M Murphy and for her to give to the Town Clerk a complete set of all forms used in the summer recreation program, so the forms can be on file.
- Supervisor Davis asked the status of the paperwork for the Program that needs to be filled out and filed with the County for next year's funding. C/M Murphy stated she had not done them yet, but will do them.

**Article 78 Appeal:** T/A Engelbrecht stated that there is no news, on the decision in this case.

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**Quit Claim Deed -- LeGarre Property:** Mr. LeGarre contacted T/A Engelbrecht concerning a quit claim deed for the abandoned road beside his property on Driftwood Drive. The Town will convey a portion of the abandoned road to the Delta Cemetery to Mr. LeGarre. Since the next door neighbor and the State of New York has no interest in the old road, the quit claim deed will cover an area 16' X 100'. The property owner will pay all expenses concerning the drawing up of the deed.

**10-85 Motion:** to authorize Supervisor Davis to sign a quit claim between the Town of Western and David LeGarre for a portion of an old road, that runs beside his property on Driftwood Drive, that leads to the Delta Cemetery.

Made by: Edward Mader Second Andrew Mierek

Motion carried: 5 Ayes 0 Nays

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

**Old Kettle Hill Road:** A short discussion was held concerning the issues raised by Mr. Surace concerning the quit claim deed issued, on a portion of the old abandoned Kettle Hill Road. The former owner of the lot had the quit claim deed included in the warranty deed, when the property was transferred. How this happened is not an issue for the Town. The building lot adjoining

the quit claim area is a non-conforming lot and was issued a variance by the ZBA, for a single family dwelling to be built on it. If, a building permit is applied for, by the current owner, the Town has to issue the permit.

**NEW BUSINESS:**

**Standard Work Day:** New York State Retirement Fund wants a resolution passed to designate a standard work day for appointed and elected officials enrolled in the retirement program. This resolution needs to be done after 180 days have elapsed in the work year. The matter was tabled to the July 2010 meeting.

**Salt Shed:** H/S Stevens reported that the footings and foundation for the new salt shed are done. Due to confusion over the expiration date of the grant from Senator Griffo's office, it was felt that the work needed to be done as soon as possible. Joe Siegel did an excellent job on the structure. Now the finishing touches need to be done to the foundation. H/S Stevens will complete and file the required grant paper work with the State.

**10-86 Motion:** to authorize additional work and payments on the salt shed project, amount not to exceed \$ 11,300.00.

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

**Building Permit Time Limit:** Town Clerk Mary Centro asked if a time limit can be placed on the bulding permits issued. Currently there is no time limit and the permit is good forever. NYS Building Codes states a permit should be good for only 18 months. The Board decided that a time limit should be imposed to match NYS Codes.

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**10-87 Resolution:** To state on the Town of Western Building Permits, that the permit expires in Eighteen (18) months. It should read: "This permit expires in 18 months on \_\_\_\_\_".

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

**Official Road Mapping Project:** Harlan Moonan reported that the Tug Hill Commission is starting a project to officially verify road mileage using GPS. They will produce new road maps and the maps will be turned over to the counties. H/S Stevens will look into the project and see if the Town wants to participate.

**10-88 Motion:** to adjourn the June 14, 2010 Town Board meeting at 8:00 pm.

Made by: Andrew Mierek Second Leonard Charney  
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  
July 12, 2010 @ 7:00 pm