

**TOWN OF WESTERN
BOARD MEETING
SEPTEMBER 13, 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

David Townsend, James Masucci, Claudia Tenney, David Julian, Kristen Julian, Mike Campanaro, Frank Retrosi, Larry Mierek, Jeff Grower, Harlan Moonan (NOCCOG)



Before the September Board meeting, local candidates -- David Townsend, James Masucci, Claudia Tenney, George Joseph and David Julian who are seeking election in the September Primary, gave short presentations. They outlined their past experience and why they are the best candidate for the office, being sought.

Supervisor Davis called the September 13, 2010 Town Board meeting to order at 8:00 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.

10-108 Motion: to accept the minutes of the August 2010 Town 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 September 2010 were presented by the Town Clerk:

General Fund	Vouchers	356 -- 376	\$	5,223.74
Highway Fund	Vouchers	377 -- 394	\$	21,553.81
		Total	\$	26,777.55

10-109 Motion: to approve the September 2010 Warrant, subject to audit,

Made by: Leonard Charney Second Edward Mader

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 August 31, 2010 was filed with the Town Clerk. Total fund balances on hand at the end of the period are \$ 824,248.77. 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.

Supervisor Davis stated the sales tax revenue comes in one check and needs to be divided between accounts. The sales tax revenue of \$ 63,170.48 was higher in this second quarter, than in the second quarter of 2009.

10-110 Motion: to transfer sales tax revenue of \$ 63,170.48 from the General Account A1120 to the Highway Account DA1120.

Made by: Andrew Mierek Second Edward Mader

Motion carried: 5 Ayes 0 Nays

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

10-111 Motion: to approve the Supervisor's Report, subject to audit.

Made by: Edward Mader Second Andrew Mierek

Motion carried: 4 Ayes 0 Nays

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

HIGHWAY SUPERINTENDENT'S REPORT:

New Trucks: Our new Freightliner single axle truck, came in last month and made an appearance at the Boonville Woodsman Field Days for Freightliner advertising. Our tandem truck is due back this week from Viking Cives. The single axle truck is headed there soon.

Winter Sand: the department started our sand mining operation on August 9th by setting up the Town of Lee's screening plant. This plant is on a loan basis and we will assist the Town of Lee when it comes time to haul their sand, as a barter. This operation went well and we have put up an additional 3000 yards of sand to add to our surplus from last year. The project was done by August 19th.

Winter Salt: We have been notified that road salt will increase about \$10.00 per ton on the OGS bid prices from last year.

Used Guard Rail: Our department has picked up about 800 feet of used guard rail and posts on Buck Hill Road. The material was left by Oneida County after they replaced the existing rail with new. A deal was made to pick up the old rail for Oneida County, so we were allowed to keep it. This guard rail can be used again in some of the Town's projects.

Tannery Road: On Tannery Road from the Giesse farm to Mezzler Hill have had the shoulders reconstructed, this was to make a uniform 18 foot road in preparation for a double stone and oil surface treatment. Oneida County loaned us a road widener, which after we cut the shoulders with our grader. We rebuilt the shoulders with a 200 ton of hot black top. This project is turning

Town Board Meeting September 13, 2010 Page 3

out well for the Town, so far and we have done the majority of the work ourselves.

Town Hall: the parking lot at the hall was re-sealed and striped this past week.

Equipment Repair: Routine maintenance continues on a daily basis:

Truck #8 -- new rear shocks

Truck #25 -- re-manufactured brake valve was replaced

Truck #23 -- John Deere dozer had a new factory muffler installed

Truck #1 -- needs dealer work to replace engine glow plugs and new windshield installed

10-112 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:

Dog License: Supervisor Davis stated that she has received more information on the new dog licensing issues. T/C Centro distributed to the Board a copy of a proposed dog license law, drawn up by the New Hartford Town Clerk. The model law from the state is not yet available.

Appreciation Dinner: C/M Mader stated that all is set for the dinner at the Colonial Restaurant.

NEW BUSINESS:

Court System Audit: Supervisor Davis stated that she has received a letter from the Unified Court System requesting an audit report on the town's court system. T/A Engelbrecht stated that because of some issues concerning mis-appropriated money in some court systems, the State would like to have a copy of the audit report that was done. T/A stated that this request is no reflection on Judge Donahue's records. The Board is confident that there are no problems or errors within the Town's Justice system. Supervisor Davis appointed C/M Mader and C/M Charney to do a current audit of the Judge's books.

Building Permits: T/C Centro, as chairman of the Zoning Board of Appeals, asked about the issue tabled in March 2009, concerning doubling the fee on a building permit, when a resident does not obtain a permit prior to construction. A short discussion followed.

T/A Engelbrecht stated that for the town to pass a local law or resolution on this issue by passes the *do process of law*". The Codes Enforcement Officer must follow the law and the penalties outlined in the town's zoning ordinance. If, a resident violates the ordinance, the CEO must issue a ticket to them.

Drainage Problems: Jeff Grower, 9515 River Road stated that there are some potential problems with the drainage culvert near his home. Even though the highway department did some work on the culvert, he feels there is still a chance it could plug up and cause flooding.

H/S Stevens stated that he will look into the situation and do what ever work is necessary, to solve the problems.

Town Board Meeting September 13, 2010 Page 4

2011 Budget: Supervisor Davis stated that she is working on next years budget and will have a tentative budget done by October 04, 2010. She asked the Board if they could move the regular meeting to the 4th, so as not to have two meetings in October. The Board agreed to move the Regular Board meeting to that date.

Executive Session: Supervisor Davis said that the Board needs to go into Executive Session to discuss the upcoming renewal of the Fire Company contract and the Article 78 litigation filed by Mr. Pohopek against the ZBA.

10-112 Motion: for the Board to go into Executive Session to discuss the Fire Company contract and the Article 78 litigation. The Board went into Executive Session 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

10-113 Motion: to resume the September Town Board meeting at 9:20 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

10-114 Motion: to authorize Town Attorney Engelbrecht to represent the Town and the Zoning Board of Appeals in the Article 78 action filed against the Town, by Mr. Pohopek.

Made by: Veronica Murphy Second Edward Mader

Motion carried: 5 Ayes 0 Nays

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

Resignation: Supervisor Davis has accepted the resignation of Councilman Andrew Mierek from the Town Board, effective September 30, 2010. Andrew is moving out of the area.

10-115 Motion: to adjourn the September 13, 2010 Town Board Meeting at 9:30 pm.

Made by: Andrew Mierek Second Leonard Charney

Motion carried 5 Ayes 0 Nays

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

*Mary J. Centro
Town Clerk*

**Next Regular Town Board Meeting
October 04, 2010 at 7:00 pm.**

