

**TOWN OF WESTERN
BOARD MEETING
OCTOBER 04, 2010**



Present

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

Visitors

Larry Mierek, Harlan Moonan (NOCCOG)



Supervisor Davis called the October 04, 2010 Town Board meeting to order at 7:00 pm with the Pledge of Allegiance. It was determined a quorum was present.

MINUTES:

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

10-116 Motion: to accept the minutes of the September 2010 Town Board Meeting.

Made by: Edward Mader Second Veronica Murphy

Motion carried: 4 Ayes 0 Nays 1 vacancy

Ayes: Leonard Charney, Edward Mader, 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 October 2010 were presented by the Town Clerk:

General Fund	Vouchers	395 -- 418 & 435	\$	4,469.71
Highway Fund	Vouchers	419 -- 434	\$	204,454.27
		Total	\$	208,924.28

10-117 Motion: to approve the October 2010 Warrant, subject to audit,

Made by: Veronica Murphy Second Edward Mader

Motion carried: 4 Ayes 0 Nays 1 vacancy

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

SUPERVISOR'S REPORT:

The Supervisor's report for the period ending September 30, 2010 was not available, due to the time frame of the October meeting. Supervisor Davis stated that the current bank statements are in the notebooks on the table and are available for review by the Board.

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HIGHWAY SUPERINTENDENT'S REPORT:

Weather: Two unusually heavy rain storms occurred in September, on Sunday the 12th and Thursday the 30th. Both storms produced over 4" inches of rain, which caused the closing

portions of River Road and Hillside Road.

Road Projects: September was road project month. We double stoned and oiled with a Polymer oil on six roads. Three roads were completed with Suit Kote. These roads were a portion of Quaker Hill, Dopp Hill Road North, 4000 feet of Beckwith Road and Tannery Road, South Main Street (Westernville) and Lakeview Drive.

Tannery Road was reconstructed by our department prior to the stone and oil project. This was to re-establish a consistent road width.

Other Projects: As a part of our barter work, with the Town of Lee, we worked with them by hauling their road sand.

- * The Town assisted the State of New York on the Stokes Westernville Road erosion project by utilizing our loader and operator on Sept 22nd.
- * With the State working in the Mohawk River, we felt that this would be an opportune time to clean a stream from the River Road to the Mohawk River.
- * We put stop signs up on the Hillside Drive Bridge, in an attempt to slow down traffic.

Equipment Repair: Routine maintenance continues on a daily basis:

Truck #8 -- new rear brakes

Truck #31 -- universal joints on front drive shaft

Sanders being cleaned and repaired

Steam pressure washer valve repaired

Roller serviced for loose parts

Oneida County mowers repaired, tractor cleaned -- ready to be returned to County

10-118 Motion: to accept the Highway Superintendent's report

Made by: Leonard Charney Second Edward Mader

Motion carried: 4 Ayes 0 Nays 1 vacancy

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

OLD BUSINESS:

Tentative Budget: Supervisor Davis distributed copies of the 2011 Tentative Town Budget. A discussion followed with the Board going over the budget line by line. C/M Murphy stated that she felt there should be no raises for the elected officials because of the economy. C/M Mader agreed with her. H/S Stevens stated that towns pay their highway superintendents lower than the private sector, but the Town does pay close to what other towns pay. Amounts were moved between several accounts and some accounts reduced. It was decided to put \$ 20,000.00 into a capital improvement fund for future bridge repairs. After discussion on salaries, it was found

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that any salary increases would not increase the tax rate, so the raises to the elected officials were tabled. One item that impacts the budget and tax increases is the assessed valuation of the Town. It has gone down \$ 600,000 from last year, based upon figures from the NYS Real Property Services. Overall, the Board thought Supervisor Davis did a good job drawing up the 2011 budget.

10-119 Motion: to hold a public hearing on the 2011 Town Budget on Wednesday November 03, 2010 at 6:15 pm, prior to the regular Board meeting.

Made by: Leonard Charney Second Edward Mader

Motion carried: 4 Ayes 0 Nays 1 vacancy
Ayes: Leonard Charney, Edward Mader, Veronica Murphy, Robin Davis

Article 78 Litigation: T/A Engelbrecht advised the Board that the appeal was heard on September 29th and the judge ruled from the bench in favor of the Town. It is unclear if Mr. Pohopek will file an appeal against the judge's decision.

Dog Licensing: T/A Engelbrecht stated that the Board needs to consider a local law dealing with the new NYS dog license regulations. There are several questions to be considered

- ⇒ Does the Town want to just update its existing dog control law, to include dog licensing.
The Board decided to pass a new law dealing with dog licensing
- ⇒ Does the Town want to enact an exemption to whether or not to allow a 30 day extension for visiting out of town dogs . --- *Yes*
- ⇒ Does the Town want to authorize an additional pure bred license. --- *No*
- ⇒ The Town needs to set licensing fees
 - Spayed and Neutered Dogs -- \$ 5.00 plus \$ 1.00 fee for population control = \$ 6.00*
 - Un-spayed - Un-neutered -- \$ 15.00 plus \$ 3.00 fee for population control = \$ 18.00*
 - Replacement Tags -- \$ 3.00*
- ⇒ The Town needs to set a fee for un-licensed dogs, counted during a dog enumeration
 - Surcharge \$ 15.00*
- ⇒ Does the Town want to exempt show dogs from licensing --- *No*
- ⇒ Does the Town want to exempt service dogs --- *No*
- ⇒ The Town needs to set court fees for tickets issued to dog owners
 - First Offense -- \$ 25.00*
 - Second Offense --\$ 50.00*
 - Third Offense -- \$ 100.00*
- ⇒ Does the Town want to change the impoundment fees or leave the fees as previously set
 - \$ 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*

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10-120 Motion: to hold a public hearing on November 03, 2010, at 6:45 pm to consider a new local law for the licensing of dogs, per the new NYS dog licensing regulations.

Made by: Leonard Charney Second Edward Mader
Motion carried: 4 Ayes 0 Nays 1 vacancy
Ayes: Leonard Charney, Edward Mader, Veronica Murphy, Robin Davis

NEW BUSINESS:

Council Vacancy: Supervisor Davis stated that due to the resignation of C/M Andrew Mierek there is now a vacancy on the Board. She received a letter of interest from Lawrence Mierek.

10-121 Motion: to appoint Lawrence Mierek (8485 Carmichael Hill Road, Westernville) to fill the un-

expired term of the councilman, who has resigned and moved out of the area. The term of office shall be from October 04, 2010 to December 31, 2013.

Made by: Leonard Charney Second Veronica Murphy
Motion carried: 4 Ayes 0 Nays 1 vacancy
Ayes: Leonard Charney, Edward Mader, Veronica Murphy, Robin Davis

Plantings Town Hall: Supervisor Davis read a letter from the Westernville 4-H Club, requesting permission to plant two small shrub type bushes in front of the Town Hall.

10-122 Motion: to allow the Westernville 4-H Club to plant two bushes in front of the Town Hall

Made by: Edward Mader Second Leonard Charney
Motion carried: 4 Ayes 0 Nays 1 vacancy
Ayes: Leonard Charney, Edward Mader, Veronica Murphy, Robin Davis

Fire Company Contract: Supervisor Davis stated that she was unable to meet with the Fire Company, for they did not return her calls. She budgeted for a one year contract, with no increase in funds. T/A Engelbrecht will draw up the contract.

Planning Board Secretary: T/C Centro reported that the Planning Board Secretary has resigned and if the Board knows of anyone interested in the position, please let her know.

10-123 Motion: to adjourn the October 04, 2010 Town Board Meeting at 9:50 pm.

Made by: Edward Mader Second Leonard Charney
Motion carried: 4 Ayes 0 Nays 1 vacant
Ayes: Leonard Charney, Edward Mader, Veronica Murphy, Robin Davis

*Mary J. Centro, RMC
Town Clerk*

**Next Regular Town Board Meeting
Wednesday November 03, 2010 at 7:00 pm.**

Public Hearing Budget 6:15 pm

Public Hearing Dog Licensing 6:45 pm

