

TOWN OF WESTERN
TOWN BOARD MEETING
FEBRUARY 14, 2022



Present

Town Supervisor	Diane Butler	Town Clerk	Mary Centro
Councilman	Leonard Charney		
Councilman	Peter Donahue, Sr.	Councilman	Lawrence Mierek
Highway Superintendent	Amanda McGovern.	T/A Charles Engelbrecht, Esq.	

Excused

Councilman Ryan Tebo

Visitors

Stephen Hunter (Assessor), Jamie Wilbert (Library Board), Joan Zielinski (Library Board), Lisa Bellinger (NOCCOG), Evan Sokoloff, Todd Sokoloff, Steve Barnes, Linda Barnes, Anna Radell-Weaver, Marge Donahue, Mary Jo Miller, Bill Miller, Paul Snider, Mary Snider, Katie Kirk, Kimberly Corr, Bill Gamela, Nicolas Fields, Pete Kirk, Hunter VanDresar,



Supervisor Butler called the February 14, 2022, Town Board Meeting to order at 7:00 pm with the Pledge of Allegiance. It was determined that a quorum was present.

MINUTES:

22-017 Motion a motion is in order and on file that the reading of the minutes of the January 10 2022 Board Meetings be dispensed with. Supervisor Butler asked if there were any corrections or additions to the minutes.

The following corrections need to be made:

Organizational Meeting --

Resolution 22-006 – amount needs to be changed from \$.59 to .58.5 per mile.

Volunteer Board Members – delete P/B secretary from Marge Donahue and appoint Mary Centro.

Regular Meeting –

Paragraph 7 – insert the procedure for a local law.

Paragraph 10 – insert date ‘10’ as the date of the motion on the wood chips.

Insert the complete Highway Superintendents report.

Minutes – Change several date errors from 2021 to 2022.

22-018 Motion: to accept the minutes of January Board meetings, with the changes indicated.

Made by: Peter Donahue, Sr. Second Lawrence Mierek

Motion carried: 4 Ayes 0 Nays 1 Excused

Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek,

Excused: Ryan Tebo

WARRANT:

22-019 Motion: a motion is in order and on file that the reading of the itemized Warrant be dispensed with and the totals read only. Supervisor Butler asked if there were any corrections to the vouchers

The Warrant (bills) for February 2022 were submitted by the Town Clerk:

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General Fund	Vouchers	019 -056	\$ 18,009.97
Highway Fund	Vouchers	056 - 069	\$ 31,290.60
	Total		\$ 49,300.59

22-020 Motion: to approve the February 2022 Warrant, subject to audit.

Made by: Lawrence Mierek Second Leonard Charney
Motion carried: 4 Ayes 0 Nays 1 Excused
Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek,
Excused: Ryan Tebo

SUPERVISOR'S REPORT:

Supervisor Butler read the Supervisor's Report for the month ending January 31, 2022, and filed it with the Town Clerk.

Budget Transfers: Supervisor Butler stated that the following budget transfer is needed:

From A1990.4 (Contingent Account) To A9040.4 ((Worker's Comp.) \$ 5,124.00

22-021 Motion: To approve the Budget transfer as outlined by the Supervisor.

Made by: Leonard Charney Second Peter Donahue, Sr.
Motion carried: 4 Ayes 0 Nays 1 Excused
Ayes: Leonard Charney, Peter Donahue, Sr., Lawrence Mierek, Diane Butler
Excused: Ryan Tebo

22-022 Motion: To accept the Supervisor's Report for the period ending January 31, 2022, with the transfers indicated and subject to audit.

Made by: Lawrence Mierek Second Leonard Charney
Motion carried: 3 Ayes 0 Nays 1 Excused
Ayes: Leonard Charney, Peter Donahue, Sr., Lawrence Mierek
Excused: Ryan Tebo

HIGHWAY SUPERINTENDENT REPORT:

"We have loaded out 9 loads of wood chips so far. A check for the first 5 loads totaled \$1,922.00 (should be received soon). Another check should be arriving shortly for the last 4 loads hauled out. The Highway Department would like to put some of that money towards a set of forks for the John Deere. It would cost approximately \$2000 dollars if they were bought with the loader. Now it will cost around \$7200 to purchase them separately today. I am waiting for the 3 e-mail quotes that I requested.

John Rhoden of Tracey Road Equipment has been contacted, he is to give us an estimate on a new Western Star plow truck hopefully for next year. Trucks are on major back order, along with everything else these days.

The Highway Department now has a functioning women's bathroom. The original plumbing from 1988 and was no longer working. A trip to Delta Plumbing took care of that. The men's bathroom flush valves were updated since those were also vintage 1988.

I have been in contact with Cintas (Uniform Company) to update our First Aid Box as well our Eyewash station. These safety requirements have been in expiration since 2013. We should be in compliance soon.

Cintas has a service that offers weekly coverall supply and cleaning for all 5 employees. The service also includes clean floor runners replaced weekly. The contract between the Town of Western and the union that represents the Highway workers states that 3 sets of coveralls need to be provided to each employee. In order to avoid the increasing difficult task of finding suitable coveralls, I believe that a rental option is a great option for this requirement. Each worker is fitted and given 5 pairs a week that is washed weekly and replaced once worn. The cost is \$ 45.90 per week.

I have been working with the surrounding local towns to get all our required training for the year set up. First Aid and CPR, MSHA, Sexual Harassment Training and Dig Safely NY are to name just a few.

The Stone Wall project at Hillside is not running very smoothly. DH Smith had been working with Tom Smith for several months getting design and plans ready for the DEC to grant them emergency authorization to fix the erosion problem upstream from the Hillside bridge. I believe that phase one has already been paid which totaled \$ 46,667.62. Phase two consists of 150 feet of stacked and pinned stone wall directly upstream from the bridge. I was forced to request the DEC show up for inspection of the stone wall. DEC gave Dave Smith a stop work order on January 18, 2022, there was a meeting with the DEC, Dave Smith and me about doing the job according to how it was submitted to the DEC. Dave Smith agreed to re-do his work and do it properly. After this incident, I contacted DH Smith's office to request a copy of the contract that DH Smith had with the Town of Western. It turns out that there was no contract in existence. I proceeded to contact Charlie Engelbrecht, the town lawyer to let him know. Perry is the secretary for DH Smith, he drew up a contract, that after two drafts, before being approved by Charlie. On January 26, 2022, the contract approved by Charlie and signed by Dave Smith was delivered to Diane Butler by e-mail. This has been a nerve-racking experience to say the least.

I will be starting to put together the required 284 agreement soon. Last year it was signed on April 12, 2021. I have been reviewing the CHIPS program to see which roads are going to be eligible, As soon as the weather breaks, I will be doing culvert and road inspections".

22-023 Motion: To authorize Highway Superintendent Mc Govern to sign a contract with the DH Smith for work on the stone wall project at Hillside above the Hillside Bridge according to the plans submitted to the DEC.

Made by: Peter Donahue, Sr. Second Lawrence Mierek

Motion carried: 4 Ayes 0 Nays 1 Excused

Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek

Excused: Ryan Tebo

22-024 Motion: To authorize Highway Superintendent McGovern to sign a contract with CINTAS to supply 5 pairs of overalls including cleaning to each employee on a weekly basis and replaced when worn out. To supply clean floor runners to be replaced weekly. The quoted price is \$ 45.90 per week.

Made by: Leonard Charney Second Lawrence Mierek

Motion carried: 4 Ayes 0 Nays 1 Excused

Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek

Excused: Ryan Tebo

22-025 Motion: to accept the Highway Superintendent's report.

Made by: Peter Donahue, Sr. Second Leonard Charney

Motion carried: 4 Ayes 0 Nays 1 Excused

Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek

Excused: Ryan Tebo

Old Business:

- 1. Renovations to Town Hall:** Renovations Committee met on Saturday February 5th to discuss the future of the Town Hall and possibility of building a stand alone building. It was decided to consult with an engineer or several engineers to fact find about what direction the Board needs to go in before making any decisions. The Board is undecided at this time, whether the Annex will need to be demolished, it may not be possible to have the highway department do the demolition. A private contractor may need to be hired.

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22-26-Motion: To do a fact-finding survey of both the Town Hall and Annex to assess the conditions of the buildings and the costs that may be involved. Also seek the services of two or more engineers for the studies.

Made by: Peter Donahue, Sr. Second Leonard Charney

Motion carried: 4 Ayes 0 Nays 1 Excused

Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek

Excused: Ryan Tebo

2. **2021 Library Grant:** This grant is almost complete, with a few items still outstanding.
3. **Playground Equipment Grant:** Library Trustee Jamie Wilbert is working on a grant for new playground equipment at the library and is waiting for quotes on the site preparation.
4. **Library Basement Grant:** In the ongoing effort to upgrade the Library, the Trustees would like to apply for a grant to update the basement. A study will be needed to find the problems located there with estimated costs before they can apply. An engineering study may be needed
5. **Re-evaluation:** Assessor Stephen Hunter reported that the Equalization Rate has been lowered to 49% for the year. The lower rate impacts the tax base for both the town and local school districts.
6. The re-evaluation project has begun with the contractor continuing to gather information.
7. **Digitalization of Town Records:** Councilman Mierek reported that there should be no price increase on the needed software this year. To start the program 2 computer lap-tops and a good quality scanner will be needed. He suggested that a committee is needed to decide what is the next step. On the committee will be C/M Mierek, Supervisor Butler, and T/C Centro.
8. **F.O.I.L. Request:** The request was referred to T/A Engelbrecht to answer. No other information.
9. **Year End Audits:** The Audit Committee (C/M Mierek) completed the audits and all are in order.

New Business:

10. **2022 Triathlon:** Supervisor Butler has received a request from the organizers of the event requesting that the race pass through the Town again. They stated they will give a donation to the Town Library as they have done before. The Board agreed that the event can pass through the Town this year.
11. **Highway Superintendents Salary -- Local Law #001-2022:** Following the comments at the Public Hearing and Board comments the following motion was made:

22-27 Motion: To approve and pass Local Law #01-2022 "The Town Board of Western would like to raise the salary of the elected Highway Superintendent above the amount presently fixed in the 2022 Town Budget and increase the salary to the amount paid in 2021".

Made by: Peter Donahue, Sr. Second Leonard Charney

Motion carried: 4 Ayes 0 Nays 1 Excused

Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek

Excused: Ryan Tebo

12. **Tug Hill Tomorrow Land Trust:** The Land Trust is working with the Simons family whose farm is partly in the Town of Western that would like to us to submit a farmland protection application on their behalf. The NYS Ag, & Markets application requires letters of support by the town and county where

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the farm is located. We already have received a resolution from the other towns the farm is in and now are asking for the Town of Western support. If, this project is funded the Land Trust would work with the landowner to basically purchase the development rights from the land. The land would be available for farming but not commercial development. A discussion was held.

22-19 Resolution Farmland Implementation Grant -- Tug Hill Tomorrow Land Trust as Applicant:

WHEREAS: Benjamin and Robin Simons are the owners of Simons Family Farms which encompasses 732.75 acres, where a portion of the farm consisting of approximately 328.57 acres in tax parcels 136.000-1-18.1 and 137.000-2-13.1 and is located in the Town of Western, Oneida County (the 'Property'): and

WHEREAS: Tug Hill Tomorrow Land Trust as a New York not for profit corporation to accept, purchase and hold conservation easement under section 170(h) of the Code and Treasury Regulation Section 1.171A-14© and

WHEREAS: The property is located in Oneida County's Agricultural District #2 created pursuant to Article 25-A of the New York State Agricultural and Markets. It is the purpose of this article to provide a locally initiated mechanism for the protection ns enhancement of New York State agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance: and

WHEREAS: the property is located within the Town of Western, which has adopted a right to farm law, and

WHEREAS: THE Property consists primarily of productive agricultural land. The Property which lies within the town is 328.57 acres, contains active crops and livestock production, 139.2 acres of prime soils and 43 acres of farmland soil of statewide importance as defined by the U. S. Department of Agriculture's Natural Resource Conservation Service, and

WHEREAS: Tug Hill Tomorrow Land Trust determined that accepting this easement on the Property will enhance the long-term agricultural values of the Property and forward its mission of protecting the wildlands, working forest and farms of the Tug Hill region and surrounding areas, and to promote appreciation of the region's natural and cultural heritage for present and future generations; and

WHEREAS: the Simons Family and Tug Hill Tomorrow Land Trust agree the purpose of the agricultural easement will be to perpetually conserve viable agricultural land by preventing the non-conversion for non-farm uses. In achieving such prevention , the Property shall be forever reserved for continued agricultural use; and

NOW THEREFORE BE IT RESOLVED; That the Western Town Board passed a resolution on February 14, 2022, at a regular Town Board meeting to endorse the submission of an application for a Farmland Protection Initiative Grant for the Simons Family Farm by Tug Hill Tomorrow Land Trust. If, funded, this grant will provide funding from the NYS Department of Agriculture and Markets to purchase the development rights (Agricultural) Conservation easement) on the Simons Family Farm.

By order of the Town of Western by the following vote thereon:

Resolution made by:	Leonard Charney	Seconded by:	Peter Donahue, Sr.
Resolution carried:	4 Ayes	0 Nays	1 Excused
Ayes: Diane Butler, Leonard Charney, Peter Donahue, Sr., Lawrence Mierek			
Excused: Ryan Tebo			

22-027 Motion: At 8:45 pm the Supervisor adjourned the February 14, 2022, Town Board Meeting.

Made by:	Leonard Charney	Second	Lawrence Mierek
Motion carried:	4 Ayes	0 Nays	1 Excused
Ayes: Diane Butler, Peter Donahue, Sr., Leonard Charney, Lawrence Mierek			
Excused: Ryan Tebo			

*Mary Joan Centro
Town Clerk*