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
Willie Radell, Anna Radell, Philip Spoor, Peter Donahue, Sr., Harlan Moonan (NOCCOG)

At 7:00 pm, Supervisor Davis called the February 09, 2009 Town Board meeting to order with the Pledge of Allegiance.

MINUTES:

9-29 Motion: A motion is in order and on file that the reading of the minutes of the previous Board meeting be dispensed with.

9-30 Motion: to accept the minutes of the January 2009 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:

9-31 Motion: 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 February 2009 were presented by the Town Clerk:
General Fund Vouchers 015 - 039 & 066 - 068 $ 22,029.08
Highway Fund Vouchers 044 - 064 & 065 $ 118,589.99
Total $ 140,619.07

9-32 Motion: to approve the February 2009 Warrant, subject to audit,
Made by: Andrew Mierek  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 January 31, 2009 was unavailable.

HIGHWAY SUPERINTENDENT’S REPORT:

New Plow Truck: H/S Stevens reported that the new plow truck is in service and is being used plowing the hills. Of the last 36 day since the January meeting, the crew has spent 22 days plowing.
C.H.I.P.S. Funding: H/S Stevens reported that C.H.I.P.S. funding will be cut by 40% this year. The Association of Highway Superintendents will hold an advocacy day in Albany, protesting the cuts in funding. Also, the town should write a letter to its representatives in Albany protesting the proposed cuts in funding.

Year End Report: H/S Stevens filed a year end report with the town clerk, detailing the highway department’s activity for the past year.

9-33 Motion: to accept the Highway Superintendent’s report.
Made by: Leonard Charney Second Veronica Murphy
Motion carried 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

OLD BUSINESS:

McLeish vs. Town: T/A Engelbrecht reported that he has received the written decision from Judge Shaheen concerning this matter. Judge Shaheen ruled in favor of Mr. McLeish, ordering that a variance be issued to Mr. McLeish for the variances requested. One variance is for a reduction of the side yard set back from 15 feet to 14 feet 6 inches a reduction of 6 inches. The other variance is for a front yard set back for 100 feet to 60 feet, a reduction of 40 feet. The Town Clerk will issue the variances on behalf of the ZBA and Town. Mr. & Mrs. Marquette (adjoining property owners to Mr. McLeish) have filed an intent to appeal Judge Shaheen’s decision.

ZBA Appointments: Supervisor Davis stated that there are three individuals interested in the positions open on the ZBA. The individuals are Patrick Rutledge, Diane Dumas of Beartown Road North and Georgia Lazovik of Teugega Point.

9-34 Motion: to appoint Patrick Rutledge, 10031 Beartown Road N, Ava, NY to the Zoning Board of Appeals. His term of seven years will be from February 09, 2009 till December 31, 2015.
Made by: Edward Mader Second Veronica Murphy
Motion carried 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

9-35 Motion: to appoint Georgia Lazovik, 8626 Teugega Point, Rome, NY to the Zoning Board of Appeals to fill a vacant un-expired term. Her term of three years will be from February 09, 2009 till December 31, 2011.
Made by: Veronica Murphy Second Andrew Mierek
Motion carried 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

Library Update: Anna Radell reported that the storm windows have been installed on the library windows and will be painted in the spring. The air conditioning still needs to be done. She reported that Mid York Library System has received a formal letter confirming that the Library will receive the full grant of $20,377.00.

Payroll Digitizing: Town Clerk Centro reported that the payroll records have been picked up for digitizing. Some records for several years are missing, and she is still looking for them.
NOCCOG reported that there may be some money left over after the digitizing, that they may be able to do other records. T/A Engelbrecht suggested that local laws could be digitized.

**Archives Grant:** Harlan Moonan (NOCCOG) reported that 28 towns will be participating with the Ancestry.com grant. If the grant is received, work should begin in the Fall of 2009.

**New Plow Truck:** Supervisor Davis reported that the new plow truck was paid for in full and not bonded for. The money was available, so the truck was paid for in February.

**NEW BUSINESS:**

**Cold War Veterans Exemption:** Supervisor Davis stated that the Board needs to consider passing a resolution in support of Oneida County Resolution #338 and Local Law of 2008 #4. The complete Local Law is on file in the Town Clerk’s office. Some section of the Local Law are as follows.

1. “Legislative Intent: the intent of this Local Law is to provide some limited real property tax relief to those persons who rendered military service to the United States during the Cold War period”.
2. “That the provisions of Section 458-b of the New York State Real Property Tax Law, as adopted herein, shall apply only to the levy of County real property taxes in the County of Oneida. Such exemption shall not apply to school taxes, special ad valorem levies or special assessments”.
3. “As used in this local law, the term ‘Cold War Veteran’ shall mean persons who served on active duty with the United States armed forces during time period from September 02, 1945 to December 26, 1991 and who were discharged or released there from under honorable conditions”.
4. “The Cold War veterans exemption provided for herein shall be limited to 10 years in duration, except that is no time limit for the disability portion of the exemption, and must be applied for with local assessors on or before the taxable status date of such town or city.”.

**09-36 Resolution:** for the Town of Western to support and adopt Oneida County Resolution #338 and Local Law of 2008 #4. The percentage of the exemption for the Town will be 15%.

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

**OTB Sharing Resolution:** Supervisor Davis stated that the Board needs to consider passing a resolution for Oneida County to continue sharing OTB revenue with the Town of Western and other local Oneida County governments. The Resolution is as follows:

**Resolution Calling for Oneida County to Continue Sharing OTB Revenue with the Town of Western and Other Local Oneida County Governments**

WHEREAS: Oneida County has been sharing the County’s Off Track Betting Revenue with the Town of Western and other local governments for over 25 years; and
WHEREAS: Oneida County has proposed ending the OTB revenue sharing with local governments in order to reduce the County budget; and
WHEREAS: the decision comes at a time when Oneida County and other Counties across New York State are calling on Albany not to shift more costs on to them; and
WHEREAS: the loss of this revenue shifts an additional tax burden on to the citizens of the Town of Western and other local governments; and
WHEREAS: individual members of the Oneida County Board of Legislators have expressed strong opposition to this measure; and
NOW, THEREFORE, BE IT RESOLVED: that the Town Board of the Town of Western calls on the Oneida County Executive and the Oneida County Board of Legislators To take any and all necessary actions to insure OTB revenue sharing continues for at least one more year; and
BE IT FURTHER RESOLVED: that copies of this Resolution be forwarded to Oneida County Executive Anthony Picente and all members of the Oneida County Board of Legislators and others deemed necessary and proper.

09-37 Resolution: to adopt the OTB revenue sharing resolution as stated.
Made by: Edward Mader Second: Veronica Murphy
Motion carried: 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

Department Audits: Supervisor Davis stated that the Audit Committee (C/M Mader and C/M Mierek) need to audit the books of the Supervisor, Town Clerk and Town Justice. The Committee stated that they will do the audits as soon as possible.

Adirondack Bank: Supervisor Davis stated the transfer of funds from the Bank of America to Adirondack Bank is now complete. The Bank of America accounts can be closed as soon as some outstanding checks clear the bank.

Title Search Fee: Codes Enforcement Officer Robert Hoke is asking the Board to consider two new fees for paperwork associated with codes/zoning for the Town.
1. Establish a fee for Certificate of Occupancy to company’s requesting information as part of their business (title searches). A fee of $25.00 is suggested. If a request is received from a town resident, no fee would be charged.
2. Double the fee for a building permit, if the structure is built prior to receiving a building permit. Probably this would only effect storage type building permits.
A discussion followed, with confusion as to what is considered a building under the town’s zoning ordinance. T/A Engelbrecht reviewed the zoning ordinance and stated that a permit is needed for any structure with a **roof**, which includes stick built or pre-built structures. The Board felt that the average citizen might not know that a pre-built storage building or one that is stick built needs a permit. They felt doubling the fee for this would be unfair to town residents. The request for doubling the fee for structures built without a permit was tabled.

09-38 Motion: to establish a $25.00 fee for Certificate of Occupancy and other paperwork searches requested by title companies or other entities, done by the Codes Enforcement Officer. No charge for requests by Town residents.
Made by: Andrew Mierek Second Leonard Charney
Motion carried: 5 Ayes 0 Nays
Ayes: Leonard Charney, Edward Mader, Andrew Mierek, Veronica Murphy, Robin Davis

Audit Tax Collectors Books: Supervisor Davis stated that she received a letter from the Town’s new insurance carrier Selective Insurance concerning auditing of the tax collector’s books and does the Town have any procedures in place to audit these records. The following
procedures were put in place by the Audit Committee:
1. The tax collector will fax the monthly bank statements to members of the Audit Committee.
2. The Audit Committee will review these statements on a monthly basis, for accuracy and any errors.
3. The Audit Committee will ask for a report at the end of the tax season to compare with the bank statements.
The Town Clerk will write a letter to Selective Insurance and advise them of the procedures that have been put in place.

**Heritage Days:** Supervisor Davis received a letter from Dr. Russell Marriott, representing the Heritage Days Committee. The date set for 2009 Heritage Days are May 30th and May 31st. The committee is asking for the use of Schallenberg Park, the Town Hall, and the Library grounds.

**09-39 Motion:** to allow the Heritage Days Committee to use Schallenberg (Town) Park, Town Hall and Library for the 2009 Heritage Days celebration on May 30th and May 31st.
Made by: Veronica Murphy Second Edward Mader
Motion carried: 5 Ayes 0 Nays
Ayes: Leonard Charney, Andrew Mierek, Edward Mader, Veronica Murphy, Robin Davis

**Summer Recreation Program:** C/M Murphy stated that the Board needs to figure out what to do with this program. Maybe the town should send out a questionnaire to find out if residents are interest in the program. The matter was tabled for further discussion.

**Town Hall Sewer Line:** Supervisor Davis reported that the sewer line going out of the building to the septic system froze recently. Schallenberg Construction was called to unfreeze the line. In the spring the Board needs to consider some type insulation of this line to prevent freezing next year.

**Town Hall Repairs:** Supervisor Davis and her husband Wayne replaced the kitchen sink faucet and drain traps recently. Wayne Davis also replaced the electric light switch in the ladies room.

**09-40 Motion:** to adjourn the February 09, 2009 Town Board meeting at 8:30 pm.
Made by: Leonard Charney Second Edward Mader
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