

Westmoreland Town Board  
Regular Monthly Meeting  
October 10, 2011

Supervisor Gregory Sydoriw called the regular monthly meeting Board meeting to order at 7:00 P.M., at the Westmoreland Town Hall, 100 Station Road, Westmoreland, N.Y. with the following Board members present; Councilpersons Kenneth Eisnor, Charles Hebbard and Hubert Pritchard. Councilperson David Husted was absent. Also present was Highway Superintendent Carl Eddy, Deputy Highway Superintendent Russell Young, Sole Assessor Bernard Szarek, Senior Library Clerk Riley McFadden and Codes Officer Terry Williamson.

Supervisor Sydoriw asked all to rise for the Pledge of Allegiance, after which he recessed the regular meeting to allow comments from the floor.

Sue Gardinier, Dog Control Officer and Karen Nixon, asked the Board for permission to conduct an enumeration of dogs within the Town of Westmoreland. Karen Nixon said that the entire Town would be covered. The Town would pay Ms. Nixon \$3.00 per unlicensed dog found and mileage during the enumeration. Supervisor Sydoriw stated that this will be addressed under new business.

Glen Masner and Heather Johnson; School Board members; again stated that the cleaning of the ditch is a safety issue. The Town needs to clean the drainage ditch that the Town dug in 1949. The swamp (wetlands) to the rear of the school needs to be lowered, not drained. Mr. Masner has talked to the DEC and can obtain a permit for lowering the water level. The affected homeowners do not want to pay to have this done. The Board stated that the Town cannot work on private property.

There being no one else present wishing to speak to the Board, Supervisor Sydoriw reconvened to the regular meeting and stated that the Attorney's Report will be given at this time.

Attorney for the Town, Gregory Mattacola reported;  
2002 Ferguson Easement – Title Company is verifying whether or not Deed of Easement must include additional grantors (any adjacent owners affected by easement). Fact that easement description is partially in Town of Kirkland is irrelevant.

Time Warner Cable Franchise Agreement – Revised Franchise Agreement received.

Hydraulic Fracturing – Town passed resolution to impose moratorium. Municipal Law §239-m Zoning and Subdivision Referral Form sent to County Planning Department. Local Law Filing Notice to be filed with State.

FEMA Relief – Contacted Oneida County Emergency Department Deputy Directory, Gerald Pedersen, for input on individual disaster assistance. Forwarded information to Town.

Sidewalk Construction – Research Town Law §§200, 200-a, and relevant Highway Laws re: process to move, approve and construct sidewalks and determine whether or not resident permission or easements or county or state permission are necessary. County permission is required where sidewalks are along County Roadway. Notice should be provided to residents as courtesy, but no permission is needed where sidewalks are being replaced.

Attorney Mattacola spoke about the sidewalk problem with trees on private property. The trees are twenty-seven feet (27') from the center of the road, and may have been put in by the State twelve (12) years ago. A decision was made to make the sidewalk four feet (4') wide. A four feet (4') turnaround is suggested every fifty feet (50'). The turnarounds can be in existing driveways. Highway Superintendent Eddy stated that the cement is supposed to be delivered on Tuesday. The Highway crew will need to reposition the forms from five feet (5') to four feet (4').

**144 A motion to schedule a Public Hearing on the Time Warner Franchise will be held at 6:45 P.M. on November 14, 2011, was advanced by Councilperson Hebbard was seconded by Councilperson Eisnor. All Board members present voted AYE and the Supervisor declared the motion carried.**

The Supervisor thanked the Attorney for his report and stated that there were no County Legislators present.

The Supervisor asked for the Highway Report, Highway Superintendent Carl Eddy reported that; we have started the sidewalk project for the Town. We have been picking up brush from roadsides. We are done hauling sand. We have to put sand and salt up, waiting for conveyor. Roadwork is finished. We have received (2) bids for pressure washing and painting of the salt shed; Winterton- \$8,938.00 and Lincoln- \$9,200.00; with Sexton (the third company) not submitting a bid. The paint to be used will be from Sherman Williams.

**145 A motion was advanced by Councilperson Hebbard and seconded by Councilperson Eisnor to accept the Winterton bid of \$8,938.00 and to transfer \$5,000.00 from the sidewalks to the salt storage facility. All Board members present voted AYE and the Supervisor declared the motion carried.**

The Highway Department needs two (2) low profile lights for the working stalls of the garage at a cost of approximately \$250.00 each, which includes the wiring.

**146 A motion to authorize the purchase and installation of two (2) low profile lights in the working stalls for \$250.00 each was advanced by Councilperson Eisnor and seconded by Councilperson Pritchard. All Board members present voted AYE and the Supervisor declared the motion carried.**

The Board discussed equipment to sell: 1980 Mack Truck, Cub Cadet Mower and Liquid Crack Filler.

**147 Councilperson Pritchard advanced a motion to authorize the Highway Superintendent to sell the above stated items, seconded by Councilperson Eisnor. All Board members present voted AYE and Supervisor Sydoriw declared the motion carried.**

Highway Superintendent Eddy stated that he would like to purchase a twelve foot (12') Harder Sander which can be extended to fourteen feet (14') from the Town of Vernon.

Councilperson Pritchard apologized to the Highway Superintendent for the mud on Shed Road. The County was unable to paint in front of his farm.

Supervisor Sydoriw asked for the Assessor's Report. Sole Assessor Bernard Szarek stated he is getting the transfers and the New Address changes done for the County and town tax bills. The new Exemption forms are in the hall for those who need them like the Snow Birds or new residents. Getting the building permits ready for field work.

He stated that Warren Howlett may come back as the assessor's clerk.

The Codes Report from Codes Officer Terry Williamson stated they are back on winter hours. He will post do not occupy on the Fogelman Trailer on Stone Road. The Route 26 home permit is expiring.

Councilperson Eisnor gave the Water District Report, indicating regular maintenance was done.

Councilperson Eisnor stated Ted Flint, Water Plant Operator, said he could read the master meters twice a year. The pumps are rotated, equal running time of 1,800 hours. Adding a master meter at Seymour Lane will cost around \$5,000.00. The master meter at the pool blew apart, no reason was given.

Supervisor Sydoriw thanked Councilperson Eisnor and asked for the Reading Center Report.

Senior Library Clerk Riley McFadden reported in September we loaned out 1,170 items and registered three (3) new people.

The new scanner is being used for all incoming and outgoing items in the delivery bag. This way, patrons and other libraries can track the book they ordered or loaned. It also enables me to renew or replace worn and lost library cards.

The County Budget will only fund the Reading Center for ½ year in 2012. The Supervisor thanked the Senior Library Clerk and asked for the Town Clerk's report.

Town Clerk, Beverly Merriman reported that in September, the Town Clerk's office sold seven (7) new dog licenses, renewed two (2) purebred dog licenses and renewed sixty-

two (62) individual dog licenses for \$ 553.00. The State's share was \$ 93.00, to Ag and Markets for the Dog Population Control Program, and the Town's commission was \$460.00. Thirteen (13) dog licenses were cancelled during this month, because of death or moving from town.

On September 2, 2011, we sent out twenty (20) late notices for dog licenses that were due August 31, 2011. Renewal notices, for ninety-one (91) dogs due in September, were sent out August 26, 2011.

We issued twenty-nine (29) certified copies for \$290.00.

We issued four (4) marriage licenses, for \$200.00. The Town realized \$110.00.

There were thirteen (13) handicapped permits issued or renewed during the month.

Sales of DECALS (hunting/fishing) licenses for September were \$4,458.00 and \$4,227.74 was sent to the State. The Town's commission was \$230.26.

**Checks Received:**

1. Westmoreland Justice Court	Justice Bowers August	\$ 11,460.00
2. Westmoreland Fire District	Fuel-7/31-8-31	\$ 431.46
3. C.O.V.A.C.	Fuel	\$ 2,358.10
4. Westmoreland Central School	Fuel	\$ 1,934.67
5. Bank of Utica		\$ 471.34
6. State of New York	General Purpose Aid	\$ 52,700.00
7. New York Municipal Insurance	Lightning Damage	\$ 3,218.45

**Communications Received:**

1. Westmoreland United Methodist Church- request to hold Bake Sale
2. Oneida County Health Department-Tindall in compliance
3. NYS DOT- copy of letter to Assemblyperson Claudia Tenney, concerning a request for a lower speed limit on Stone Road
4. United States Senate- Charles Schumer- US Dept. of Justice, COPS Resource Information Center concerning free publications on community policing topics.

Supervisor Sydoriw stated that Lynn Johnston and Rich Holmes are locking the gates at the Park. Trucks tore up the soccer field at the School. Trucks are crossing Madore's and Cimino's lawns when the gates are locked. Discussion on fencing. Superintendent Eddy stated he will price large rocks to place across the lawns.

Councilperson Pritchard reported that the Historian, Nancy Pritchard, had attended a Historian's Seminar in Boonville.

Councilperson Eisnor reported on the cost of generators. He said a 35000 watt generator is \$18,000.00, a 50,000 watt generator is \$20,000.00 and rewiring charges will run

between \$15,000.00 and \$20,000.00. He has the specifications; the total cost would be around \$40,000.00. The pump house is a three (3) phase.

Councilperson Hebbard stated that SOCCOG will hold a meeting on hydro-fracturing at the Marble Hill Inn, October 25, 2011 at 7:00 P.M.

Supervisor Sydoriw stated that there will be a class concerning Town Boards and Highway Superintendents at SUNY IT on November 10, 2011 from 6:30 to 8:30 P.M. The cost is \$15.00 per person; please let the Supervisor know if you would like to attend by October 28, 2011.

The Time Warner resolution has been tabled.

Oneida County Association of Towns meeting will be held at the Buffalo Head on October 18, 2011 at 6:00 P.M. Reservations are due by Friday, October 14, 2011.

Discussion was held on the proposed Dog Enumeration, to start on January 1, 2012 and be completed by June 30, 2012.

**148 A motion was advanced by Supervisor Sydoriw and seconded by Councilperson Hebbard to initiate a Dog Enumeration in January 2012. Supervisor Sydoriw and Councilperson Charles Hebbard voted AYE, Councilpersons Eisnor and Pritchard voted NAY. Tie vote, no decision.**

**149 A motion to approve the following budget modification was advanced by Councilperson Pritchard and seconded by Councilperson Eisnor;  
Budget Modifications:**

**General Fund:**

**From: A4020.2**

**To: A4020.4 \$25.00 Registrar**

**From: A7140.41**

**To: A7140.4 \$126.00 Pool**

**Westmoreland Water:**

**From: SW3-8320.4 \$300.00 Source**

**To: SW3-8310.4 \$300.00 Admin**

**From: SW3-8330.4 \$1630.00 Purification**

**To: SW3-8330.2 \$1630.00 Purification**

**All Board members present voted AYE and the Supervisor declared the motion carried.**

**150 A motion to accept and place on file the reports of the Supervisor, Town Clerk and Codes Officer was advanced by Councilperson Pritchard and seconded by**

**Councilperson Eisnor. All Board members present voted AYE and the motion carried.**

**151 Supervisor Sydoriw advanced a motion to accept the minutes of September 12, 2011, September 26, 2011 and October 4, 2011, as written. The motion was seconded by Councilperson Eisnor. All Board members present voted AYE and the Supervisor declared the motion carried.**

**152 Councilperson Eisnor advanced a motion to accept and order paid the Highway claims, number 203 through 220, totaling \$240,622.58. This motion was seconded by Councilperson Hebbard, all Board members present voted AYE and the motion was declared carried.**

**153 Councilperson Hebbard advanced a motion to approve and order paid the General Fund vouchers, 386 through 450, which total \$33,915.65, which was seconded by Councilperson Eisnor. All Board members present voted AYE and the Supervisor declared the motion carried.**

**154 A motion to approve and order paid the Water Fund claims as follows;**

<b>Tindall Consolidated Water</b>	<b>claim 13</b>	<b>which totals \$ 395.00</b>
<b>Westmoreland Water District</b>	<b>claims 60-66</b>	<b>which total \$13,558.00</b>
<b>Spencer Settlement</b>	<b>claims 13 &amp; 14</b>	<b>which total \$ 932.60</b>
<b>Camelot</b>	<b>claim 4</b>	<b>which totals \$ 6,921.35</b>

**Was advanced by Councilperson Pritchard and seconded by Councilperson Hebbard. All Board members present voted AYE and the motion was declared carried.**

Supervisor Sydoriw stated the next regular Board meeting will be November 14, 2011, with the Public Hearing on the Time Warner Franchise at 6:45 P.M.

A Budget Workshop will be held on Tuesday, October 11, 2011 at 6:00 P.M.

On Tuesday, November 1, 2011, a Public Hearing will be held on the Preliminary Budget at 7:00 P.M.

**155 Councilperson Hebbard advanced a motion to adjourn this meeting, seconded by Councilperson Eisnor. All Board members present voted AYE and Supervisor Sydoriw declared the motion carried and adjourned the meeting at 9:46 P.M.**

Respectfully submitted,  
Beverly J. Merriman  
Town Clerk