

REGULAR MEETING
MAY 9, 2007

TOWN HALL 46 COUNTY ROUTE 11
WEST MONROE, NY 13167

Present: Supervisor Gary Ross; Councilmember Michael Hickey, Timothy McCarthy, Kelley Davis and Debra Macdougall
Town Clerk Christine Shaw, Deputy Clerk Louise Herbert
Superintendent of Highways Randall Shaw
Judge John DeMong
Paul Baxter, Tug Hill Commission
8 people in the audience

The supervisor opened the meeting was opened at 8:00 P.M. leading those present with the pledge to the flag.

Mr. Ross then moved to approve the minutes of the April 11th and May 2nd meetings, Mr. Hickey seconded the motion with unanimous approval of the board.

Mr. Ross moved to approve the bills as audited, Ms. Davis seconded the motion:

GENERAL FUND, abstract #5, vouchers# 125 to #157 in the amount of \$8,501.54
HIGHWAY FUND, abstract #5, vouchers #124 to #163 in the amount of \$15,204.04
BIG BAY SEWER FUND, abstract #5, vouchers#41 to #49 in the amount of \$8,000.47

Mark Roberts, from **Staff Leasing** presented to the board the services of their company. Mr. Roberts explained that they provide employee administration and handle compliance issues as well as insurance benefits and payroll. Following the presentation Mr. Ross moved that the board give him **permission to enter into an agreement with a HR services company**, not necessarily Staff leasing. Mr. McCarthy seconded the motion, with unanimous board approval.

Justice DeMong addressed the board explaining that the judges are asking for the board's support though adopting a resolution opposing any efforts eliminates local town courts.

Supervisor Ross then moved:

At the regular meeting of the Town of West Monroe held on May 9, 2007, the following resolution was adopted by the Town Board of the Town of West Monroe, Oswego County, New York.

WHEREAS, there has recently been negative press coverage by the New York Times, as well as other newspapers distributed within Oswego County and New York State suggesting that the Town and Village court system is flawed and more specifically alleging that the three hundred year tradition of non-lawyer justices presiding in Town and Village Courts should be eliminated; and

WHEREAS, there has always been a Town Court within the Town of West Monroe conveniently located and accessible to our citizens; and

WHEREAS, there are 2 Town Justice positions established within the Town of West Monroe and there are currently 2 non-attorney Justices and 0 attorney Justices holding these positions; and

WHEREAS, with their civil and criminal jurisdiction, the Town Justices in the Town of West Monroe handled many hundreds of cases within the past year; and

WHEREAS, the Town of West Monroe Court, within the past year (2006) collected \$46,589.00, in statutory fines, fees and surcharges on behalf of the State of New York, the County of Oswego and the Town of West Monroe, to help fund essential public services; and

WHEREAS, the Town Board of the Town of West Monroe, Oswego County, New York, recognized and appreciates the professionalism, diligence, intelligence and integrity of the non-attorney justices presiding within our municipality, who bring a specialized experience to the bench, particularly with issues unique to our community; and

NOW, therefore, be it

RESOLVED, that the members of the Town Board of the Town of West Monroe, Oswego County, New York, supports the continuation of the three hundred year tradition of non-lawyer or lay justices presiding in Town Courts; and it is further

RESOLVED, that the members of the Town Board of the Town of West Monroe, Oswego County, New York, hereby oppose any requirement that Town Justices be attorneys; and it is further

RESOLVED, that the members of the Town Board of the Town of West Monroe, Oswego County, New York, hereby oppose any efforts to eliminate local and convenient access to justice by the citizens within our community and find the at the local presence of the Town Court provides a meaningful and necessary presence within our community for the judicial resolution of conflicts, the continued public safety of our citizens and the protection of constitutional guarantees for all of our citizens.

Councilman Hickey seconded the motion with the vote of the board as follows:

Councilman Hickey-yes

Councilwoman Macdougall – yes

Councilman McCarthy - yes

Councilwoman Davis – yes

Supervisor Ross – yes

Motion Approved.

Dave Hendricks of Shaw Road explained that he has talked with Patrick Duffy, town assessor, regarding **the taxes on his property compared to other Oneida Lake properties** and Mr. Duffy told him to ask the board for the answer. Mr. Hendricks would like to understand why his tax bill is more than all the homes in the Town of Cicero, on Oneida Lake who also have services like public water, sewers etc. Mr. Hendricks explained that he prefers to live in West Monroe but can not understand why his taxes would be more than those with services he does not have available to him. Supervisor Ross explained that a town needs a “mix of development” (residential, commercial and industrial) to help keep the tax rates lower. Cicero, of course, has much commercial, has a dense population and has industrial property as well. Supervisor Ross explained further that West Monroe has limited commercial and no industrial to speak of. Norma Jean Howard asked what kind of business is needed. Mr. Ross explained that a mix is needed and used the property on with the television tower located on it as an example, that this commercial property pays high taxes and uses no services, not saying that we need more towers.

Steve Sanders, State Route 49, asked where the town was on the **proposed water district**. Mr. Ross explained that the petitions are being signed by those residents and businesses that are in favor of the water district and if 51% of the assessed value of the district, as well as 51% of the residential property owners sign then the water district will be formed and public water will go through. Mr. Ross explained further that the residents of this proposed district decided at the informational meeting that they did not want this to go to vote but instead by petition, therefore that is the way the town board is preceding. Mr. Sanders asked if the Town of West Monroe has paid money to Constantia for work on the water district plan, and Mr. Ross assured everyone that no money has been given to the Town of Constantia. Mr. Sanders stated that he is not in favor of the public water.

Ray Smith of Pinnacle Road asked if the Town of Constantia residents do not approve the adoption of the Constantia water district is this a dead issue? Mr. Ross replied – yes.

Mr. Ross then reminded those everyone that earlier this year the State of New York adopted a law requiring that members of **Planning and Zoning Boards complete a required number of hours of training**. Mr. Ross then moved that following resolution:

WHEREAS Town Law Sections 267 and 271 provides that effective January 1, 2007, all planning board and zoning board of appeals members in New York State as well as alternate members of those boards, must complete a minimum of four (4) hours of training each year; and

WHEREAS the above section of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS the above section of state law provide that the legislative body of the town specifies which activities qualify as training to satisfy the state requirements; and

NOW, THEREFORE, be it

RESOLVED, that the following list of agencies, commissions, associations, universities, and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning community design, environmental issues, economic development and local government functions and practices:

- 1. the NYS Dept. Of State, Dept. of Agriculture & Markets; Office of the State Comptroller, Dept. of Health, Dept. of Transportation, DEC, Office of Parks, Recreation and Historic Preservation; Hudson River Valley Greenway; and*
- 2. the NYS Association of Towns, the NY Conference of Mayors, the NYS Association of Counties, the NY Planning Federation, the American Planning Association, the Upstate NY Chapter of the American Planning Association and it's sections, and the Metro NY Chapter of American Planning Association and its sections; and*
- 3. the Capital District Regional Planning Commission, CNY Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission and Adirondack Park Agency; and*
- 4. the Oswego County Planning department and the Oswego County Soil and Water Conservation district; and*
- 5. the Albany Law School Governmental Law Center and Institute for Legal Studies, Pace Law School, Cornell University and its cooperative extension; and*
- 6. on-line planning and zoning training programs offered by the NYS Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Law Use Police;*

AND LET IT FURTHER be

RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member; and be it further

RESOLVED, that any new member appointed to fill the last 3 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

RESOLVED, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further

RESOLVED, that the Town Clerk of the Town of West Monroe shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to considering a member for reappointment.

Councilwomen Davis seconded the motion and the vote of the Town Board was

GARY ROSS	YES
KELLY DAVIS	YES
MICHAEL HICKEY	YES
DEBORAH McDUGAL	YES
TIMOTHY MCCARTHY	YES

Resolution adopted

Mr. Ross explained that the **Recreation Program** is all set. Recreation will be held from July 9th until August 9th, Monday thru Thursday from 9 a.m. until 12 noon. The directors will have sign up at the West Monroe Town Hall on June 5th and 12th from 6p.m. until 7p.m.

The board then discussed the **financing of the new 2006 Sterling and plow equipment** and the following Resolution was moved:

BOND RESOLUTION DATED MAY 9, 2007

A RESOLUTION AUTHORIZING THE ISSUANCE OF ONE HUNDRED FIFTY-ONE THOUSAND EIGHT HUNDRED SIXTY-SIX DOLLARS (\$151,866) SERIAL BONDS OF THE TOWN OF WEST MONROE, OSWEGO COUNTY, NEW YORK, FOR THE PURCHASE OF A 2006 STERLING, MODEL LT9 ID#2FZHAZDE96AV50131 FOR THE TOWN OF WEST MONROE

WHEREAS, the Town Board of the Town of West Monroe has authorized the purchase of a 2006 Sterling, Model LT9, with ancillary equipment thereon; and

WHEREAS, such 2006 Sterling Model LT9 was duly purchased in accordance with applicable provisions of the General Municipal Law and such truck has since been delivered to the dealer and is ready for delivery to the Town;

NOW, THEREFOR, BE IT

RESOLVED, by the Town Board of the Town of West Monroe, County of Oswego, State of New York, as follows:

SECTION 1. The specific object or purpose for which the obligations of the Town will be issued pursuant to this resolution is to finance the purchase of a 2006 Sterling Model LT9 with ancillary equipment thereon, which purchase is hereby authorized.

SECTION 2. The total maximum estimated aggregate cost for such purchase shall be \$151,866. The plan for financing the improvement thereof is by the issuance of serial bonds of said Town, which bonds are hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Such bonds are to be payable from amounts which shall annually be levied on all taxable real property in said Town and the faith and credit of the Town of West Monroe, County of Oswego, State of New York, are hereby pledged for the payment of said bonds and the interest thereon.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years pursuant to Subdivision 28 of Section 11.00 of the Local Finance Law and the proposed maturity of the obligations issued pursuant to this resolution will not exceed fifteen (15) years.

SECTION 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell Bond Anticipation Notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewal of such notes, is hereby delegated to the Supervisor of the Town of West Monroe, the chief fiscal officer. Such notes shall be of such terms, form and contents and shall be sold in such manner, as may be prescribed by said Supervisor of the Town of West Monroe, consistent with the provisions of the Local Finance Law.

SECTION 5. The validity of such bonds and Bond Anticipation Notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or*
- 2) The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or*
- 3) Such obligations are authorized in violation of the provisions of the Constitution.*

SECTION 6. This resolution, which takes effect immediately, shall be published in full in the Central Square Citizen Outlet, a newspaper having general circulation in said Town, together with a notice by the Town Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was moved by Supervisor Ross, seconded by Councilwomen Davis, and duly put to a vote on roll call (requiring a two-thirds (2/3) majority of the Board), which resulted as follows:

GARY ROSS	YES
KELLY DAVIS	YES
MICHAEL HICKEY	YES
DEBORAH MCDUGAL	YES
TIMOTHY MCCARTHY	YES

This resolution was thereupon declared adopted.

Monthly reports were received:

Justice DeMong with a check in the amount of \$2,470.00
Justice Inman with a check I the amount of \$2,230.00
Town Clerk with a check in the amount of 1,327.82
Dog Control Officer
Superintendent of Highway

CORRESPONDANCE:

Oswego County Treasurer certification that moneys directed to be paid by the warrant from the County Legislature of Oswego County is fully paid and satisfied.

Ft. Brewerton/Greater Oneida Lake Chamber of Commerce Newsletter

Real Property special franchise assessments

NYS Canal Corp. announcement that the Canal Corp. Board has approved an extension of the 2006 pilot program waiving recreational tolls for 2007 navigation season

Senator Wright's notification that he has secured \$50,000 in the 2007-2008 State Budget for the Town of West Monroe to assist with the construction of a new town hall/justice building.

Paul Baxter reported on the OLWSAC meeting and also mentioned that he would like to set up a meeting with the financial advisor and several town officials to work on the long term planning for the Town of West Monroe.

Supervisor Ross moved to go into executive session at 9:28 P.M. to discuss a personnel issue. Ms. Macdougall seconded the motion; all board members were in favor.

The board returned at 9:39 P.M. at which time Mr. Ross re-opened the regular board meeting.

Ms. Davis moved to **re-appoint Patrick Duffy for another 6 year term as assessor** of the Town of West Monroe. Mr. McCarthy seconded the motion with unanimous board approval.

Ms. Davis also stressed that it is **very important that a work shop with the Town Board, Planning Board and Code Enforcement be scheduled soon to review the zoning law and other town ordinances.** The town clerk was directed to be sure that the Planning Board members receive a copy of the Zoning law.

The Regular Meeting of the West Monroe Town Board was adjourned at 9:41 P.M.