

February 14, 2011

The regular meeting of the Town Board of Vernon was held at the Town Office Building on the above date with the following persons present: Myron J. Thurston, Supervisor; Gene Bennati, Mick McDonough, Sandy Williams and Randy Watson, Council members. Also present: Art Freemire, Superintendent of Highways; Norman E. Laube, ZBA Chairman; Garold Vanderwerken, Mike Kaiser of PAC 99, Judy Bachmann and Michael Hennessy, County Legislator. Attorney Rossi was absent.

Following the Pledge of Allegiance, the meeting was called to order by Supervisor Thurston at 7:00 PM.

Supervisor Thurston stated that he knew the minutes from the January 3, 2011 meeting had been received by council members and asked if there were any additions or corrections. There being none, a motion to approve the minutes as written was made by Williams, seconded by McDonough. No discussion. Ayes 4. Nays 0. Motion carried.

PUBLIC CONCERNS:

None

REPORTS:

The following reports were presented: Town Clerk, Codes Enforcement, SWOCO and Supervisor's Report: Supervisor Thurston reported that Governor Cuomo's proposed budget does not include VLT money for the Town, the Village and the County. We will make the cuts that we need to make, but if the 2% property tax cap is enacted without a way to increase it, then how do we make up this \$300,000 difference in revenue. After talking to Senator Griffo and Assemblyman McGee, the only way to override the 2% cap is by a referendum to the people with 60% or more in favor of increasing it. So, at the Town level, they are trying to make it so a super majority of the Town Board members can increase it more than 2%. It would be like a local law with a public hearing and we would also have informational meetings. If we were to make up that \$300,000 by increasing property taxes it would amount to about \$1.00 per thousand. A memo will go out to all departments to limit spending, which they do anyway, and we won't get too alarmed until we see the final budget.

There were no reports from Planning Board, Zoning Board of Appeals, Assessors (Supervisor Thurston noted that all tax exemption applications must be in by March 1st), Education and Libraries, Intergovernmental Relations, Economic Development, Operations, Highway Superintendent and Historian.

County Legislator's Report: Mr. Hennessy reported:

- 1) A developer from Rochester wants to build a harness race track with a VLT operation and hotel in Syracuse, which would be devastating to Vernon Downs. He has a meeting with the wagering board on Wednesday, the 23rd, in Schenectady if anyone would like to go. Supervisor Thurston said that he can't go but will write a letter for Mr. Hennessy to take with him.
 - 2) The County Legislators will have a petition at their Board meeting on Wednesday asking Governor Cuomo to reconsider the VLT money for the County, Town and Village. This is revenue, not an expense to the State. The letter will also mention the \$2 million loss in not collecting sales tax, and it is the Governor's responsibility to negotiate this.
 - 3) Requested the use of the Town Office Building for a meeting on March 19, 2011 and Supervisor Thurston said that it was open.
- Bennati asked Mr. Hennessy why the residents of Oneida Castle are paying an Oneida City Library tax and he replied that it's applied to anyone in the Oneida City School district.

A motion to accept above reports was made by Bennati, seconded by Watson. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to pay bills was made by McDonough, seconded by Watson. No discussion. Ayes 4. Nays 0. Motion carried.

BUSINESS:

Sarah Marshall, CPA presented her report on procedures to determine whether internal controls are operating to safeguard Town assets. The procedures included the inspection of cash receipts and disbursements, confirmation of bank accounts and CD's with third parties, and inspection of purchasing and claim processing. She said that the bookkeeper is doing a great job and there were no major problems. She also said that she has been in a lot of municipalities and found that there is no dead weight here, everyone was working and it was a pleasant work environment. Her main suggestions were: 1) have the bookkeeper get more training, 2) apply the timekeeping system to the highway department, 3) update the inventory list and 4) create an Employee Manual. The complete report will be attached to the Board minutes.

A motion to accept the 5-year County Shared Services and Equipment Agreement, per Highway Superintendent Freemire's approval, was made by Bennati, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to approve 2011 mowing of the Town Park for \$10.20/hr. for laborer to mow as needed was made by Bennati, seconded by Watson. No discussion. Ayes 3. Nays 1. Motion carried.

Notifications of NYS liquor license renewals were received from Marble Hill Inn, Dibbles Inn and Tombstone Saloon.

Notice was received from O'Connell and Aronowitz reducing January's bill for \$350 to zero as a professional courtesy.

Judy Bachmann gave a brief report on the Oneida Nation litigation. She said that we are in limbo on the Supreme Court issue. The Oneidas are getting a lot of pressure from the tribes in the West and from NIDC to get themselves out of the Supreme Court case because when that decision goes bad for them, then it will go bad for every tribe across the country, and their tribal sovereignty is on the line. We don't know how the 2nd Circuit will rule on this, but it's moving very quickly. Until the land issue is settled, nothing else can be settled. The Supreme Court came down with their decision on the 10th, the 2nd Circuit had their instructions on the 11th and last week they had put in the brief and the response from the tribes and the reply was put in last Monday. It is almost unheard of that the paperwork is required that quickly. There is a possibility that the 2nd Circuit will send it back to the Supreme Court, who can change their minds about taking the writ at that point. We still have our Constitutional challenge open that the Congress of the United States did not have the constitutional right to give the Secretary of the Interior the ability to take land into trust in New York State. It's not because they didn't have the right to give it to the Secretary, but that they didn't have the right in the first place. Also, thanks to everyone who sent in their stories from all across the country and she will take them with her to Albany on March 1st and 2nd.

Supervisor Thurston stated that we have talked about having constables in our Court for many years but we were concerned about the cost of insurance. Gates-Cole Associates has given us a cost of \$445.50 annually for 2 constables (which would be Steve Albro and Norman Laube). Our Court is now meeting just twice a month to save money because everyone wants to see the District Attorney anyway. A motion to approve paying the law enforcement insurance policy for 2 part-time constables for \$445.50 annually for 2 court days (2 hrs.) per month was made by Bennati, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried.

Notice was received that the Oneida County Microenterprise Grant still has funds available through Mohawk Valley EDGE for small businesses for amounts from \$5000 to \$35,000.

A motion to advertise for paving bids was made by Bennati, seconded by Williams. No discussion. Ayes 4. Nays 0. Motion carried. A motion to give Supervisor Thurston and Highway Superintendent Freemire authority to advertise for paving bids, contingent on CHIPS money, was made by Watson, seconded by McDonough. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to advertise for bids to blacktop the Town Office parking lot, and be able to modify the tonnage, was made by Bennati, seconded by McDonough. No discussion. Ayes 4. Nays 0. Motion carried.

A motion to change the April Board meeting to April 18, 2011 because two Board members will not be able to attend was made by McDonough, seconded by Watson. No discussion. Ayes 4. Nays 0. Motion carried.

GOOD OF THE ORDER:

Supervisor Thurston mentioned that the Town's tax levy for 2011 has been deposited and we are ahead of last year by about \$200,000.

Also, we are making an unemployment payment to an employee that left the Town and then was laid off from another job. This is so unfair, but State law says that we have to pay this individual and taxpayers should know this.

Bennati stated that it is important that the highway department know that our accountant told us that they should use a timekeeping system, even though we are going to implement that at this time. The highway department needs to know that it came from her and not from us. Supervisor Thurston offered to tell them.

EXECUTIVE SESSION:

None

There being no further business, a motion to adjourn at 8:49 p.m. was made by Bennati, seconded by Watson. No discussion. Ayes 4. Nays 0. Motion carried.

Respectfully submitted,

Additions to minutes on file
in Town Clerk's Office.

Julie A. McElroy
Town Clerk

It should be noted that this meeting was tape recorded and is on file in the Town Clerk's office.

COMMUNICATIONS:

None