

Minutes of the 2nd Tuesday Regular Town Board Meeting November 12, 2008

The November 12, 2008 Regular 2nd Tuesday Town Board Meeting was held at the town Hall and was called to order by Supervisor Connell at 7:00 PM.

The assembly was led in the Flag salute.

Members present on a roll call were: Supervisor Daniel Connell, Councilmen Tyler, Paquette, Sherman and Smith

Others Present were: Betty White, Town Clerk, DPW Superintendent Jerrold Sherman, and Sheila Borden.

**RESOLUTION #231
MINUTES APPROVAL**

On a motion by Councilman Tyler and seconded by Councilman Paquette, the minutes of the October 28, 2008 Town board Meeting were accepted as Amended with correction. See DPW Superintendent report following on page 4.

Public Comment: Supervisor Connell welcomed Town Clerk Elect Sheila Borden to the meeting.

COMMITTEE REPORTS

- **GARAGE** – Special Board meetings scheduled for Wednesday and Thursday, November 19, and 20 from 4:00 – 8:00 at the Town Hall. Meetings will be called to order and then the board will enter into executive sessions for the purpose of holding interviews. Clerk will post Notices in the Press Republican .
- **YOUTH COMMISSION** – No report since Councilman Sherman was unable to attend the last meeting. Soccer jerseys were ordered, and voucher is in tonight's bills.

OLD BUSINESS

- **FUTURE OF WESTPORT** - Meeting held here Saturday morning. Supervisor handed out a summation of what happened at the meeting with Joe Lathrop. This meeting was sponsored by the Essex County Visitor's Bureau and centered on marketing. Those attending thought that Mr. Lathrop was knowledgeable and did a good job.
- **UNION CONTRACT** – We have it. It will be discussed later at an Executive session. DPW Superintendent Sherman will join the board for this session.
- **TEAMSTER'S HEALTH INSURANCE CONTRACT** – Will be discussed at executive session also.

RESOLUTION #232

TEAMSTER'S HEALTH INSURANCE CONTRACT

On a motion by Councilman Smith and a second by Councilman Tyler, the following was approved on a roll call.

AYES	5	Connell, Tyler, Paquette, Sherman, Smith
NAYS	0	

RESOLVED to authorize Supervisor Connell to sign the New York State Teamster's Council Health and Hospital Fund Municipal Employer Participation Agreement for the years 2009-2011.

Discussion: this agreement hinges on the Teamster's Contract. The agreement will not be signed if the Contract is not signed for any reason.

WADHAMS WATER WELL DRILLING

Clerk was asked to open bids

3 bids were received: Hawk Drilling Co. from Ballston Spa; Rosick Well Drilling from Hudson Falls and Ron Gill from Chestertown. Due to the number of line items and individual prices for each item, the bids will be copied for the board members to peruse. Bids will be faxed to Claude Cormier of Hydrosource for his recommendation.

RESOLUTION # 233

WADHAMS WATER WELL DRILLING BID AWARD

On a motion by Councilman Tyler and a second by Councilman Smith, the following was approved on a roll call.

AYES	5	Connell, Tyler, Paquette, Sherman, Smith
NAYS	0	

RESOLVED To authorize Supervisor Connell to award the bid based on the recommendation of Claude Cormier of Hydrosource.

PART TIME-FULL TIME

Councilman Smith reported that in his research on topic he has found that the Federal Bureau of Labor Statistics defines part time as less than 35 hours.

RESOLUTION #234

DEFINITION OF PART TIME FOR WESTPORT EMPLOYEES

On a motion by Councilman Smith and a second by Councilman Tyler, the following was approved on a roll call

AYES	4	Tyler, Paquette, Sherman, Smith
NAYS	1	Connell

RESOLVED to define a part time employee as one who works less than 33 hours per week. Part time employees will not be eligible for benefits.

Discussion about categories of part time: part time seasonal, part time temporary, part time regular; and how they relate to the union contract, and to non-union employees.

MERRIAM FORGE ROAD – Project moving forward; engineer’s costs are huge. APA has agreed that no variance is needed; and has deemed the application complete. Ownership of road cannot be determined. Supervisor Connell has spent hours researching. George Hainer found on-line, in the NYS Archives that the Essex County Historical Society has 1798-1822 (28) has some records. 2 books have “highway divisions for this time period and lists some roads that had been surveyed. These records are not original minutes for The Town of Elizabethtown since they are typed. The Town of Westport will continue with this subdivision. At present we are in a 14-15 day comment period. Following that Supervisor Connell expects that the permit will be issued that day. When received, it will immediately be filed with the County.

Legal ads will be in the newspaper on November 14th for bids for this project. Bids are due Friday, December 5, 2008 at 3:00 PM. A Special Board meeting will be held at 3:00 PM Friday, December 5, 2008 to open the bids.

7:30 Craig Russell and George Hainer arrived.

**RESOLUTION #235
DEDICATION AND RELEASE COMMERCIAL PARK LANE**

On a motion by Councilman Smith and a second by Councilman Tyler, the following was approved on a roll call

AYES	4	Connell, Tyler, Paquette, Smith
NAYS	0	
RECUSED	1	Sherman

RESOLVED to accept the dedication of Commercial Park Lane as a Public Highway in the Town of Westport, Essex County, New York. (see attached)

**RESOLUTION #236
APPOINTMENT OF DEPUTY TOWN CLERK**

On a motion by Councilman Paquette and a second by Councilman Sherman, the following was approved on a roll call.

AYES	5	Connell, Tyler, Paquette, Sherman, Smith
NAYS	0	

RESOLVED to confirm the Town Clerk’s recommendation to appoint Sheila Borden as Deputy Town Clerk for the rest of 2008.

DEC LICENSES

The Town Clerk has been informed by DEC staff that the Town of Westport’s DEC computer has been “disabled” meaning that no hunting and/or fishing licenses can be sold until an application to sell is submitted and training has been completed by the present Town Clerk.

Unknown to either the Supervisor or the present Town Clerk, the DEC had a contract with former Clerk, Brenda McCooey, to be the Agent. That license is now invalid. The Town Clerk is attempting to locate a time and place for the training for herself and her deputy.

TOWN CLERK'S OCTOBER REPORT – has been received by Supervisor, with a check for \$222.99

LETTER FROM AV FUELS, INC. dba GORDON OIL A letter from Gordon Oil offering pricing for fuel oil, kerosene and diesel . We currently buy these products on state contract from Griffith Energy. DPW Superintendent Sherman will look over letter and this will be discussed at the next meeting on Nov. 25.

**RESOLUTION #237
RETIREMENT PAYMENT**

On a motion by Councilman Tyler and second by Councilman Smith, the following was approved on a roll call.

AYES	5	Connell, Tyler, Paquette, Sherman, Smith
NAYS	0	

RESOLVED to prepay the discounted amount due to the New York State Employees' Retirement System on or before December 15th, 2008, thereby saving the Town \$311.

VANDALISM AT LEE PARK – discussion of what has happened in investigation of the vandalism. Supervisor Connell has spoken with both Trooper Rodriguez and the Zone Sargent pursuing this matter. Three of the persons who were involved have contacted Supervisor Connell, one has not. More about this matter will be discussed later in executive session.

**RESOLUTION#238
AUDIT OF BILLS**

On a motion by Councilman Tyler and a second by Councilman Sherman the following was approved on a roll call.

AYES	5	Connell, Tyler, Paquette, Sherman, Smith
NAYS	0	

RESOLVED to approve the bills as audited on Abstract 11A, Voucher #2008-663 to Voucher #2008-690 in the amount of \$32,930.53.

DPW SUPERINTENDENT REPORT AND REQUEST – Superintendent Sherman noted an error in his report contained in the October 28, 2008 minutes. It should have said **one hundred twenty** tons of road salt had been purchased. He also reported that the crew has been working on trucks and other equipment getting snowplows ready. They worked on sludge pit 3 days cleaning so that the aerators could be bolted back down to concrete floor.

It was found that regular bolts had been used by the contractors, when the aerators were installed. The Town crew has replaced those in that sludge pit with stainless steel bolts. They have installed culverts on the road to the water tower and have hauled Item #4 to shop, the York rake should be delivered tomorrow; 10 loads of sand have been hauled from Sheehans to be used for bedding pipe, repaired the roof at the Sewer Plant, new tires and front end alignment on pickup; new tie rod ends; struts needed, but are on national backorder.

SUPERVISOR COMMENTS – none

COUNCILMEN COMMENTS – Councilman Tyler requested that the engineer's suggestion for the noise at the sewer plant be brought up at the next meeting. Councilman Sherman brought up the fact that there will be a two-day meeting next month at the Wild Center in Tupper Lake, and that perhaps someone could represent the Town. He suggested that Elizabeth Lee might represent us. Councilman Sherman will ask her to represent us and take notes.

PUBLIC COMMENT- none

RESOLUTION #239
EXECUTIVE SESSION

On a motion by Councilman Tyler and a second by Councilman Smith, the following was approved on a roll call.

AYES	5	Connell, Tyler, Paquette, Sherman, Smith
NAYS	0	

Discussion: Action may be taken on agreement at end of executive session.

RESOLVED to enter into executive session for the purpose of discussing Union Contract and legal issue involving minors. 8:07 PM

RESOLUTION # 240
CLOSE EXECUTIVE SESSION

RESOLVED to close executive session at 8:30pm and go back to open session. Moved by Councilman Smith seconded by Councilman Sherman. Carried

RESOLUTION #241
RATIFICATION OF UNION CONTRACT

RESOLVED to ratify the Union Contract between the Town of Westport and the Teamsters Local 294 following the corrections to Article 5 Section 6 and 7 and Article 7 inserting section 5.

Moved by Councilman Smith, seconded by Councilman Tyler. Carried

RESOLUTION #242
ADJOURNMENT

Motion to adjourn at 8:35 by Councilman Tyler, unanimous second.

