

Minutes of the Second Tuesday Regular Town Board Meeting on September 8, 2009

Supervisor Connell called the meeting to order at 7:00 p.m.

The Assembly was led in the Pledge of Allegiance.

Members present on a roll call were:

Councilman Tyler
Councilman Paquette
Councilman Sherman
Councilman Smith
Supervisor Connell

Others present:

Sheila Borden, Town Clerk
George Hainer, Zoning and Codes Officer
Jerrold Sherman, DPW Superintendent
Wayne Ryan, AES Northeast
Lori Lincoln Spooner, Supervisor Town of Willsboro
Dave Galarneau, Assessor, Westport, Willsboro, Elizabethtown
Bernard Roy, Director, Essex County Real Property Tax Service
Rick Rockefeller, Linda Bigelow, Bonnie Bigelow, Sue Frisbie, James Hermann,
Cynthia Shira, Bob Ingram, Bruce Dunning, Bruce Ware, Nancy Page, Bill
Palmer

RESOLUTION #176 MINUTES

On a motion by Councilman Smith seconded by Councilman Paquette and approved on a roll call vote.

4 Ayes Paquette, Sherman, Smith, Connell
0 Nays
1 Abstain Tyler

RESOLVED to approve the minutes of the Regular Town Board Meeting of August 25, 2009.

PUBLIC COMMENT

Rick Rockefeller expressed the same concerns he originally came to the Board with on the meeting of 6/9/09 over assessed valuations in Westport. The first being when property is sold at market value and the sale price exceeds the assessed value, this

Minutes of the Second Tuesday Regular Town Board Meeting on 9/8/2009

Page 2

transaction will distort the assessment adjustment process and the second being the actual tax liability between properties assessed at 100% and those at lower percentages.

Supervisor Connell responded that he had been in contact with the Essex County Real Property Tax Office regarding the consideration of and or feasibility of doing a re-evaluation of the town and the director, Mr. Bernard Roy is here tonight to discuss this and answer questions.

Mr. Roy began by explaining that Westport is part of a Consolidated Assessment Program or "CAP" which is where three towns share one full time assessor. Each of the towns have to maintain 100% assessed valuations and there is a six year plan they follow to see that this is maintained and there are guidelines for the assessor to follow. They should do a physical inspection once every three years to see if there are any changes to the property. All assessors are elected or hired for a six-year term. Westport's has been here for two years now.

Rick Rockefeller voiced his concern over the discrepancy in assessments versus what properties actually sold for and he felt that the appraised value on a property should be somewhat closer to the actual selling price.

Bob Ingram stated he felt the issue was to do a total re-evaluation of the town as there are huge discrepancies. He asked if there were ways in which the assessor could be helped to get the job done.

Bernard Roy explained that since we are a "CAP" town he would have to find out if all three of the towns would have to participate in a re-evaluation or if one could proceed alone. He reviewed estimated costs that ranged from \$2,000 to \$85,000 depending on what you wanted done. Mr. Roy has provided the assessor, Dave Galarneau, with Data Collectors to assist him when they are available but he does have eighteen towns he has to work with.

Supervisor Connell expressed his thanks to Mr. Roy for his willingness to participate this evening and to Mr. Rockefeller to putting the topic on the floor. As requested it will continue to be a topic on the agenda.

PUBLIC COMMENT – Bob Ingram asked if anything was going to be done about the damage done by the railroad on the Morrison Road. Supervisor Connell stated that the Canadian Pacific Railroad has been notified.

Minutes of the Second Tuesday Regular Town Board Meeting on 9/8/2009
Page 3

COMMITTEE REPORTS

MUNICIPAL GARAGE – The next meeting will be Monday, September 21, 2009 at 6:00 p.m. at the Town Hall.

YOUTH COMMISSION – Soccer has started. There is a tournament this weekend. A Pizza Astronomy night is scheduled at Camp Pok-O-MacCready in Willsboro.

OLD BUSINESS

WADHAMS WATER – WAYNE RYAN – AES ENGINEERING

Mr. Wayne Ryan of AES Northeast reviewed the process that has taken place in Wadhams in locating and setting up a water source. AES has provided a Plan of Action with estimates and three options with associated costs. He stated that it would be the Town Boards decision as to what direction they would take. This Plan of Action will now be forwarded to the Environmental Facilities Corporation (EFC) for their review and approval for grant funding.

Supervisor Connell thanked Mr. Ryan for including the options. He said the next step would be to schedule a community meeting in Wadhams and work with Victor Putnam on the seqra paperwork.

WATER ORDINANCE

RESOLUTION #177

AMENDMENT WESTPORT WATER ORDINANCE

On a motion by Councilman Smith seconded by Councilman Tyler and approved on a roll call vote after discussion.

4 Ayes	Tyler, Paquette, Smith, Connell
1 Nay	Sherman

RESOLVED to introduce the amendment to the Westport Water Code.

A Public Hearing on the Amendment to the Water Code will be held at 6:30 p.m. at the Town Hall on Tuesday, September 22, 2009 with the regular board meeting to immediately follow. The Clerk will post the necessary announcements in the paper.

Minutes of the Second Tuesday Regular Town Board Meeting on 9/8/2009
Page 4

SEWER PLANT EXTENSION OF TIME – The Town is in receipt of a copy of a letter Mr. Todd Hodgson of AES Northeast sent to Mr. Vincent Kavanagh of the NYS Department of Environmental Conservation requesting a time extension for submission of a Flow Management Plan to May 31, 2010.

BLUE RIBBON UPDATE – Nothing at this time.

ARTICLE 78 UPDATE – Nothing to report.

ZONING UPDATE – The Clerk read a letter from the Town of Westport Planning Board stating that they felt it was a good idea to add Light Commercial to the allowable uses in the Industrial Zone at the west end of the hamlet of Westport.

They also expressed their concern over traffic safety in this area because of the narrow railroad overpass, several driveways abutting the overpass, and pedestrian activity. They suggested the Town request NYS DOT install a caution light to alert drivers. It was the consensus of the Board for Supervisor Connell to contact the NYS DOT.

Lastly they were concerned with the policy CP Rail has about issuing tickets to people who walk along the railroad tracks in order to reach Little Falls. Supervisor Connell will call and discuss the situation with Adirondack Land Trust.

ACCESSORY APARTMENTS – In the Board Packet is a copy of the Proposed Local Law for Accessory Apartments that is the last issue we have been waiting for the language approval on from the APA. Take it home, review it and contact George with any questions.

2010 BUDGET – moving forward.

RABIES SHOT – Supervisor Connell notified the Board that the rabies vaccine consists of three shots for the Animal Control Officer at \$200 per shot.

Minutes of the Second Tuesday Regular Town Board Meeting on 9/8/2009
Page 5

NEW BUSINESS

COURT CLERK TRAINING -

RESOLUTION #178
MOTION TO TABLE

On a motion by Councilman Smith seconded by Councilman Paquette to table the request and approved on a roll call vote.

5 Ayes Tyler, Paquette, Sherman, Smith, Connell
0 Nays

RESOLVED to table the request.

TEMPORARY CONSTRUCTION EASEMENT – BILL PALMER

Mr. Bill Palmer addressed the Board requesting a temporary easement for construction purposes only to his property behind the red barn at the Town Shed. Mr. Palmer stated he would be willing to pay the legal fees to draw up the necessary paperwork.

Supervisor Connell will contact the Attorney for the Town to get an approximate cost.

RESOLUTION #179
TEMPORARY CONSTRUCTION EASEMENT

On a motion by Councilman Tyler seconded by Councilman Sherman and approved on a roll call vote after discussion.

5 Ayes Tyler, Paquette, Sherman, Smith, Connell
0 Nays

RESOLVED to allow Bill Palmer a temporary construction easement for access to his property contingent upon his paying all costs and legal fees.

TOWN CLERK'S AUGUST REPORT – Supervisor Connell is in receipt of the Town Clerk's reports for the month of August with supporting documents.

Minutes of the Second Tuesday Regular Town Board Meeting on 9/8/2009
Page 6

RESOLUTION #180
APPROVAL OF BILLS

On a motion by Councilman Tyler seconded by Councilman Smith and approved on a roll call vote.

5 Ayes Tyler, Paquette, Sherman, Smith, Connell
0 Nays

RESOLVED to authorize the payment of bills on Abstract 9A, Vouchers 2009-534 through Vouchers 2009-555 in the amount of \$68,631.66.

DPW SUPERINTENDENT REPORT – JERROLD SHERMAN

We have been receiving positive comments on the new sidewalk. We have shimmed the Barksdale Road and shimmed and paved the Dudley Road. There has been some repairs to manholes and the mowing continues along the road sides.

SUPERVISOR’S COMMENTS

The Town received a thank you from the Westport Chamber of Commerce for our participation in the Heritage Festival.

COUNCILMEN COMMENTS

Councilman Paquette asked if there had been anything scheduled for the Joint Court Facility Committee.

Councilman Tyler questioned due to some recent law enforcement presence on the beach if there had been any damage done.

PUBLIC COMMENT – None

Minutes of the Second Tuesday Regular Town Board Meeting on 9/8/2009

Page 7

**RESOLUTION #181
EXECUTIVE SESSION**

On a motion by Councilman Smith seconded by Councilman Tyler and approved on a roll call vote.

5 Ayes Tyler, Paquette, Sherman, Smith, Connell
0 Nays

RESOLVED to enter into Executive Session at 9:40 p.m. for the purpose of discussing pending litigation.

**RESOLUTION #182
CLOSE EXECUTIVE SESSION**

On a motion by Councilman Smith seconded by Councilman Paquette and approved on a roll call vote.

5 Ayes Tyler, Paquette, Sherman, Smith, Connell
0 Nays

RESOLVED to close Executive Session at 9:50 p.m. and return to regular session.

**RESOLUTION #183
ADJOURNMENT**

On a motion by Councilman Smith with a unanimous second to adjourn at 9:52 p.m.

Minutes respectfully submitted

Sheila A. Borden, Town Clerk

