

Minutes of the Fourth Tuesday Regular Town Board Meeting on January 26, 2010

The meeting was called the order by Supervisor Connell 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
Supervisor Connell

Others present:

Sheila Borden, Town Clerk
Jerrold Sherman, DPW Superintendent
George Hainer, Zoning & Codes Officer
James Bullard, Courtney Fair, James Herrmann, Gordon Decker, Alice LaRock,
Bruce Ware

RESOLUTION #45 MINUTES ORGANIZATION MEETING

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

3 Ayes Tyler, Paquette, Connell
0 Nays
1 Abstain Sherman

RESOLVED to approve the minutes of the 195th Town of Westport Organization Meeting on January 12, 2010 as presented.

RESOLUTION #46 MINUTES REGULAR TOWN BOARD MEETING

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to approve the minutes of the Regular Town Board Meeting on January 12, 2010 as presented.

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PUBLIC COMMENT – none at this time

COMMITTEE REPORTS

MUNICIPAL CENTER – There was a brief meeting of the committee before this meeting. There has been a slow down in the process due to a question on bonding that is being looked into. A public informational meeting will be held on February 10th at 6:00 p.m. at the Town Hall. Each of the groups involved will call a Special Meeting of their Boards.

YOUTH COMMISSION – Councilman Sherman reported that they are looking into setting up their own web site and Jennifer Pribble would set it up and maintain it. The Board agreed that they should proceed. They had a basketball game last Saturday in Schroon Lake and took their second ski trip on Sunday.

OLD BUSINESS

WESTPORT WATER DISTRICT #3 - The Public Interest Order was read by the Town Clerk

RESOLUTION #47

PUBLIC INTEREST ORDER – WESTPORT WATER DISTRICT #3

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

4 Ayes Tyler, Paquette, Sherman, Connell

0 Nays

WHEREAS, the Town Board of the Town of Westport, Essex County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Wadhams Water District No. 3, in the Town of Westport, Essex County, New York (the “Water District”), being the construction of water supply, storage and distribution improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,874,350; and

WHEREAS, at a meeting of said Town Board duly called and held on January 12, 2010, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of said Water District, in said Town at a maximum estimated cost of \$1,874,350, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in

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Westport, New York, in said Town, on January 26, 2010 at 6:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Westport, Essex County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Westport Water District No. 3, in the Town of Westport, Essex County, New York, being the construction of water supply, storage and distribution improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,874,350.

Section 2. This Order shall take effect immediately.

RESOLVED to adopt the Public Interest Order as listed above.

**RESOLUTION #48
BOND RESOLUTION WESTPORT WATER DISTRICT #3**

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

BOND RESOLUTION DATED JANUARY 26, 2010.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,874,350 BONDS OF THE TOWN OF WESTPORT, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE WESTPORT WATER DISTRICT NO. 3, IN THE TOWN OF WESTPORT, ESSEX COUNTY, NEW YORK.

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WHEREAS, the capital project hereinafter described has been determined to be an Type 1 Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, it has been determined will not result in any significant environmental effects; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of the Westport Water District No. 3, in the Town of Westport, Essex County, New York, at a maximum estimated cost of \$1,874,350;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Westport, Essex County, New York, as follows:

Section 1. The specific object or purpose of paying the cost of the increase and improvement of the facilities of the Westport Water District No. 3, in the Town of Westport, Essex County, New York, (the “Water District”), being the construction of water supply, storage and distribution improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,874,350.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of \$1,874,350 bonds of said Town hereby authorized to be issued bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Westport, Essex County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Westport Water District No. 3, as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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

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of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, 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, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

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- 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 at 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 days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

RESOLVED to adopt the above Bond Resolution for Westport Water District #3.

RESOLUTION #49
WAIVE APPLICATION FOR SUBDIVISION APPLICATION

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to waive the \$105.00 application fee for a subdivision application for the Westport Water District #3 required by the Planning Committee.

ZONING REGULATIONS

The Adirondack Park Agency has approved the amendments to revise the Land Use Law of the Town of Westport. Now we need to set up a Public Hearing for comments on them.

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RESOLUTION #50
LAND USE LAW PUBLIC HEARING

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to schedule a Public Hearing on the amendments to the Town of Westport Land Use Laws for March 9, 2010 at 6:00 in the Town Hall, Westport, NY.

ARTICLE 78 – nothing at this time.

ALTERNATIVE POWER SOLUTIONS – Full wind feasibility study for the Town of Westport.

RESOLUTION #51
WIND FEASIBILITY STUDY PROPOSAL

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to enter into an agreement for \$2,500 for Alternative Power Solutions of Brewerton, NY to do a full wind feasibility study and Councilman Sherman is to be the contact person.

NEW BUSINESS

CODE OFFICERS TRAINING LAKE PLACID

RESOLUTION #52
APPROVAL FOR CODE OFFICERS TRAINING

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to authorize George Hainer to attend the Codes Officer Training in Lake Placid on March 1-4, 2010.

RETIREMENT – NEW REGULATIONS

Elected or appointed officials who are members of the Employees Retirement System must keep daily logs of their work hours for three consecutive months.

LAKES TO LOCKS REQUEST – Requests a contribution of \$250 for the fiscal year 2010 which was the same as the 2009 year.

RESOLUTION #53
LAKES TO LOCKS CONTRIBUTION

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to authorize the contribution of \$250 to the Lakes to Locks Passage.

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RESOLUTION #54
APPROVAL OF BILLS

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to authorize the payment of Abstract 1B of Vouchers 2010-1 through 2010-30 in the amount of \$49,141.91.

FEBRUARY MEETING – The Regular Meeting which would normally be held on February 9th will be moved to Wednesday, February 10th. **A Special Meeting will be held at 6:00 p.m. as an Informational Meeting for the Public on the Municipal Center and the Regular Town Board Meeting will following immediately after.**

DPW Superintendent Report – Jerrold Sherman

The crew has started working on some of the picnic tables. The water leak on the Barksdale road has been fixed. With the rain on Monday they started early in the a.m. sanding and had to do the process three times. They then proceeded to clean out the ditches and started repairing some roads.

RESOLUTION #55
ADJOURNMENT

On a motion by Councilman Tyler with a unanimous second to adjourn the meeting at 8:15 p.m.

Minutes respectfully submitted

Sheila Borden, Town Clerk