

4-22-2008 Public Hearing 6:30 PM

The April 22, 2008 Public Hearing to seek comment on Proposed Local Law # 2 of 2008 Amending Local Law # 1 of 1998 was held at the Westport Town Hall and was called to order by Supervisor Connell at 6:30 PM with the following people present: Daniel Connell, Supervisor; Brenda McCooey, Town Clerk; Edward Smith, Councilman; George Hainer, Building Codes/Zoning Officer; Robert Carroll, MD, Town of Westport Health Officer; Whitney Jackson; Timothy Sherman, Councilman arrived at 6:35 PM.

Town Clerk read notice of Public Hearing.

George Hainer gave brief overview of the proposed Local Law, which basically up-grades the codes to NYS Standards.

Floor was open for Public Comment, with none voiced.

Supervisor Connell closed the Public Hearing at 6:35 PM.

Respectfully Submitted _____ Brenda McCooey/Town Clerk

4-22-2008 4th Tuesday Regular Town of Westport Board Meeting 6:36 PM

The April 22, 2008 4th Tuesday Regular Town of Westport Board Meeting was held at the Westport Town Hall and was called to order by Supervisor Connell at 6:36 PM with the following members present on a roll call

Councilman Tyler Arrived at 6:50 PM
Councilman McIntyre Absent due to Hospitalization
Councilman Sherman
Councilman Smith
Supervisor Connell

OTHERS PRESENT: Brenda McCooley, Town Clerk; George Hainer, Building Codes/Zoning Officer; Robert Carroll MD, Town of Westport Health Officer; Alice LaRock, WCS Board President; Karen Tromblee, WCS Superintendent; Whitney Jackson; Jerry Sherman, DPW Superintendent; Bruce Ware.

Assembly was lead in the Pledge of Allegiance.

Supervisor Connell stated he has been unsuccessful in contacting Mrs. McIntyre on Councilman McIntyre's health.

RESOLUTION # 104
MINUTES APPROVAL

On a motion by Councilman Sherman seconded by Councilman Smith the following was approved on a roll call

AYES 3 Sherman, Smith, Connell
NAYS 0

Resolved to accept the minutes of the April 8, 2008 Regular Town of Westport Board Meeting as presented.

Floor was open for Public Comment with none voiced.

Supervisor Connell publicly thanked Whitney Jackson for her coverage of Westport in the Valley News and wish her the best of luck in her future endeavors.

Supervisor Connell recognized Karen Tromblee and Alice Larock of Westport Central School. Mrs. Tromblee, WCS Superintendent, thanked the Town Board for allowing the time to present the budget, and supplied those present with a pamphlet, supplying explaining the proposed school budget. Based on last years' assessment rate, the school tax levy for 2008-2009 decreased by \$33,564. Mrs. Tromblee thanked the school board members for their diligence working on the budget and Mrs. Sheila Borden, District Treasurer.

COMMITTEE REPORTS

- **YOUTH COMMISSION**-Have not met since last Town Board Meeting. Discussion followed on summer program. Will need to make a decision soon on the summer program, and lunch program. Contact will be made with Jen Pribble.
- **GARAGE**-No report-awaiting grant notification.

OLD BUSINESS

- **ZONING-LOCAL LAW # 2 OF 2008**

RESOLUTION # 105

LOCAL LAW # 2 OF 2008 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE New York STATE FIRE PREVENTION AND BUILDING CODE

On a motion by Councilman Smith seconded by Councilman Sherman the following was approved on a roll call after discussion

AYES 4 Tyler, Sherman, Smith, Connell

NAYS 0

Resolved to enact Local Law # 2 of 2008 amending Local Law # 1 of 1998 as follows:

A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

SECTION 1: PURPOSE AND INTENT

This local law shall **AMEND Local Law #1** of 1998 and provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town Westport. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all, buildings, structures and premises regardless of use are subject to the provisions, which follow.

SECTION 2: Deleted

SECTION 3: INTERMUNICIPAL CONTRACTS

The Town Board may, by resolution, authorize the Supervisor to enter into a contract with other governments to carry out the terms of this local law.

SECTION-I: PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder Thereof.

SECTION 5: CODE ENFORCEMENT, OFFICIAL DUTIES AND POWERS

- A. The Office of Code Enforcement Official is hereby created and shall be administered by an appointee of the Town Board. The Code Enforcement Official shall possess background experience related to building construction or fire prevention and shall, within the time constraints prescribed by law, obtain such - training as the State of New York shall require for code enforcement officials.
- B. In the absence of the code enforcement official, or in case of his ability to act for any reason, ~~the~~ Town Supervisor shall have the power with consent of the Town Board to designate a person to act in behalf of the C.E.O. and to exercise all the powers conferred upon him by this ordinance.
- C. The Town Supervisor with the approval of the Town Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him.
- D. The compensation for the Code Enforcement Official, acting Code Enforcement Official and Inspectors shall be filed and adjusted as needed by the Town Board.
- E. The Code Enforcement Official shall administer and enforce all the provisions of this Uniform Code and the energy code and the provisions of this local law, including receiving -building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Town Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Town Board. The Code Enforcement Official is authorized to pursue administrative actions and in consultation with the Town attorney. Legal actions as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, the energy code and this local law or other laws, rules or regulations of the Town of Westport or of the State of New York.

SECTION 6: BUILDING PERMIT

A. Permits Required

1. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Official.

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2. No permit shall be required for:
 - a.) Necessary repairs which do not materially affect structural features;
 - b.) Alterations to existing buildings, provided that alterations:
 - i) Cost less than \$10,000
 - ii) Do not materially affect structural features
 - iii) Do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;
 - iv) Do not involve the installation or extension of electrical systems; and
 - v) Do not include the installation of solid fuel burning heating appliances and associated chimneys and flues.
 - c.) Residential storage sheds and other small noncommercial structures less than 150 square feet which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking; for example, a small storage building, and
 - d.) Nonresidential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.
 - e.) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - f.) installation of swimming pools associated with a one- or two-family dwelling or Multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - g.) Installation of fences which are not part of an enclosure surrounding a swimming pool;
 - h.) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - i.) Construction of temporary motion picture, television and theater stage sets and scenery;
 - j.) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - k.) Installation of partitions or movable cases less than 5'-9" in height;
 - l.) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - m.) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

n.) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications.

B. APPLICATION FOR A PERMIT

- 1.) The application for a building, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.
- 2.) The form of the permit and application therefore shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his authorized agent) of the building and shall contain at least at least the following:
 - a) Full name and address of the owner and if by a corporation, the name and addresses of the responsible officials;
 - b) Identification and/or description of the land on which the work is to be done;
 - c) Description of use or occupancy of the land and existing or proposed building;
 - d) Description of the proposed work;
 - e) Three sets of plans and specifications for the proposed work.
 - f) The required fee;
3. The Code Enforcement Official may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.
4. Applicant shall notify the Enforcement Official of any changes in the information contained in the application -during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Official and approval shall be received from the Code Enforcement Official prior to the commencement of such change of work.

GENERAL REQUIREMENTS,

1. A building permit issued pursuant to this local law shall be prominently displayed on the property or premises to which it pertains.
2. A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has

been misrepresentation or falsification of a material fact in connection with the application for the permit.

3. A building permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that:

- a. the permit has not been revoked or suspended at the time the application for renewal is made,
- b. the relevant information in the application is up to date, and
- c. the renewal fee is paid.

SECTION 7: FEES -

A fee schedule shall be established, and changed as needed by resolution of the Town Board. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections. —

SECTION 8: CERTIFICATE OF OCCUPANCY

- A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.
- B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Official may place special conditions on Temporary Certificates of Occupancy as necessary to insure safety and to protect the interest of the Town.

SECTION 9: INSPECTION -

A. Inspections during construction:

1. Work for which a building permit has been issued hereunder shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including, but not limited to building location, site –preparation, excavation, foundation, footing, preparation for concrete slab, framing, superstructure, electrical, plumbing, and heating and air conditioning, Building systems, including underground and rough-in; fire resistant construction; fire resistant penetrations Solid fuel burning heating appliances, chimneys, flues or gas vents. Energy Code compliance and a final inspection after all work authorized by the Building Permit has been completed. It shall be the responsibility of the owner, applicant, or his agent to inform the inspector that the work is ready for inspection and to schedule such inspection.

2. If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

B. FIRE PREVENTION AND SAFETY INSPECTIONS

1. Fire safety inspections of buildings or structures * having areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, -Rules and Regulations shall be performed at least once in every twelve (12) months.

2. An inspection of a building or dwelling unit may also be performed at any other time upon:

- a. The request of the owner, authorized agent or tenant
- b. Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists: or
- c. Other reasonable and reliable information that such a violation exists.

3. Such inspections shall be performed by the Code Enforcement Official.

SECTION 10: VIOLATIONS

A. Upon determination that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, the Code Enforcement Official shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonable, necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.

B. In addition to those penalties prescribed by State law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy issued by the

Building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative or at the request of the Code Enforcement Official.

- C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (b), the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Official.

SECTION 11. STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or

assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 12 NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within the Town of Westport shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

SECTION 13. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code

Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

SECTION 14: DEPARTMENT RECORDS AND REPORTS

- A. The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the City/Town/Village Board, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or –structures, or appurtenances, thereto, shall be retained for at least the minimum time period so required by State law and regulation.
- B. The Code Enforcement Official shall annually submit to the Town Board a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

- **TELECOMMUNICATION LAW**-Supervisor Connell stated the cell tower is supposedly up and running, but coverage remains about the same. Verizon has been notified and has no intention of repositioning transmission waves. Supervisor Connell suggests using the “Plattsburgh Law” as a model for Westport’s Telecommunication Law to use. Discussion followed.

RESOLUTION # 106
TELECOMMUNICATION LAW

On a motion by Councilman Tyler seconded by Councilman Smith the following was approved on a roll call after much discussion

AYES 3 Tyler, Smith, Connell
NAYS 1 Sherman

Resolved to schedule a Public Hearing on Proposed Local Law # 3 of 2008 Telecommunications Law.

- **ADIRONDACK PARK REGIONAL ASSESSMENT MEETING**-Scheduled for May 2 10:00 AM at the Town Hall.
- **AMENDING LOCAL LAW # 1 OF 1998 BUILDING CODES**-Addressed earlier.
- **COMMUNITY DEVELOPMENT MEETING**-A first in a series of meeting entitled "Future of Westport" is scheduled for May 22, 2008 at 7:00 PM at Westport Central School.
- **SEWER SYSTEM UPDATE AND PROPOSAL**-Flows are decreasing, Rural Water has used a camera on parts of the system. A proposal from Wayne Ryan for sewer collection system evaluation and report was given to the Councilmen and will be addressed at the next meeting.
- **EVAN GEORGE REQUEST**-Town Clerk read letter from Evan George requesting permission to hold a wedding and possible reception on the "Old School House" property. Short discussion followed. Supervisor Connell to contact Mr. George on property dimensions, and lack of power.
- **TIM SHERMAN REQUEST**-Councilman Sherman recused himself at this time and left the room. Town Clerk read request from Tim Sherman, as a private citizen, to purchase a tract of land from the Town that borders his property. Discussion followed. Supervisor Connell to seek advice form Association of Towns Attorney and will report back to the Town Board at the next meeting. After discussion Councilman Sherman returned to the meeting.

NEW BUSINESS

- **LETTER FROM DAN CONNELL**-Mr. Connell, as a private citizen addressed a letter to Courtney Fair putting him on notice, concerning his burning of corn and the negative health effects it could cause. Copies of the letter were sent to NYSDOH, NYSDEC, Essex County Health Department, Westport Health Officer, Westport Building Codes/Zoning Officer and the Westport Town Board. Mr. Connell also provided an article on corn fuel, clearing the air, and a copy of a local law regulating outdoor wood furnaces.
- **LETTER FROM COURTNEY FAIR**-Mr. Fair's reply to Mr. Connell's letter stating they will discontinue burning of corn, and asked Mr. Connell send a copy of this letter to NYSDOH, NYSDEC, Essex County Health Department, Westport Health Officer, Westport Building Codes/Zoning Officer and the Westport Town Board. Discussion followed. No

action was taken. Supervisor Connell to further research on effects of outdoor wood burners, and possibly ask the Planning Board to revisit regulating the use of out door wood burners.

- **REQUEST FROM BARBER HOMESTEAD**-Town Clerk read letter from Barber Homestead Trust concerning water bill, which was excessive, and expressed they should have been notified as soon as the meter was read and usage was excessive. They would like the Town Board to consider defraying some of the cost of the water bill. Discussion followed. The Trust will be asked to pay the bill in it's entirety, usage will be monitored and if needed, will be addressed after next billing cycle.
- **MINING PERMIT**-The Town needs to renew the mining permit for the Munson pit. Supervisor Connell and DPW Superintendent Sherman to address.
- **TOWN CLERK MONTHLY REPORT**-Supervisor Connell is in receipt of the Town Clerk's monthly report.
- **AUDIT**-NYS Comptroller Office will begin a complete audit tomorrow.
- **BUDGET TRANSFER**

RESOLUTION # 107
BUDGET TRANSFER

On a motion by Councilman Tyler seconded by Councilman Smith the following was approved on a roll call

AYES 4 Tyler, Sherman, Smith, Connell

NAYS 0

Resolved to make the following budget transfers

FROM		TO
SS1 1990.4 Contingent	\$5000.00	SS1 9710.6c
SS1 8120.4 Operating Exp.	\$1300.00	SS1 9710.6c

- **CORRESPONDENCE**-Schoder Rivers Associates-Letter of Authorization No. 17 Merriam Forge Road Stability Improvements-Final Design dated April 12, 2008. Due to time constraints Supervisor Connell signed the above authorization on April 15, 2008 and forwarded to FEMA for their approval.

DPW SUPERINTENDENT REPORT/REQUEST-DPW Superintendent Sherman gave the following report-Over 200 man-hours have been spent on researching, repair and restoration of the sewer system problems. Problem areas have been identified, but nothing substantial to warrant the excess flow. Sump pump drainage is still entering the system and will need to be addressed. A list of homes doing so will be amassed and Supervisor Connell will notify by letter, the need to stop pumping into the sewer system. Grade rings have been installed on 6 or 7 manholes, with 6 or 7 more measured for installation. Rural Water identified some problem areas. Meeting was held concerning the Merriam Forge Road. Erosion of area is still occurring, and if a solution is not found soon, may need to close off the section of road involved. The Brush Dump is scheduled for opening on May 2. No grass, leaves, hay, or wood allowed just BRUSH,

3 inches or less in diameter. Supervisor Connell to contact newspaper on the specifics of use of the brush dump. Crew has been sweeping streets, grading dirt roads and readying lawn mowers. Moriah Shock Incarceration Inmates were instrumental in helping with the clean up.

**RESOLUTION # 108
IN APPRECIATION**

On a motion by Councilman Tyler seconded by Councilman Smith the following was approved on a roll call

AYES 4 Tyler, Sherman, Smith Connell
NAYS 0

WHEREAS, Moriah Shock Incarceration Facility offers a program for work related services to Towns, Villages and Not For Profits at no cost, and

WHEREAS, The Town of Westport has, on numerous occasions asked for assistance from Moriah Shock Incarceration Facility, and

WHEREAS, The Town of Westport has been granted these requests for services frequently, and

WHEREAS, The Town of Westport has been able to complete work tasks in a more timely manor with the assistance of the Inmates,

THEREFORE BE IT RESOLVED, The Town of Westport show's it's appreciation by this resolution and gives thanks to the Moriah Shock Incarceration Inmates, and publicly recognizes the Correction Officers and Administration of the Moriah Facility for all the time and energy expended in this worthwhile community service program.

DPW SUPERINTENDENT REPORT/REQUEST-DPW Superintendent Sherman continued with his report-the truck has arrived and the 1995 Tandem was picked up by the Town of Black Brook. Councilman Tyler, stating he visited Moriah's Sewer Treatment Plant facility and stated the plant is quiet, no apparent odor, and was rated for 4 million gallons of flow. He stated since our facilities effluent is fine on high flow days, why couldn't the Town inquire raising permitted flows. Supervisor Connell to contact NYSDEC and research possibility of increasing permitted flows. Supervisor Connell stated need to close Water Project by June 30th, a closing date for the middle of May will be set which may require a Special Town Board Meeting.

**RESOLUTION # 109
AUDIT OF BILLS**

On a motion by Councilman Smith seconded by Councilman Tyler the following was approved on a roll call

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AYES 4 Tyler, Sherman, Smith, Connell
NAYS 0

Resolved to pay the bills as audited on Abstract 4B Voucher #'s 2008-262 to 2008-289 in the amount of \$33,193.13.

COUNCILMAN COMMENTS-Councilman Sherman-Camp Dudley water system is being abandoned, and question arose, should the Town consider taking over the system-short discussion followed-Supervisor Connell to contact NYSDOH to set up a meeting concerning possible use of the "Old Dudley" water spring. Councilman Tyler offered to contact Dudley administration regarding the Town's intentions.

PRIVILEGE OF THE FLOOR-BRUCE WARE-Mr. Ware inquired if the Town would place a Community Bulletin Board at the Westport Health Center. Supervisor Connell to address. Signage advertising www.westportny.net at the Train Station was discussed, Supervisor Connell to research possibility.

**RESOLUTION # 110
ADJOURNMENT**

On a motion by Councilman Tyler with a unanimous second to adjourn at 9:05 PM.

Respectfully Submitted _____ Brenda McCooey/Town Clerk