

Minutes of the 09-09-2008 Regular 2nd Tuesday Westport Town Board Meeting 7:00 PM

The September 9, 2008 Regular 2nd Tuesday Westport Town Board meeting was held at the Town Hall and was called to order at 7:01 PM by Supervisor Connell with the following members present on a roll call.

Daniel Connell, Supervisor
Michael Tyler, Councilman
Russell Paquette, Councilman
Timothy Sherman, Councilman
Edward Smith, Councilman

Others Present: Betty White, Town Clerk, George Hainer, Building and Code Officer; DPW Superintendent Jerrold Sherman; Jim Westover, Sr. arrived at 7:10.

The assembly was led in the flag salute by Supervisor Connell.

RESOLUTION # 187
MINUTES APPROVAL

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 accept the minutes of the August 26, 2008 Town Board meeting with the following changes: under Public Comment: “Supervisor Connell responded that the Justices do that”. [the hiring] is changed to “The Town Board does the hiring”; and misspelling in Resolution #182, “Smiht” is changed to “Smith”.

COMMITTEE REPORTS

- **YOUTH COMMISSION:** Councilman Sherman reported on the meeting held last night. Soccer is starting at Dudley. Volunteers have signed up and assigned (3 per group). Their 2009 budget request will be submitted soon in the same amount as last year. They will be holding a “ski-swap” on October 18. There will be some restrictions on what can be brought in to swap. Sign-up for the ski program will be Oct. 17. Vera Martin was well-liked as the Summer Program director. She will be approached about doing the job next summer.

**RESOLUTION #188
YOUTH COMMISSION COMMITTEE APPOINTMENTS**

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

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

RESOLVED to remove Thad Tryon from the Committee and to appoint Bridget Blemel and Shera Broderick to the Committee.

There was also consensus from the Town Board that Holly Mitchell become an ad hoc member of the Youth Commission committee.

- **GARAGE** : Supervisor Connell reported that the RFQ advertisement was placed in the Contract Reporter on Sept. 2nd and in the Plattsburgh Press on the 3rd. We have now had 20+ requests for information. One company is to be here tomorrow. There is a lot of interest. Councilman Sherman suggested that this building would probably be eligible for alternative energy source low interest loans. Supervisor Connell responded that we hope some of these RFQ's will reflect that.

On October 1 in Plattsburgh, and in Lake Placid on the 2nd, there will be a second round of shared services workshops, for any councilmen who wish to attend.

OLD BUSINESS

- **FUTURE OF WESTPORT**- ongoing meetings, information on website and blogs.
- **SEWER SITUATION** - update. EFC closing on the 25th. Another bill from Squire Dempsey and Sanders for over \$7000 was pulled from bills folder today. We have a contract for \$12000 drawn up by Stuart Frum. We have already paid them \$18000. Supervisor Connell talked today with Ken Bonds of that firm, who said that there are more bills yet to come, because there was more work involved than he anticipated. Bills will be held until we come to some agreement. We have a bill from EFC for \$100,000 to close out the loan with Bank North. Payment schedule with EFC will change to show \$2600 less than it was.
- **SIDEWALKS** - Fuller Construction response to change orders. (1) Ramp in front of Town Hall- \$1400; Discussion concerning depth of concrete where sleeves for railing will be placed. (2) \$1600 for the change in thickness of sidewalk (from 4 inches to 6 inches) in front of house number 6625 Main. (3) \$350 Manhole Adjustment (2 manholes)

**RESOLUTION # 189
SIDEWALK CHANGE ORDERS**

On a motion by Councilman Tyler and seconded 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 sign contract with Fuller Excavating with stipulation that the depth of the sleeves will be changed to Mr. Hainer's specifications.

This work is to be done end of September-first of October.

- UNION CONTRACT – Still no meeting; heard nothing since last meeting. An offer has been made which is yet to be presented to membership. If no agreement before budget completion, last year's figures will be used.
- CEMETERY – still waiting on sale of VanDuyne property.
- WADHAMS WATER – HyrdoSource Contract. Supervisor Connell will contact Claude Cormier of HydroSource due to a misunderstanding of the cost of surveying favorable zones A & E. Zone A is west of Matt Foley's (on Lewis-Wadhams Road) on property owned by Brandon and Evelyn Brant. Zone E is owned by Matt Foley (bottom of the hill on Route 22 near Decker Road).

**RESOLUTION #190
HYDROSOURCE CONTRACT**

On a motion by Councilman Tyler and seconded 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 move forward with the contract.

Discussion followed concerning the availability of funds for this project.

- **QUADRICENTENNIAL CELEBRATION:** Supervisor Connell met today with Nancy Decker, George King and George Maffey. The former Director of 400 Explore New York is no longer there and the “second in command” does not return phone calls or e-mails. The “in-kind” match discussed at the July 22, 2008 Town Board Meeting may not be accurate. As a proposal, in next year’s budget, \$5000 contribution from the Town. Discussion followed concerning figures that would bring us to the \$22500 match for grant funds. There will be further discussions before budget process is completed.

NEW BUSINESS

- **TIMBER SALE** – On September 24, Fountain Forestry will be showing the sale timber. Forester will walk area with interested persons. The boundary line with Councilman Sherman’s adjoining property will be included in the walk area. Discussion followed concerning quality of logs to be cut. Supervisor Connell will let Councilmen know exact time and place where walk will begin.
- **BUDGET DISCUSSION** - There is a new requirement for all municipalities, we must attach to our budget a document which shows all the tax-exempt properties. The hope is that the Office of Real Property will supply this information.

**RESOLUTION # 191
BUDGET TRANSFER**

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

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

RESOLVED to transfer \$2000 from DA5110.1 Maintenance of Streets Labor to DA5130.1 Repair of Machinery Labor.

- **SALES TAX INCREASE** – Supervisor Connell requests Councilmen’s input regarding the County’s proposal of increasing the sales tax ¼ to ½ percent. Their proposal is that whatever increase is, half of it would go to the county and half would go to the towns. The half that goes to the county would be designated for capital projects, and the half that goes to the towns, by law, would have to reduce property taxes. A formula would be devised as how to divide it between the 18 towns. For the Town of Westport it would be about \$25,000. Supervisor Connell voted against the increase at the County meeting and he explained his reasons for doing so.

- Letter from Dieter B. Requadt
Town Clerk was requested to read a letter received from Mr. Requadt regarding a piece of property located on Main Street. (about ¼ acre with no buildings). The letter referred to the loss of a cedar tree and an official border marker he said were removed during the water line construction that occurred in 2006. He was requesting restitution (replacement of the border marker, and a reasonable sized cedar tree).

Discussion followed regarding the time which has passed since Mr. Requadt admittedly became aware of the removal of the tree. Supervisor Connell remarked that if the tree or marker was removed, then they must have been on the state right -of- way and not on his property.

**RESOLUTION #192
RESPONSE TO REQUADT LETTER**

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

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

RESOLVED to deny Mr. Requadt's request for restitution. Councilman Tyler requested that Supervisor Connell send a letter to Mr. Requadt explaining that the project was held open for a year following construction, money was held out for a year following construction; we have denied other similar requests, and that work that was done was on state-right-of-way, not on his personal property.

- PART TIME-FULL TIME EMPLOYEES – Perusal of the Town's personnel records does not reveal any policy defining part time employees. Essex County Manager, Daniel Palmer, explained that under Civil Service Law, 20 hours and up receive benefits. However, the Town of Westport needs to define a policy defining part –time. Discussion followed about the need for a policy and a definition of “part-time.” Research needs to be done before a policy is written. Councilman Tyler suggested checking with policies of other nearby towns.
- TOWN CLERK'S MONTHLY REPORT- August report of the Town Clerk has been received by the Supervisor.

- HUNTING ON TOWN PROPERTY NEAR PRIVATE RESIDENCES – Discussion about posting town properties to prevent hunting accidents near private residences. Properties discussed were on and near the watershed, however the feeling was that if any town properties were posted, then all town properties would have to be posted. Questions: Who would do the posting? Would this be effective? Who would “police” it?. Property can not be posted to all except Westport residents. Perhaps signs letting hunters know that they are within 500 feet of buildings should be considered. No action was taken by the Board at this time.
- USDA AUDIT OF RURAL DEVELOPMENT LOANS – auditor will be here tomorrow

**RESOLUTION #193
AUDIT OF BILLS**

On a motion by Councilman Tyler and seconded by Councilman Paquette, 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 Abstracts 9A and 9B Voucher #'s 2008-521 to #2008-549 in the amount of \$128,360.05.

DPW SUPERINTENDENT’S REPORT/REQUESTS- Superintendent Sherman reported that there have been 565 man hours associated with working on the “high flows” situation including working on manholes and smoking the system. Smoking results not yet determined; crews are mowing roadsides and lawns, grading roads, repairing storm drains. Water leak on Ledge Hill. Old pipe there needs to be replaced (hopefully this fall) from former LaGrave property to intersection with Route 9N. Need to bore under Ledge Hill Road to accomplish this. Repaired curbstops up by Bill Frost’s and by Mary DeGroff’s, smoothed up sidewalk by Atwell’s, fixed water leak on Dock Hill and picked up beach equipment. Started reading water meters on Monday.

Discussion about vandalism that has occurred twice in Lee Park within the last week or so. New York State Police are investigating.

Councilman Paquette asked Superintendent Sherman to check on a pothole just off the Main Street going up to the Post Office.

SUPERVISOR’S COMMENTS - Supervisor Connell apologized for canceling the September 3 meeting. The Planning board will provide input on outdoor furnaces by October. Zoning meeting will be coming.

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COUNCILMEN'S COMMENTS - Councilman Tyler questioned the situation at Windward. The architect was in to see Mr. Hainer regarding meter pits (she thinks one would suffice, but our ordinance mandates two), and the property managers were in today regarding the sewer situation there. When billing goes out end of Sept. they will be billed for 16 units. Councilman Tyler also mentioned unresolved noisy blower problem at the Wastewater plant.

PUBLIC COMMENT – none

OTHER BUSINESS

Merriam Forge Road will be shut down for less than a month while project is completed. One lane of Hald Road will remain open. We hope to bid the whole project and Town will not be involved in the work for the project.

RESOLUTION #194

ADJOURNMENT

On a motion by Councilman Tyler and a unanimous second, the meeting was adjourned at 8:55 PM.

Respectfully submitted _____ Betty White, Town Clerk

