

Minutes of the Rescheduled Second Tuesday Westport Town Board meeting held on Thursday, February 12, 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 Smith
Councilman Sherman
Councilman Paquette
Councilman Tyler
Supervisor Connell

Others Present:

Sheila Borden, Town Clerk/Tax Collector
Jerrold Sherman, DPW Superintendent
George Hainer, Zoning and Codes Officer
Betty White, Town Historian
Penny Conway and Rosalie Golembeck entered at 7:50 p.m.

**RESOLUTION #54
MINUTES APPROVAL**

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

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

RESOLVED to approve the minutes with the following amendments.

Page 3 1st Paragraph-last line add after “Westport is doing so illegally” **as per 272A.**

Page 4 Under Audit Committee change date of meeting to **February 19th.**

Page 4 Under Resolution #43 it should read Councilman Sherman moved to amend the motion to appoint **Joyce Daniels** and Gavin Johnston.

PUBLIC COMMENT – None

HISTORIAN’S REPORT – presented by Betty White.

PRESENTATION OF APPRECIATION – Supervisor Connell on behalf of the Town Board presented a plaque to Betty White for her professionalism and exemplary service to the Town of Westport as Town Clerk, Tax Collector and Registrar.

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COMMITTEE REPORTS:

GARAGE – The next committee meeting will at the Town Hall on Thursday, February 19th at 6:00 p.m. and a community meeting at the school on Thursday, February 26th at 7:00 p.m.

YOUTH COMMISSION – Councilman Sherman reported on activities of the Youth Commission.

- The Ski Program has made four trips to Whiteface to date. There are 35 children participating.
- The Youth Commission has asked whether or not they can do separate fund raising activities. Supervisor Connell will look into the legalities.
- Busing for the summer field trips may not happen but buses would be provided for the baseball games. The County is looking into holding the games during early evening hours when parents could provide transportation.
- Elizabeth Lee will start the Hiking Program after ski season has ended.
- The Dance Program is going well but there is some concern with traffic congestion when picking the children up.
- Basketball started this week.
- They are working with Brad Rascoe on the Sportsmanship paperwork.
- Advertisement for the Summer Program will begin soon. Notices for the newspaper will be placed by the Town Clerk.

OLD BUSINESS

FUTURE OF WESTPORT – Supervisor Connell reported that the process is still on going.

WADHAMS WATER – They drilled 530 feet and found water at 100 gallons a minute. Water testing results have come back with excellent results. On Monday, February 16th they will start the pump test. To save costs we will be using some of our own employees to monitor the system over the 85-hour monitoring period.

MERRIAM FORGE – The Engineer completed his inspection this week and it has been placed in our files. The roadwork is approximately only 25% completed.

NOISE EVALUATION – nothing further at this time.

BLUE RIBBON AND SEWER UPDATE – Supervisor Connell and George King attended a meeting in Ray Brook with the Adirondack Park Agency to discuss and review the sewer situation and hamlet expansion in Wadhams. They agreed to work with us if it is found that the sewer plant can handle additional buildings.

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**RESOLUTION #55
EVALUATION OF SEWER PLANT**

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

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

RESOLVED to authorize Supervisor Connell to hire Todd Hutchins of AES to do an evaluation of the plant and make a recommendation to DEC on increased levels. Also to request AES provide an estimate on doing necessary works so that we can ask for approval of expansion for more units. A request will also be made to obtain prices on a flow management plan and Spedes permit.

ARTICLE 78 UPDATE

The Attorney for the Town is continuing discussion with the petitioner. The property owner has stated he would agree to a “no building rights provision” in order to bring this to closure. The attorney will discuss this next with the petitioner.

NEW BUSINESS

**RESOLUTION #56
CONFERENCE APPROVAL**

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

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

RESOLVED to approve the Town Clerk attending the Annual Conference of the NYS Town Clerks Association in Rochester, NY on April 26-29, 2009.

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**RESOLUTION #57
CODES CONFERENCE APPROVAL**

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

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

RESOLVED to approve George Hainer attending the Codes Conference on March 2-5, 2009.

**RESOLUTION #58
ADIRONDACK GOVERNMENT DAYS CONFERENCE APPROVAL**

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

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

RESOLVED to authorize any member of the Town Board, Planning Board, Zoning Board of Appeals and Zoning Secretary to attend the Adirondack Government Days Conference on March 6th, 2009.

**RESOLUTION #59
WESTELCOM LONG DISTANCE CONTRACT**

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

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

RESOLVED to authorize Supervisor Connell to finalize details and sign the agreement with Westelcom for long distance telephone service.

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**RESOLUTION #60
ADVOCACY DAY, ALBANY NY**

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

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

RESOLVED to approve two reservations at \$50.00 each to take the bus to Albany to participate in the Advocacy Day on C.H.I.P.S funding.

TOWN CLERK'S JANUARY REPORT – Supervisor Connell has received the Town Clerk's report for January 2009.

POLO CLUB

**RESOLUTION #61
POLO CLUB RESOLUTION OF SUPPORT**

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

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

RESOLVED that the Town Board of Westport supports the concept of the Polo Club using the Driving Range at the Golf Course and making Westport one of its stops on their circuit. Supervisor Connell further added that this support is pending the approval of all agencies involved including the Planning Board.

Reminder of Audit Committee Meeting – February 19th, 2009

PROPOSED LOCAL LAW #1 OF 2009 regarding cash payments in lieu of health insurance coverage for any eligible employee and elected official in the Town of Westport who is eligible to receive health insurance benefits.

The entire law was read by the Town Clerk.

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**RESOLUTION #62
PROPOSED LOCAL LAW #1 OF 2009 – PUBLIC HEARING**

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

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

RESOLVED to authorize a Public Hearing to be held on Tuesday, February 24th, 2009 at 6:30 p.m. for the purpose of Local Law #1 of 2009.

CODE of ETHICS

A copy of the Code of Ethics that was adopted by the Town on October 10, 1989 was given to each Board Member.

**RESOLUTION #63
APPROVAL OF BILLS**

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

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

RESOLVED to authorize the payment of bills on Abstract 02A, Vouchers 2009-101 through 2009-146 in the amount of \$223,559.91.

DPW SUPERINTENDENT REPORT – Jerrold Sherman

Superintendent Sherman reported on the two trucks that had been involved in accidents. One was sent to Queensbury to be fixed but the cab repairs will be done in the spring. The estimate on the cab repairs is \$7,772. The other truck took the wires off a house and the repairs to the house will be covered under the owner's homeowner's policy.

The heater motor in Truck 11 has been replaced.

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The annual inspection of fire extinguishers has been completed. Three needed to be replaced.

Loader 644G has several items that need replacing – U joint, drive shaft, carrier baring, pivot pins and bucket pins. The work won't be done until spring due to the amount the loader is used now.

**RESOLUTION #64
REPAIRS TO LOADER 644G**

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

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

RESOLVED to authorize DPW Superintendent Sherman to expend up to \$4,500. for repairs to the loader.

Mr. Sherman also asked the Board about their thoughts on Local Law No. 1 of 2002, Winter Parking Ban. He would like to see it reviewed and perhaps some modifications made to it. Councilman Paquette and Superintendent Sherman will work together on it.

More salt was ordered and is in as well as the steel that was ordered has been received.

On February 26th, 2009 Mr. Sherman will appear in Small Claims Court to attempt collection on an unpaid bill for Item 4 material.

SUPERVISOR'S COMMENTS:

Supervisor Connell provided the Board with correspondence from the Department of Health on testing that is required to be done on our water systems. This has become a costly endeavor.

A letter of concern received from a taxpayer regarding their increase in assessment.

Office of the Essex County Treasurer notified us of a decrease of \$129.89 in the State Land payment.

Thank you received from Bouquet River Association for our support of their watershed efforts.

Acknowledgement of receipt of corrective action plan received by the Office of the State Comptroller.

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**RESOLUTION #65
EXECUTIVE SESSION**

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

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

RESOLVED to enter into Executive Session at 9:15 p.m. for the purpose of discussing information relating to current prosecution of a criminal offense.

**RESOLUTION #66
CLOSE EXECUTIVE SESSION**

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

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

RESOLVED to close Executive Session and return to regular session at 9:55 p.m.

**RESOLUTION #67
RECOMMENDATION FOR RESTITUTION**

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

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

RESOLVED to request to the Probation Department that restitution to the Town of Westport for the incident in Lee Park be \$150.00. This would be \$99. for the fire extinguisher and \$51. for replacement of the sandbags.

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**RESOLUTION #68
ADJOURNMENT**

On a motion by Councilman Smith and with a unanimous second to adjourn the meeting at 10:15 p.m.

Minutes respectfully submitted

Sheila Borden, Town Clerk