

MINUTES OF THE SECOND TUESDAY WESTPORT TOWN BOARD MEETING ON APRIL 13, 2010

The meeting was called to order by Supervisor Connell at 6:30 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
George Hainer, Zoning & Codes Officer
Dennis Westover, Deputy Highway Superintendent
Alice LaRock, School Board President; Dwayne Stevens, School Board Member
Marlene Westover, Chairperson Fire Commissioners; Jean Paquette, Fire Commissioner; Gordon Decker, Treasurer, Fire Commissioners
Rick Rockefeller, Harold Napper, Rick Hoffmann, Colin Wells, Alvin Reiner, James Herrmann, Bruce Ware, Barbara Breyette, George Maffey, Suzanne Becker, Matt Foley, Carolyn Ware, Nancy Page, Gerald Goulet,

The meeting began with an Informational Meeting for the public on the Municipal Center.

Supervisor Connell recognized those present that were part of the committee involved with the Municipal Center process. He gave a brief description of the process ahead; resolution for bonding, public vote, who could vote, absentee ballots and voting to take place in the Town Hall on June 15th. The time was then turned over to questions from those present.

A summary of questions were asked as follows:

What is the approximate cost per \$1,000 of valuation?

Could bonds be paid off early?

Would the voting group on the center be the same as it is for the school budget and it is not.

Approximately how many registered voters are there in Westport? At the current time there is 1,014.

**MINUTES OF THE SECOND TUESDAY WESTPORT TOWN BOARD MEETING ON APRIL 13, 2010
PAGE 2**

Dwayne Stevens asked if a price had been received on a portable hoist. It is \$10,000 per column. A cost for a regular lift is \$90,000 installed.

Supervisor Connell responded to a question Bruce Ware brought up at the last board meeting about having a special election for the vacant councilman position at the same time as this vote. The Town Board would have to pass a local law first and the Governor call for a special election. There is not enough time for the Board to pass the local law.

George Maffey stated we could use some of the local websites to get information out on the project.

Colin Wells asked what could be the potential consequences if the project wasn't approved. Certainly safety issues. Buildings being shut down. Where would they move? Trucks freezing up-especially the fire department. We could have a problem with inspections. The Town Hall-foundation is gone. The school garage the same situation.

Nancy Page asked if Wadhams would stay where it is. Yes, They have three bays. They had made renovations to their building so their trucks would fit.

It was asked when the Fire Department started looking for a new facility and Captain Westover responded that they started a search 13 years ago.

At this time we returned to our regular portion of our board meeting.

**RESOLUTION #87
APPROVAL OF MINUTES**

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 March 23, 2010 meeting as presented.

PUBLIC COMMENT – George Maffey asked if the Town would be doing a Town Clean Up Day this year?

COMMITTEE REPORTS

WESTPORT MUNICIPAL CENTER BONDING RESOLUTION

The Town Clerk was asked to read in its entirety the Bond Resolution authorizing the construction of a new Town Municipal Center and authorizing the issuance of serial bonds to pay the cost thereof as follows:

RESOLUTION #88
WESTPORT MUNICIPAL CENTER BONDING RESOLUTION

On a motion made by Councilman Tyler seconded by Councilman Paquette as follows:

BOND RESOLUTION DATED APRIL 13, 2010.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF A NEW TOWN MUNICIPAL CENTER IN AND FOR THE TOWN OF WESTPORT, ESSEX COUNTY, NEW YORK, AT A TOTAL MAXIMUM ESTIMATED COST OF \$7,000,000, AND AUTHORIZING THE ISSUANCE OF AN AGGREGATE \$7,000,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be an Type II 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, the Town Board, as lead agency for said capital project, has determined will not result in any significant environmental effects; and WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Westport, Essex County, New York (the "Town"), as follows:

Section 1. For the specific object or purpose of paying the cost of the construction of a new Town Municipal Center consisting of a new highway garage and maintenance center complex, including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, at the Town-owned site of the present Town Garage located in said Town, on, at a maximum estimated cost of \$7,000,000, there are hereby authorized to be issued \$7,000,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law. There is hereby further authorized to be established in connection therewith a Town Municipal Center Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law, with said Municipal Center constituting a specific object or purpose for said purpose and a Reserve Fund for Town Municipal Center Bonded Indebtedness pursuant to Section 6-h of the General Municipal Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$7,000,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is by the issuance of the \$7,000,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; **PROVIDED, HOWEVER**, that to the extent that any Federal or State or other grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 11(b) 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

MINUTES OF THE SECOND TUESDAY WESTPORT TOWN BOARD MEETING ON APRIL 13, 2010
PAGE 4

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 and said annual appropriation shall be levied on and taxed against all taxable real property located within said Town. To the extent not paid from other sources, 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 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. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Westport, Essex County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. 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; provided, however, that in the exercise of these delegated powers, he 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 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. 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 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 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. Upon this resolution taking effect, the same shall be published in full or in summary form, in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MINUTES OF THE SECOND TUESDAY WESTPORT TOWN BOARD MEETING ON APRIL 13, 2010
PAGE 5

Section 12. This resolution is adopted subject to permissive referendum and pursuant to the provisions of Section 94 of the Town Law, the Town Board hereby determines on its own motion to cause a proposition with respect to this resolution to be submitted for the approval of the qualified electors of the Town at a special Town election hereby called to be held June 15, 2010 and the following proposition is hereby authorized to be submitted at said special Town election to be held June 15, 2010:

PROPOSITION

Shall the bond resolution dated April 13, 2010 authorizing the issuance of \$7,000,000 serial bonds of the Town of Westport to pay the cost of the construction of a new Town Garage Complex, including incidental improvements and expenses, at the site of the existing Town Garage in and for said Town, at a maximum estimated cost of \$7,000,000, providing that the period of probable usefulness of said specific object or purpose is 25 years, and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance of and sale of such serial bonds, pledging the faith and credit of said Town to the payment of the principal of and interest on such obligations and providing for an estoppel provision, be approved?

Section 13. The Town Clerk is hereby authorized to publish in the official newspaper(s) in general circulation in the Town and to post on the Town Clerk's signboard at least ten (10) days prior to June 15, 2010, and to further publish and post as the Town Clerk shall determine to be appropriate, with reference to the submission of said proposition at the special Town election to be held June 15, 2010, the following Notice:

TOWN OF WESTPORT
NOTICE OF SPECIAL REFERENDUM

UPON A BOND RESOLUTION

NOTICE IS HEREBY GIVEN, that at a special Town election will be held on June 15, 2010, the following proposition will be submitted:

PROPOSITION

Shall the bond resolution dated April 13, 2010 authorizing the issuance of \$7,000,000 serial bonds of the Town of Westport to pay the cost of the construction of a new Town Garage Complex, including incidental improvements and expenses, at the site of the existing Town Garage in and for said Town, at a maximum estimated cost of \$7,000,000, providing that the period of probable usefulness of said specific object or purpose is 25 years, and that the maximum maturity of such serial bonds will exceed five years, delegating to the Supervisor the power to sell and issue such serial bonds and to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance of and sale of such serial bonds, pledging the faith and credit of said Town to the payment of the principal of and interest on such obligations and providing for an estoppel provision, be approved?

SEQRA Status:

This project has been determined to be an Type II Action as to which a full Environmental Assessment Form ("EAF") has been completed, and a negative declaration issued that the project will not have a significant impact upon the environment. The EAF is on file in the files of the Town Clerk where it may be inspected during normal office hours. Likewise, the full text of the bond resolution dated April 13, 2010 is available thereat for review.

Who May Vote:

All registered voters whose names are certified by the County Board of Elections as of May 16, 2010, the date thirty days next preceding the election,

**MINUTES OF THE SECOND TUESDAY WESTPORT TOWN BOARD MEETING ON APRIL 13, 2010
PAGE 6**

as resident in the County and resident in the Town at least thirty (30) days prior to the election.

Voting Method: Paper ballots.

Site of Special Election: Westport Town Hall at 22 Champlain Avenue, Westport, New York.

Time of Special Election: 12:00 Noon until 8:00 p.m.

Absentee Ballots: Please see the Town Clerk for details. Same will be available during normal business hours and must be returned no later than the close of business (5:00 p.m.) on the date of the vote.

Dated: April 13, 2010

BY ORDER OF THE TOWN CLERK OF THE TOWN OF
WESTPORT, ESSEX COUNTY, NEW YORK.

* * * * *

Section 14. Further details concerning said special Town election shall be provided in a further resolution or resolutions of this Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Tyler VOTING YES

Councilman Paquette VOTING YES

Councilman Sherman VOTING YES

Supervisor Connell VOTING YES

_____ VOTING _____

The resolution was thereupon declared duly adopted.

The Town Clerk will present a Plan of Action to the Board on how she plans to manage the voting – clerks, inspectors, office coverage, absentee ballots and ballot boxes.

YOUTH COMMISSION

Supervisor Connell reported that the Town has received an email from the Essex County Personnel Department with the new civil service specifications for counselors and counselors in training for our summer program. The new specs have been revised to line up with the NYS Dept. of Health requirements in the Summer Youth Programs and it presents a problem for us in that some of the people we have already hired don't qualify for the positions because of the age requirement.

RESOLUTION #89 RESCIND EMPLOYMENT OF COUNSELORS FOR SUMMER CAMP

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 not to hire Delaney Sears and Gabe Schrauf as Counselors due to their age due to the State Regulations.

A budget for the Youth Commission was presented to the Board, reviewed and discussed. A memo was received informing us of the upcoming "Responding to Emergencies Training" that at least two summer recreation program employees must be certified in and that will be held May 12, 14, 17, 19th starting at 6:00 p.m. Moriah Central School.

Councilman Sherman presented the End of the Season Youth Commission Ski Report for 2010. There were 7 trips to Whiteface with an average number of 50 participants. He also reported that they have been on a couple of hikes already and there is another planned for April 26th to which the public is welcome to participate in. They are getting ready for the baseball program which runs from May through June after school and they still need coaches.

OLD BUSINESS

WADHAMS WATER – AES Northeast has recommended that since the Town now utilizes AquaLogics Systems as a control systems supplier in its current water systems that they pass a resolution to use them as a provider in Wadhams also.

**RESOLUTION #90
AQUALOGICS SYSTEMS INC.**

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED that the Town of Westport at their Regular Town Board meeting of April 13, 2010 has designated AquaLogics Systems, Inc. as the integration and control services provider for the Town relating to the treatment plants and appurtenances.

ARTICLE 78 – Matter of Hamilton Funeral Home vs. Town of Westport Zoning Board of Appeals-The Decision of the Supreme Court upheld the decision made by the Zoning and Codes Officer.

HAMLET EXPANSION-Is moving along. George Hainer has been contacting the landowners. Councilman Sherman asked if there were funds available to have Saratoga Associates look at expansion for the whole town.

NEW BUSINESS

A letter was received from Keri & Courtney Fair requesting the Town decrease the status of their sewer and water bill from four units to two. They have been issued a building permit to change it from two apartments to a single-family dwelling.

**RESOLUTION #91
FAIR SEWER & WATER CHANGE**

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to reduce the sewer and water units at Keri & Courtney Fair's property from four to two.

A letter was received from Erwin Barber, Joyce Barber, Billie Marsh of Barber Homestead Park requesting to be relieved of the water fee of \$209.30 due to a water leak.

RESOLUTION #92
ERWIN BARBER WATER BILL REQUEST

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 forgive the amount of \$178.55 on the water fee due to extenuating circumstances.

RESOLUTION #93
REQUEST FOR TRAINING –WRIGHT

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 Janine Wright to attend the course on Audit Findings in Elizabethtown on April 29, 2010.

RESOLUTION #94
BUDGET TRANSFER

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

RESOLVED to authorize the following budget transfers from General Fund
Transfer FROM 70204.1 Programs for Youth \$5,000 TO 70201.1 Program for Youth Dir. Salary
FROM 73104.1 Youth Programs \$13,000 TO 73101.1 Youth Programs Salary

**RESOLUTION #95
284 HIGHWAY AGREEMENT**

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to approve the Agreement of Section 284 of the Highway Law.

TOWN CLERK'S REPORT – The Supervisor is in receipt of the Town Clerk's March report and supporting documents.

**RESOLUTION #96
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 4A of Vouchers 2010-164 through Vouchers 2010-192 in the amount of \$35,879.88.

SUPERVISOR'S COMMENTS – We will discuss a clean up day at the next meeting with the DPW Superintendent.

We are in receipt of a copy of a letter that The Nature Conservancy sent to Mr. & Mrs. Thomas Salva who recently purchased the Marsh Farm on the Napper Road. The farm is under a conservation easement and they are notifying them of their obligations.

We are in receipt of a listing of the First Quarter's 2010 share of sales tax received by each municipality. Westport received \$9,054.12.

COUNCILMEN'S COMMENTS

Councilman Paquette expressed an interest that the Youth Commission Director be at the next meeting.

PUBLIC COMMENT – Bruce Ware mentioned that he hoped that the Town would coordinate the clean-up day with the Chamber of Commerce as they usually did a roadside cleanup.

Mr. Ware also asked how much money was in the budget for lifeguards and if that could possibly be used for Youth Commission.

Nancy Page brought up the topic of the sidewalk that was damaged on Stevenson Road. Supervisor Connell will talk with the DPW Superintendent and see if they will make frames and pour concrete to replace the damaged ones.

**RESOLUTION #97
ADJOURNMENT**

On a motion by Councilman Paquette with a unanimous second to adjourn the meeting at 8:30 p.m.

Minutes respectfully submitted

Sheila A. Borden
Town Clerk