

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010

The meeting was called to order at 6:35 p.m. by Supervisor Connell.

Members present on a roll call were:

Councilman Tyler
Councilman Paquette
Councilman Sherman entered at 7:00 p.m.
Supervisor Connell

Others Present:

Sheila Borden, Town Clerk
Jerrold Sherman, DPW, Superintendent
George Hainer, Zoning & Codes Officer
Gary Wilson, Attorney for the Town
James Herrmann
Daniel Linder

RESOLUTION #28 MINUTES DECEMBER 22, 2009

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

3 Ayes Tyler, Paquette, Connell
0 Nays

RESOLVED to approve the minutes of the December 22, 2009 Town Board Meeting as presented.

RESOLUTION #29 MINUTES DECEMBER 28, 2009

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

3 Ayes Tyler, Paquette, Connell
0 Nays

RESOLVED to approve the minutes of the December 28, 2009 End of the Year Board Meeting.

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 2

RESOLUTION #30
MINUTES JANUARY 6, 2010

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

3 Ayes Tyler, Paquette, Connell
0 Nays

RESOLVED to approve the minutes of the Special Municipal Center Meeting on January 6, 2010.

PUBLIC COMMENT – none

COMMITTEE REPORTS

MUNICIPAL CENTER – There was a meeting of the Committee last evening and it was decided to put radiant heat and wind power back in the project.

RESOLUTION #31
DECLARE INTENT LEAD AGENCY SEQRA REVIEW MUNICIPAL CENTER

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

3 Ayes Tyler, Paquette, Connell
0 Nays

RESOLVED to approve the following resolution:

WHEREAS, the Town of Westport, has been formally discussing the planning design and construction of the Westport Municipal Center with the Westport Fire District, and the Westport Central School for a number of years, and

WHEREAS, The Town of Westport in partnership with the above named municipalities applied for and successfully received a grant from the NYS Secretary of State Department to offset some of the cost of this project and,

WHEREAS, all three municipalities are in need of new facilities and,

WHEREAS, it has been determined that the most feasible and cost effective method to construct these facilities would be through a cooperative effort, and

WHEREAS, AES Engineering has completed the preliminary design for such a facility.

NOW THEREFORE, BE IT RESOLVED, that the Westport Town Board hereby declares its intent to be Lead Agency for SEQRA review for the proposed project and

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 3

directs the Town Clerk to send a copy of this Resolution to all involved agencies as required by law.

OLD BUSINESS

ASSESSMENT ISSUE – It was tabled at last months meeting to hire data collectors this summer to review the information of the data collection cards.

RESOLUTION #32
HIRING DATA COLLECTION PERSONNEL

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

3 Ayes Tyler, Paquette, Connell
0 Nays

RESOLVED to accept the recommendation of the Assessment Committee to hire someone to review each data collection card at the per parcel cost of \$12.00.

YOUTH COMMISSION – There is a Basketball game with Keene on Saturday. The new baskets are in and there were 26 who attended the ski program at Whiteface on Sunday. Supervisor Connell and Councilman Sherman commended Bridget Blemel on the great job she is doing. It was reported that the Youth Commission is interested in setting up a web site.

Councilman Sherman entered at 7:00 p.m.

WADHAMS WATER

RESOLUTION #33
AMENDMENT #1 SCADA SYSTEM DESIGN WADHAMS WATER PROJECT

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to approve Amendment #1 for the SCADA System Design to be provided by AES Northeast for \$5,000.

RESOLUTION #34
AUTHORIZATION TO BORROW

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 Wadhams Water District #3 to borrow up to \$50,000 from Westport Water District #1.

RESOLUTION #35
WADHAMS WATER #3 DECLARE NEGATIVE DECLARATION

Whereas, the Town of Westport operates and maintains the Wadhams Water System also known as Water District #3 located in the Town of Westport; and

Whereas, the Wadhams Water System does not comply with the Federal Safe Drinking Water Act; and

Whereas, the Town of Westport was issued an enforcement action on March 22, 2005 by the NYS Department of Health for the existing water supply which is deemed to be directly influenced by surface water and is not filtered; and

Whereas, the Town of Westport has previously received a commitment of funding for the Wadhams Water District from the NYS Drinking Water State Revolving Loan Fund incorporating a \$1,585,867 Hardship grant and \$528,623 in zero interest loans to finance the proposed improvements, and

Whereas, the Town of Westport did retain AES Northeast, PLLC a duly licensed engineering firm in the State of New York, to develop a map, plan and report for the proposed improvements that incorporated the development of a new groundwater supply for the Wadhams Water System, and

Whereas, the engineering report recommends the construction of new facilities including two (2) new bedrock wells, an 800 square foot single story control building, 30,000 +1-gallon underground storage tank, 620 lf. of 8" and 320 lf. of 6" DI water transmission main connecting to the existing distribution system and the purchase of up to 2 acres of land encompassing the well sites and minimum required source water protection boundary; and

Whereas, the proposed improvements to the Wadhams Water System also known as Westport Water District #3 are necessary improvements to protect the public health and welfare; and

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 5

Whereas, the Town is required to comply with the New York State Environmental Quality Review Act (SEQR) 6 NYCRR Part 617, prior to undertaking any improvements; and

Whereas, on December 8, 2009, the Town issued a Notice requesting Lead Agency Status and that pursuant to 617.4(b) 28 of SEQR that the original proposed action would be considered a TYPE I Action as the proposed project includes a non-agricultural use occurring within an agricultural district; and

Whereas, the Adirondack Park Agency, a regional planning and regulatory agency, application and permit would be required for some improvements including the subdivision of lands containing wetland; and

Whereas, portions of projects deemed jurisdictional under the Adirondack Park Agency are considered to be TYPE II Actions per 617.5(c)(36) requiring no further review by the Town; and

Whereas, the Town of Westport intends to comply with any other environmental review and permitting requirements as necessary to address the need to minimize adverse environmental impacts, and

Whereas, any adverse environmental impact to disturbed areas associated with development of the proposed project as currently proposed will be mitigated through authorizing permit conditions and appropriate construction technology including restoration of all disturbed areas to be included by the project plans and specifications under preparation by AES Northeast, PLLC; and,

Whereas, all involved agencies were provided an opportunity to comment on the potential environmental impacts associated with implementation of the Wadhams Water System Improvements as currently proposed, and

Whereas, in response to said Notification of Request to be Lead Agency dated December 8, 2009, no other entity has superceded the Towns request, now

Therefore Be It Resolved, that the Town Board of the Town of Westport acknowledges that the Town Supervisor did issue a Notification of Request for Lead Agency Status on December 8, 2009 pursuant to 617.6(b)(3)i and has reviewed the Environmental Assessment Form Parts 1, 2 and 3 as well as the AES Northeast PLLC engineering report dated September 9, 2009 as amended in November, 2009, and

Be It Further Resolved, that following review of 617.7(c) criteria for determining significance, referenced documents and correspondence from involved agencies that the proposed project incorporating water supply improvements for the Wadhams Water System will not result in any long term adverse impacts to the natural or human environment, that identified adverse impacts are temporary resulting from project construction, and

Be It Further Resolved, that the proposed improvements to the Westport Water District #3 have been subject to the environmental assessment process in accordance with Section 617.7 under SEQR and that the Town Board hereby has determined that an environmental

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 6

impact statement will not be prepared and that any adverse impacts associated with the project, including noise of construction equipment, dust from disturbed soils, minor traffic disruptions are temporary impacts only for the duration of the construction period, will not result in any long-term, adverse impacts to the environment and that a Negative Declaration is hereby authorized.

RESOLUTION #36
WADHAMS WATER BONDING RESOLUTION

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 a Public Hearing on the Improvement of the Facilities of the Wadhams Water District No. 3 as follows:

WHEREAS, the Town Board of the Town of Westport, Essex County, New York has 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, said capital project has been determined to be a 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 ("SEQRA"), the implementation of which as proposed, it has been determined will not result in any significant environmental effects and the documentation relating to SEQRA is available in the office of the Town Clerk for inspection during normal office hours; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of said Water District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; **NOW, THEREFORE, IT IS HEREBY**

ORDERED, by the Town Board of the Town of Westport, Essex County, New York, as follows:

Section 1. A public hearing will be held in the Town Hall, in Westport, New York, in said Town on January 26, 2010, at 6:00 o'clock p.m., prevailing time, on the question of the increase and improvement of the facilities of the Wadhams Water District No. 3, in the Town of Westport, Essex County, New York, in the manner described in the preambles

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 7

hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

BLUE RIBBON UPDATE – The contracts have been signed.

ARTICLE 78 UPDATE – Attorney for the Town, Gary Wilson, reported that he is still waiting for a decision from the Judge and further discussion should take place in executive session.

ZONING UPDATE – The Adirondack Park Agency has the amendments to the Land Use Law on their calendar for Thursday.

ENERGY AUDIT – The Board had passed a resolution at last month’s board meeting to have an energy audit done of the Sewer plant but we have found that wastewater treatment plants are not eligible.

NEW BUSINESS

ASSESSOR’S REQUEST – Consideration to increase the income limit for the aged exemption.

RESOLUTION #37
INCOME LIMIT AGED EXEMPTION

On a motion by Councilman Paquette seconded by Councilman Tyler and not approved on a roll call vote.

2 Ayes	Paquette, Connell
1 Nay	Sherman
1 Abstain	Tyler

RESOLVED that the motion to increase the income limit to \$25,000 with a sliding scale of a maximum of \$30,700 was not approved.

RECORD'S MANAGEMENT OFFICER REQUEST

RESOLUTION #38
DISPOSITION OF RECORDS

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 Records Management Office to dispose of Boxes 168, 172, 174, 175, 182, 183, 184, 185, and 194 as per the Records Retention Schedule.

RESOLUTION #39
HERITAGE HOUSE LEASE

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to authorize the executive of the 2010 contract for the Heritage House.

DEPARTMENT OF VETERANS AFFAIRS – We received a letter from the Department of Veterans Affairs seeking a location of approximately 2,600 feet of space to provide health care to veterans.

RESOLUTION #40
RESOLUTION OF APPRECIATION

On a motion made by Councilman Tyler with a unanimous second the following Resolution of Appreciation was approved as follows:

WHEREAS, Homer M. Estus, long time resident of the Town of Westport, who has been an active, hardworking, faithful member of the Westport Hose Co. No. 1 for fifty (50) years as of February 2, 2010, and

WHEREAS, Homer M. Estus, married Joyce L. Keith of Westport 63 years ago on January 18, 1947 and together they raised three sons; Glenn, Larry, and Bruce, who each along with their parents have made Westport their home, and

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 9

WHEREAS, Homer M. Estus, was employed at the New York State Department of Transportation from 1954 until he retired in 1991 after thirty-seven dedicated years of service while still being an active member of the fire department, now

THEREFORE BE IT RESOLVED, The Westport Town Board not only acknowledges Homer's accomplishments but sincerely extends its thanks and appreciation for his fifty year's of unselfish service and protection he has given to the Town of Westport and its citizens along with his loyalty to his fellow firefighters.

SAFETY CONCERN ON ROUTE 22 – The consensus of the Board is to pass the concerns of Mr. Rule on to the NYS Department of Transportation.

RESOLUTION #41
APPROVAL OF BILLS

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 payment of Abstract 1A in the amount of \$84,822.30 for Vouchers 2010-774 through Vouchers 2010-818.

DECEMBER TOWN CLERK'S REPORT – Supervisor Connell and The Board are in receipt of the Town Clerk's December report and supporting documents.

DPW SUPERINTENDENT'S REPORT – JERROLD SHERMAN

Machinery repairs continue to be done. We are finishing up with the firewood. There is a water line break on Barksdale Road we plan to repair the end of this week. The new buzz saw will be here sometime in January. It was the consensus of the Board that the town crew will build some picnic tables when time permits.

SUPERVISOR'S COMMENTS

We received a check in the amount of \$16, 875 on the Quadricentennial Grant. To date we have now received the full amount of \$22,500.

The renewal on our insurance policy increased by approximately 5% even though we had some considerable losses. The company is aware of and pleased with the controls and preventive programs we have in place and we need to keep this on going.

Minutes of the Second Tuesday Regular Town Board Meeting on January 12, 2010
Page 10

COUNCILMAN'S COMMENTS

Councilman Paquette briefly reviewed the truck incident report he investigated with the Board.

Councilman Sherman asked about the status of the Future of Westport and the \$25,000 that was received from the NYS Department of State. He further asked about the Amendments to the Land Use Laws being sent to the APA and he would like to revisit a portion of them at sometime.

PUBLIC COMMENT

RESOLUTION #42
EXECUTIVE SESSION

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 enter into Executive Session for the purpose of discussing pending litigation with the Attorney for the Town at 8:15 p.m.

RESOLUTION #43
END EXECUTIVE SESSION

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 close Executive Session and return to Regular Session.

RESOLUTION 44
ADJOURNMENT

On a motion by Councilman Paquette with a unanimous second to adjourn at 8:42 p.m.

Minutes respectfully submitted
Sheila Borden, Town Clerk

