

## **Minutes of the Second Tuesday Regular Town Board Meeting on August 11, 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 Tyler arrived at 7:10 p.m.  
Councilman Paquette  
Councilman Sherman  
Supervisor Connell

Members absent:

Councilman Smith

Others present:

Sheila Borden, Town Clerk  
George Hainer, Zoning and Codes Officer  
Jerrold Sherman, DPW Superintendent  
Bruce Dunning, James Hermann, Bruce Ware, Vera Martin

### **RESOLUTION #160 MINUTES**

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

3 Ayes                      Paquette, Sherman, Connell  
0 Nays

**RESOLVED** to approve the minutes of the July 28, 2009 minutes with the correction to page 9 "Drainage Ditch" add the request-- she would like the town to survey the property and replace the corner marker.

### **PUBLIC COMMENT**

Bruce Ware stated that the sign he requested to have changed at the last meeting had already been done so at the time of his request.

### **COMMITTEE REPORTS**

**GARAGE-MUNICIPAL CENTER** – Supervisor Connell has spoken with Mr. Whitford and a Special Board Meeting has been set up for Thursday, August 20<sup>th</sup> at 7:00 p.m. A notice will be put in the paper.

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**YOUTH COMMISSION** – A second letter was received from the Youth Commission requesting payment be made to counselors for training, orientation and camp set up time. Vera Martin, Director of the Summer Program was available to discuss this with the Board. No motion made – no action taken.

Appreciation was expressed to Mrs. Martin for a job well done on the Summer Program.

Councilman Tyler entered at 7:10 p.m.

**OLD BUSINESS**

**WADHAMS WATER** – A Special Board Meeting will be held on Wednesday, August 19<sup>th</sup> at 2:00p.m. to discuss the project.

**WATER COMMITTEE** – Councilman Paquette reported that they have held approximately five meetings. The document has been upgraded. They have maybe one more meeting and should be able to present the document to the Board at the next meeting. It has been a good committee that has worked well together.

**SEWER PLANT** – nothing at this time.

**BLUE RIBBON UPDATE** – George King and Supervisor Connell have met and been putting together an RFP for a Planning Consultant to hire for the “plan of work”.

**ARTICLE 78 UPDATE** – The written arguments have been filed and we are waiting for the Judge to rule.

**ZONING UPDATE** – It is moving along and has been discussed at the APA.

**RE-EVALUATION UPDATE** – Bernard Roy will be here at the next Board Meeting.

**WATER METER** – The notice has been sent to the resident but not picked up at the post office.

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**NEW BUSINESS**

**RESOLUTION #161**  
**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 bills on Abstract 08A, Vouchers 2009-477 through Vouchers 2009-512 in the amount of \$200,345.68.

**BAD CHECKS POLICY** – we are still looking into it.

**TOWN CLERK'S MONTHLY REPORT** – The Supervisor is in receipt of the July report from the Town Clerk.

**BRADAMENT LETTER** – The Clerk was asked to read a letter from Sandra Goodroe and Julianne Sherman requesting the pedestrian signs be removed from Main Street.

Councilman Sherman moved that the crossing signs be removed from Main Street. There was no second, therefore there was no motion nor action taken. Supervisor Connell will discuss the situation with Sandy.

**UNIFIED COURT SYSTEM** – The Clerk was asked to read a letter from the State of New York Unified Court System requesting a copy of our most recent audit or examination of the local court's records and a copy of the board resolution acknowledging that the examination or audit was conducted. These will be forwarded to them as per their request.

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**OPEN SPACE CONSERVANCY** – has filed a Judgment with the Supreme Court of the State of New York against The Town of Westport, David Galarneau as Assessor, Richard Hoffman as Chairman of the Board of Assessment Review, The Board of Assessment Review and the Board of Education of the Westport Central School District for tax exempt status.

**WESTPORT GOLF INVESTORS, LLC** – has filed a notice of petition with the Supreme Court State of New York against the Town of Westport Board of Assessment Review and David Galarneau, Sole Assessor to review a certain real property assessment for the year 2009.

**ESSEX COUNTY SALES TAX REVENUES** – a letter was received from Daniel Manning advising the Town as to the procedure for us to elect to receive a portion of the county sales tax revenues along with a sample resolution to use.

**RESOLUTION #162**  
**SALES AND COMPENSATING USE TAX ALLOCATION**

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

**RESOLUTION NO. 162**  
**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WESTPORT**  
**ELECTING DIRECT PAYMENT OF ESSEX COUNTY SALES AND**  
**COMPENSATING USE TAX COLLECTION**

**WHEREAS**, Essex County imposes sales and compensating use taxes pursuant to the authority of section 1210 of the Tax Law of the State of New York; and

**WHEREAS**, Essex County has elected to allocate a portion of the net collections from its sales and use taxes to the towns in the county; and

**WHEREAS**, section 1262 © of the New York Tax Law authorizes a town to elect to be paid all or a specified part of its share of the county's allocation directly, in lieu of reduction of county taxes and general town taxes levied upon real property in such town; and

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**WHEREAS**, the Town Board now desires to make such election;

**NOW THEREFORE, BE IT RESOLVED**, that the Town of Westport hereby elects to be paid directly all of its share of Essex County's sales and compensating use tax net collections, for calendar year 2010 and thereafter;

**BE IT FURTHER RESOLVED**, that, pursuant to such section 1262 © of the Tax Law, a copy of this resolution shall immediately be mailed by certified or registered mail to the chief fiscal officer of Essex County and to the Clerk of the Essex County Board of Supervisors before September 1, 2009, in order for this election to take effect January 1, 2010; and

**BE IT FURTHER RESOLVED**, that this resolution shall remain in effect until rescinded by the Westport Town Board in accordance with the notice provisions of such section 1262 © of the Tax Law; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**DPW SUPERINTENDENT REPORT – JERROLD SHERMAN**

They have been spending time ditching along roads, grading and mowing. Spent considerable extra time getting ready for Heritage Day. Mowing along the roadsides has been done once and the process will be starting over. They continue with machinery maintenance and repairs. They repaired the surface water leak at the Frisbie farm.

The 2000 Volvo truck needs to have the push cylinder on the dump box repaired. It should cost around \$3,000.

**RESOLUTION #163**  
**REPAIRS TO 2000 VOLVO TRUCK**

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 DPW Superintendent to have the repairs done to the 2000 Volvo truck.

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Councilman Paquette asked Superintendent Sherman if the “closed beach” signs had been put up yet. Mr. Sherman was in receipt of them and he would be putting them up this week.

**SUPERVISOR’S COMMENTS**

**COUNCILMAN’S COMMENTS**

Councilman Paquette mentioned that within the Water Ordinance it refers to a Water and Sewer Superintendent and discussion took place as to whom this person should be. The consensus was that this would be someone designated by the DPW Superintendent.

**PUBLIC COMMENT**

**RESOLUTION #164**  
**ADJOURNMENT**

On a motion by Councilman Tyler and with a unanimous second to adjourn the meeting at 8:20 p.m.

Minutes respectfully submitted

Sheila A. Borden  
Town Clerk

