

## **Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 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  
Councilman Paquette  
Councilman Sherman  
Councilman Smith  
Supervisor Connell

Others present:

Sheila Borden, Town Clerk  
George Hainer, Zoning and Codes Officer  
Jerrold Sherman, DPW Superintendent  
James Hermann, Bruce Ware, Rick Rockefeller, Lucy Connell

### **RESOLUTION #152 APPROVAL OF MINUTES**

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

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

**RESOLVED** to approve the minutes of the July 14, 2009 minutes with the correction to Resolution #143 to read as follows-sign a contract with AES Northeast, who will engineer.

**PUBLIC COMMENT** – Nothing at this time.

### **COMMITTEES**

**GARAGE** – At the last meeting changes in the plans had been made that have added considerable expense back into the project. No date has been set for the next meeting and it was felt that there was a need to know about alternatives.

**YOUTH COMMISSION** – There has not been a meeting. The Clerk was asked to read a letter from the Westport Youth Commission requesting compensation for staff participation on training day, orientation and setting up of camp. Councilman Sherman

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 2**

recused himself from the discussion that took place. There was no motion made and no action taken.

**OLD BUSINESS**

**WADHAMS WATER** – We are currently at a standstill since Wayne Ryan from AES has determined that the quantity of water being pumped is not sufficient to meet the communities needs.

**MERRIAM FORGE ROAD RESOLUTION** – Has been signed by the Essex County Highway Superintendent, Frederick Buck and Westport Town Highway Superintendent, Jerrold Sherman and now needs resolution of acceptance by the Town Board

**RESOLUTION #153**  
**MERRIAM FORGE ROAD LAND ACQUISITION**

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

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

**RESOLVED** to approve the acquisition and abandonment of lands required for the reconstruction of a portion of the Merriam Forge Road.

IN THE MATTER OF  
THE ACQUISITION AND  
ABANDONMENT OF LANDS  
REQUIRED FOR THE RECONSTRUCTION  
OF A PORTION OF MERRIAM FORGE  
ROAD, A TOWN HIGHWAY LOCATED  
IN THE TOWN OF WESTPORT  
ESSEX COUNTY, NEW YORK

**RESOLUTION**

WHEREAS, pursuant to a Resolution dated November 25, 2009, the Town of Westport agreed to accept the conveyance of a 1.001± acre parcel for the reconstruction of Merriam Forge Road (River Road) from David M. Goldwasser and Rachel A. Hunter. Said parcel is labeled Parcel No. 1 on a Map entitled "Map Showing Conveyances for the Reconstruction of a

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 3**

Portion of Merriam Forge Road (River Road).” Said map was filed in the Essex County Clerk’s Office in Drawer 37 as Map 6337 on December 18, 2008.

WHEREAS, the David M. Goldwasser and Rachel A. Hunter have conveyed said parcel to the Town of Westport by deed dated December 22, 2008 and recorded in the office of the clerk of the County of Essex on February 23, 2009 in Book 1598 of Deeds at Page 160.

WHEREAS, said reconstruction of the road has been completed.

WHEREAS, it has been recommended by the Town Highway Superintendent, with the consent of the County Highway Superintendent that pursuant to §212-a of the Highway Law there are sections of the old road as it existed before the improvement labeled Parcel No. 3 on the referenced map which are of no further use for highway purposes;

WHEREAS, there are no adjoining owners other than David M. Goldwasser and Rachel A. Hunter to the relocated roadway

NOW THEREFORE, BE IT **RESOLVED** by the Town Board of the Town of Westport, County of Essex and State of New, York as follows:

- 1) In consideration of the conveyance of said Parcel No. 1 to the Town of Westport for highway purposes, the Town of Westport hereby consents to the abandonment of Parcel No. 3 as being of no further use for highway purposes;
- 2) That pursuant to §212-a of the Highway Law the said Parcel No. 3 is abandoned to David M. Goldwasser and Rachel A. Hunter.
- 3) That the Supervisor of the Town of Westport is hereby authorized to execute and acknowledge in the name of the Town and affix the seal of the town to a quit claim deed and other documents necessary to record said deed to Parcel No. 3 referenced on said map.
- 4) The adoption by the town of this resolution shall be an immediate abandonment and discontinuance of the use for highway and street purposes of said Parcel No. 3 without any further proceedings.

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**

**Page 4**

**WATER COMMITTEE** – Councilman Paquette reported that the committee has had two meetings. It was going well but it would take awhile. Their next meeting was set for Monday. Thanks were expressed to the members for their time and efforts.

**WADHAMS SEWER** – Included in the board packets is a hand out entitled “To Flush or not To Flush” which will be mailed out eventually to all residents. We have to notify people to stop putting items down toilets that are ruining the pump stations.

**SEWER PLANT** – Supervisor Connell spoke with Wayne Ryan about the report on the flow and we should have the report by August. Councilman Tyler has nothing to report on the noise issue.

**BLUE RIBBON UPDATE CONTRACT EXTENSION**

**RESOLUTION #154**

**APPENDIX X STATE OF NY AGREEMENT**

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

5 Ayes Tyler, Paquette, Sherman, Smith, Connell

0 Nays

**RESOLVED** to authorize Supervisor Connell to sign the Appendix X with the State of New York Contract Number T-069950.

**ARTICLE 78 UPDATE** – nothing further at this time.

**ZONING UPDATE** – still waiting on APA

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 5**

**Field's Property – Zoning Board of Appeals**

**RESOLUTION #155**  
**ZONING BOARD OF APPEALS SUPPORT**

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

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

WHEREAS, the Town Board recognizes and supports the recent Zoning Board of Appeals Highway commercial zone interpretation South of Rt. 9n, and

WHEREAS, The Town Board recognizes the importance of maintaining a vital business community and to protect those areas that are designated as such within the town, and

WHEREAS, the Town Board recognizes that all, but one service-- a gas station is present in this Rural Use commercial zone, and recognizes the need to preserve the ability to expand other businesses within this zone, and

WHEREAS, the Town Board wishes to express the need to maintain any and all principal building rights (PBR) associated with our Town Highway commercial zone for future development along our travel corridor as outlined in section 31.060 of our zoning ordinance;

Which states the following:

**31.060 Highway Commercial District (HC)**

*Description:* Land near the Northway interchange, which has businesses, serving the traveling public.

*Land Use Goals:* Provide for the needs of the traveling public for gasoline, lodging, food and "convenience" items at an existing location in the town.

*Land Use Policies:* Allow existing uses to continue with some expansion potential. In order to avoid the possibility of unsightly, strip development, review site plans for expansion of existing or new development, and

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**

**Page 6**

WHEREAS, the Town Board of the Town of Westport understands that potentially 4 Principal building rights associated with pre-existing uses were historically established in the Rural areas South of Rt. 9n and approximately comprised of the following structures:

Tax Map No. 65.2-1-18.000

Two 4-unit Motel buildings were installed in 1968, serviced by two septic systems.

- An apartment was added to the motel complex 1971 known as "#9". This apartment was 22' x 16' or 352-sq. ft. with bathroom and kitchenette serviced by a separate septic system.

**Note: This complex was demolished see Westport Permit dated 4/09/2001. (2 PBR)**

Three cabins were built 1968 serviced by a separate septic system in 1968.

Dimensions of the cabins are as follows:

- Cabin "A" 16' X 18' with a 6' x 6' Porch = 324 sq. ft. (1 PBR)
- Cabin "B" 18' X 20' with a 6' x 6' Porch = 396 sq. ft. (1 PBR)

Note: Cabin "A" and "B" were demolished see Westport Permit dated 5/30/2003.

- Cabin "C" 16' X 16' with a 5' x 5' Porch = 281 sq. ft.

Note: Cabin "C" was moved off site in 2003.

**NOW, THEREFORE**, be it resolved that the Town Board of the Town of Westport requests that the Principal Building Rights are preserved in the highway commercial zone and that an allocation of one Principal Building Right be assigned to an "Antique shop" Barn commercial business, (and three (3) principal building rights be put in reserve on this land) which will add to the diversity of business within our town as outlined above and complies with the intent and purpose of our Agency Approved Local Landuse Program.

**FURTHER RESOLVED**, that the preservation of Principal Building Rights are vital to the growth and economic survival of small Adirondack Communities and with proper planning and siteplan review it's a win win for all concerns.

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 7**

**RE-EVALUATION UPDATE** – Bernard Roy from the Real Property Tax Office will be coming to one of the next two board meetings to discuss the re-evaluation process.

**QUADRICENTENNIAL GRANT** – Saturday, August 8<sup>th</sup> at approximately 1:30 the Samuel D. Champlain and Henry Hudson puppets will travel here to Westport and have their first meeting together.

**NEW BUSINESS**

**RESOLUTION #156**  
**WORKPLACE VIOLENCE POLICY and HUMAN RESOURCE**  
**COORDINATOR**

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

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

**RESOLVED** to approve the Workplace Violence Policy and designate the Town Supervisor as the Human Resource Coordinator.

**Attention all: Employees, Contractors, Visitors**  
**Workplace Violence Policy Statement**

The Town of Westport is committed to providing a safe work environment and to fostering the health and well being of its employees. This commitment is jeopardized when any Town employee commits any act of violence in the workplace. Violence can include any behavior that threatens the safety of employees, co-workers, or any other individuals involved with Town of Westport business. Workplace violence can be, but is not limited to homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.

Therefore, the Town of Westport has established the following policy:

The Town will not tolerate (zero tolerance) or condone violence, including homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage, or theft by employees. It is the policy of the Town of Westport to maintain a workplace free of violence.

It is the policy of the Town of Westport that employees who engage in violence in the workplace will be subject to disciplinary action up to and including termination.

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 8**

It is the policy of the Town of Westport to commit the resources necessary to achieve and maintain a violence-free environment. The Town of Westport expects the full support of this policy by all employees and all persons doing business with the Town.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on Town property will be removed from premises as quickly as safety permits and shall remain off Town premises pending the outcome of an investigation. The Town of Westport response to incidents of violence may include suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and criminal prosecution of those involved.

All Town personnel are responsible for notifying the contact person designated below of any threats they have witnessed, received, or have been told that another person has witnessed or received. Personnel should also report behavior they regard as threatening or violent if that behavior is job-related or might be carried out on a company-controlled site.

An employee who applies for or obtains a protective or restraining order that lists company locations as protected areas must provide a copy of the petition and declarations used to seek the order and a copy of any temporary or permanent protective or restraining order that was granted. The Town of Westport has confidentiality procedures that recognize and respect the privacy of the reporting employee(s)

**Designated Contact Person:**

**Town Supervisor, Human Resource Coordinator**  
**Town of Westport**  
**P0 Box 465**  
**Westport, NY 12993**

*Post Conspicuously*

**COUNCILMAN'S RETIREMENT** – The Town Board has received clarification that Councilman Tyler does not have to retire from his elected position with the Town of Westport in order to retire from his other full time position.

**RESOLUTION #157**  
**POLO CLUB WAY**

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

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

**RESOLVED** to approve the request to name the road in to the Polo Club-Polo Club Way.

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 9**

**RESOLUTION #158**  
**APPROVAL OF BILLS**

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

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

**RESOLVED** to authorize the payment of bills on Abstract 07B, Vouchers 2009-455 through Vouchers 2009-477 in the amount of \$15,983.03.

**BAD CHECK POLICY** – The clerk read a sample letter which will be sent to individuals for checks returned to the Town for insufficient funds.

**DRAINAGE DITCH** - A letter was received and read by the clerk from Judy DePew Howell regarding the drainage ditch along her property. No action was taken.

**SIGN POSITION** - A letter was received and read from the postmaster about positioning of a sign – Supervisor Connell would go and talk with the Postmaster.

**WATER METER** – The Clerk was asked to read a letter from Dawn St. Louis, Water & Sewer Operator regarding a water meter that had been tampered with and had to be replaced. Supervisor Connell would be sending a letter to the homeowner along with a copy of the water ordinance.

**DPW SUPERINTENDENT REPORT – JERROLD SHERMAN**

They will be doing some blacktopping about the third week of August. Some clean up work had been done at the shuttle station, stone ditch work on the Mountain Spring road, the alternator and a starter repaired. Also the normal machinery repair and lawn mowing.

Congratulations were extended to Mr. Sherman on behalf of the birth of his twin grandsons.

**SUPERVISOR’S COMMENTS** – An email was received from the Office of the State Comptroller on “Conflict of Interest” for the board to read at their leisure.

**Minutes of the Fourth Tuesday Regular Town Board Meeting on July 28, 2009**  
**Page 10**

Received an advertisement on a wood grinder that could be used for disposing of items larger than two inches.

Received franchise fee remittance from Charter Communications in the amount of \$1,917.20.

A letter was received from the District of the Westport School notifying us of their appointments and designated positions.

**COUNCILMEN COMMENTS** – Councilman Tyler asked when the planting of the trees at the sewer plant was scheduled to take place.

**PUBLIC COMMENT** – Bruce Ware mentioned that there are no “crosswalk” markings from Fire Fly Lane to Sisco Street and that the sign on his lawn saying there is a “stop” sign ahead should say that there is a “yield” sign ahead. Supervisor Connell will place a phone call to the State Department of Transportation.

**RESOLUTION #159**  
**ADJOURNMENT**

On a motion by Councilman Tyler and with a unanimous second to adjourn the meeting at 8:45 p.m.

Minutes respectfully submitted  
Sheila Borden, Town Clerk

