

5-13-2008 Regular Town of Westport Board Meeting 7:00 PM

The May 13, 2008 Regular Town of Westport Board Meeting was held at the Westport Town Hall and was called to order at 7:00 PM by Supervisor Connell with the following members present on a roll call

Councilman Tyler  
Councilman Sherman  
Councilman Smith Excused  
Supervisor Connell

**OTHERS PRESENT:** Brenda McCooey, Town Clerk; George Hainer, Building Codes/Zoning Officer; Gary Wilson, Attorney for the Town; Jerry Sherman, DPW Superintendent; James Herrmann; Dwight Anson; James Westover, Sr.; David Reckahn, Soil and Water Conservation.

Assembly was led in the Pledge of Allegiance.

**RESOLUTION # 111  
MINUTES APPROVAL**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to accept the minutes of the April 22, 2008 4<sup>th</sup> Tuesday Regular Town of Westport Board Meeting as presented.

Supervisor Connell introduced Gary Wilson, Attorney for the Town and David Reckahn, of Soil and Water Conservation.

Floor was open for Public Comment with none voiced.

**COMMITTEE REPORTS**

- **YOUTH COMMISSION**-Recommendations were forwarded to the Town Board for Summer Youth Program Director and Counselors.

**RESOLUTION # 112  
SUMMER YOUTH PROGRAM**

On a motion by Councilman Sherman seconded by Councilman Tyler the following was approved on a roll call after discussion

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to appoint Vera Martin, Camp Director, at a salary of \$2,900.00 for the summer, Kelsey Sears, Assistant Director at \$8.25/hr., as Counselors, Kyle Blemel at \$7.75/hr., Alan Ware at \$7.25/hr., Meghan Dorsey at \$7.25/hr., Patricia Jacobs at 7.25/hr., Counselors In Training Sarah Gibbs, Morgan Robare and Austin Martin at \$400.00 for the summer. Be it further resolved to recommend a full day program for the summer, and the program will be held at the Westport Central School.

- **GARAGE**-Notification of grant award has been received and a meeting has been scheduled for 6:00 PM May 27, at the Westport Town Hall prior to the 4<sup>th</sup> Tuesday Regular Town of Westport Board Meeting.

**OLD BUSINESS**

- **USDA SEWER RESOLUTION**-Closing on the \$100,000 Bond from Rural Development

**RESOLUTION # 113  
PRESCRIBING THE TERMS, FORM, CONTENTS AND OTHER MATTERS  
RELATING TO \$100,000 AGGREGATE PRINCIPAL AMOUNT SERIAL  
GENERAL OBLIGATION BONDS, SERIES 2008**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to authorize the Town of Westport to procure Bond Resolution pursuant to the following

**EXTRACTS FROM MINUTES OF MEETING  
OF THE TOWN BOARD OF THE TOWN OF WESTPORT**

***(SERIES 2008-RUS LOAN)***

At a regular meeting of the Town Board of the Town of Westport (the "Town"), located in the County of Essex, State of New York, held at the Town Hall, in Westport, New York, on May 13, 2008, at 7 o'clock, P.M. (Prevailing Time), there were:

PRESENT: Councilman Tyler, Councilman Sherman, Supervisor Connell

ABSENT: Councilman Smith Excused due to Illness

ALSO PRESENT: Brenda McCooey, Town Clerk; George Hainer, Building Codes/Zoning Officer; Gary Wilson, Attorney for the Town; Jerry Sherman, DPW Superintendent; James Herrmann; Dwight Anson; James Westover, Sr.; David Reckahn, Soil and Water Conservation.

Councilman Tyler submitted the following resolution and moved for its adoption. The motion was seconded by Councilman Sherman. The Town Board of the Town was polled. The resolution was adopted by a vote of three votes in the affirmative (being at least two-thirds of the voting strength of the Town Board of the Town) with zero negative votes, and one vote absent.

RESOLUTION DATED MAY 13, 2008, PRESCRIBING THE TERMS, FORM, CONTENTS AND OTHER MATTERS RELATING TO \$100,000 AGGREGATE PRINCIPAL AMOUNT SERIAL GENERAL OBLIGATION BONDS, SERIES 2008, OF THE TOWN OF WESTPORT, COUNTY OF ESSEX, STATE OF NEW YORK.

WHEREAS, the bond resolution hereinafter referred to, was duly adopted by the Town Board of the Town of Westport (the "Town"), a municipal corporation of the State of New York, located in the County of Essex, and is in full force and effect; and

WHEREAS, the Town Board of the Town desires to provide for the issuance of its serial bonds to finance the costs of the acquisition, construction and reconstruction of improvements to the wastewater collection and treatment system of the Town of Westport Sewer District No. 1 (the "Project") authorized by such bond resolution and the laws of the State of New York;

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

Section 1. Serial bonds of the Town shall be issued pursuant to a bond resolution entitled "BOND RESOLUTION, DATED MARCH 23, 2004, AUTHORIZING THE ISSUANCE OF \$3,871,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE TOWN OF WESTPORT, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF THE TOWN OF WESTPORT SEWER DISTRICT NO. 1", adopted by the Town Board of the Town on March 23, 2004 (the "Resolution"), a true and correct copy of which is attached hereto as Exhibit A.

Section 2. The serial bonds shall be issued pursuant to the Resolution and shall be designated "Town of Westport, New York Serial General Obligation Bonds, Series 2008" (the "Bonds"). The Bonds shall be dated the date of issuance thereof and shall bear interest from the date thereof at the rate of four and one hundred twenty-five thousandths per centum (4.25%) per annum, payable on September 1, 2008 and semiannually thereafter on March 1 and September 1, in each year until maturity. The Bonds shall mature and shall be payable serially in annual installments on September 1 in each of the years and corresponding principal amounts as follows: \$2,600 in each of the years 2008 to 2042,

inclusive, and \$3,000 in each of the years 2043 to 2045, inclusive. The Bonds shall consist of 38 bonds numbered 1 to 38, inclusive, numbered upward in the order of maturity.

Section 3. No serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, have been issued pursuant to the resolution except (i) the Bonds, (ii) the Town's \$244,000 Bond Anticipation Note, Series 2004A, dated May 13, 2005 (the "Note") and (iii) the Town's \$3,023,000 E.F.C. Municipal Water Pollution Control Facility Note - 2005 A, dated September 29, 2005 (the "EFC Note"), a portion of the proceeds of which were used to retire the Note.

Section 4. The proceeds of the Bonds shall be expended to redeem \$100,000 principal amount of the EFC Note.

Section 5. The Bonds are subject to redemption at the option of the Town, prior to maturity, in whole or in part, on any date, at a price of par plus interest accrued to the date of redemption. Notice of call for redemption shall be given by mailing such notice to the registered owner thereof not more than sixty (60) days not less than thirty (30) days prior to such date.

Section 6. The Bonds shall be issued in registered form as to both principal and interest, in the name of the United States of America, acting through Rural Utilities Service, United States Department of Agriculture, in Ithaca, New York, and shall not be convertible into coupon bonds or bonds registered to bearer. Each of the Bonds shall be executed on behalf of the Town by the manual signature of the Town Supervisor and the Town Clerk shall cause the seal of the Town to be impressed on each of the Bonds and shall attest such seal.

Section 7. The Bonds may be transferred provided that upon transfer of the Bonds in registered form, the transferor shall promptly notify the Town Clerk by registered mail of such transfer and the transferee shall surrender all Bonds to be transferred to it to the Town Clerk for transfer on the registration records of the Town. In each transfer of Bonds, the transferor shall hold harmless and indemnify the Town and its appropriate officers acting as transfer agent against their acts as such, except for gross negligence and willfulness in the exercise of such acts.

Section 8. Both principal of and interest on the Bonds shall be payable to the United States of America, acting through Rural Utilities Service, United States Department of Agriculture, at the Rural Development Office in Ithaca, New York, in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

Section 9. The faith and credit of the Town is hereby irrevocably pledged for the punctual payment of the principal of and interest on the Bonds as the same shall become due and payable.

Section 10. The Bonds shall be issued, sold and delivered in substantially the form presented to the Town Board of the Town this day, as contained in Exhibit B attached hereto, which form of bond is hereby approved and authorized.

Section 11. When the Bonds have been prepared and executed as hereinbefore prescribed, they shall be sold to the United States of America, acting through Rural Utilities Service, United States Department of Agriculture, in Ithaca, New York, at private sale pursuant to Section 57.00 of the Local Finance Law of the State. The Town Supervisor is

hereby authorized, pursuant to the powers delegated to him in the Resolution, to deliver the Bonds to the United States of America, acting through Rural Utilities Service, United States Department of Agriculture, in Ithaca, New York, upon payment in United States funds of \$100,000, the purchase price thereof. The Town Supervisor is further authorized to deliver to the United States of America, acting through Rural Utilities Service, United States Department of Agriculture, in Ithaca, New York, such closing documents as may be required and to take such action as may be necessary and appropriate in connection with the issuance, sale and delivery of the Bonds.

Section 12. This resolution may be amended by the Town Supervisor on behalf of the Town Board without further action by the Town Board of the Town.

Section 13. This resolution shall be effective immediately upon its adoption by the Town Board of the Town

- **WATER BOND PAYMENT**-Supervisor Connell supplied the Town Board with 2 exhibits for debt payment of \$1,856,871 on the water project-Net Level Debt Service-\$61,896 paid annually for 30 years or 50% Rule with annual payments increasing from \$49,517 and ending at \$74,275 in 30 years. These are both at no interest.

**RESOLUTION # 114**  
**WATER BOND PAYMENT**

On a motion by Councilman Sherman seconded by Councilman Tyler the following was approved on a roll call after discussion

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to use the 50% rule payment schedule for repayment of the \$1,856,871 on the water project.

- **ZONING**-Recommendations on the Land Use Law have been reviewed and the Town Board has agreed to start the formal process for instituting the amendments.
- **TELECOMMUNICATIONS LAW**-After discussion will be address when full Town Board will be present.

- **ADIRONDACK PARK REGIONAL ASSESSMENT MEETING**-Paperwork was filled out and sent out, meeting was very informational and a constitutional amendment has been proposed that would allow a land swab of up to 500 acres, with the NY State and other parties.
- **COMMUNITY DEVELOPMENT-"FUTURE OF WESTPORT"** Meeting scheduled for Thursday May 22, 2008 at 6:30 PM giving an opportunity for community members to identify where the Town's strengths and weaknesses are. A committee meeting is scheduled for May 29, 2008 at the Westport Town Hall to look into the community suggestions.
- **SEWER SYSTEM**-The Councilmen were supplied with a wastewater treatment facility daily flow chart, which showed, continued decreased flow except for April 30. The DPW crew is still working on finding infiltrate into the system.
- **REQUEST FROM TIM SHERMAN**-Will be addressed when full Town Board present.
- **MINING PERMIT**-Preliminary form for permit was sent in to meet the May 15<sup>th</sup> dead line, site will need to be surveyed and formal permit sent in.
- **EVAN GEORGE REQUEST**-Mr. George has received permission from landowner surrounding the "Old Schoolhouse" on Dudley Road to "spill over" if more room is needed for the wedding ceremony.

**RESOLUTION # 115  
WEDDING REQUEST**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to allow Evan George to hold his wedding ceremony at the "Old Schoolhouse" on Dudley Road during Memorial Weekend of 2009.

- **WADHAMS VOTING DISTRICT**-A meeting is scheduled for May 28, 2008 at 7:00 PM at the Wadhams Fire Station to seek comment on moving the Westport Voting District # 1(Wadhams) to the Westport Town Hall. Supervisor Connell will report back to the Town Board on the outcome of the meeting, after which a recommendation can be made for or against moving polling site.

**NEW BUSINESS**

- **GRANT ANNOUNCEMENT**-The Town has received notice the Town, Fire District, and School have been awarded \$579,600 grant form 2007-2008 Shared Municipal Service Incentives Program, for Westport Municipal Offices, Shared Department of Public Works, Fire District and School District Vehicle Maintenance,

Storage and Fueling Facility. A contract must be signed and a lead agency established.

- **LETTER OF RESIGNATION**-Town Clerk read Councilman McIntyre's letter of resignation. The Town has two options available for the open councilman seat-The Town Board could appoint a successor to fill the vacated councilman seat, with an election in November, which would fill the remaining year of term, or leave the seat vacant with an election in November which would fill the remainder of the term. If the Town Board opts to leave the position vacant, a possibility exists the Governor could appoint someone. Discussion followed. A decision will be made after Supervisor Connell contacts Councilman Smith to ascertain his availability to attend future Town Board Meetings.

**RESOLUTION # 116**  
**McINTYRE APPRECIATION**

On a motion by Supervisor Connell with a unanimous second the following was approved

**WHEREAS**, Donald L. McIntyre has been a very valuable asset to the communities of Westport and Wadhams, and the County of Essex, and

**WHEREAS**, Mr. McIntyre has been instrumental in serving people throughout the region and New York State by serving on many boards and committees including but not limited to PERMA Board of Directors and North County Community College Board of Directors, and

**WHEREAS**, Mr. McIntyre has served the communities of Westport and Wadhams and Essex County in local government commencing as a Village Trustee in 1962, and progressing to Village Mayor, Town Supervisor, County Board of Supervisors member and Chairman of the Board of Supervisors and presently serving as Town Councilman, and

**WHEREAS**, Mr. McIntyre, in his tenure in local government has been instrumental in procuring grants and services which have enhanced our community and county,

**THEREFORE BE IT RESOLVED**, the Westport Town Board accepts with regrets, Councilman McIntyre's resignation and extends along with the Citizens of Westport, their heartfelt appreciation and gratitude for all of Mr. McIntyre's years of dedicated service.

- **BEACH AND LIFEGUARD**-Short discussion on opening of Ballard Park Beach and staffing of Lifeguards. An advertisement will be placed in the newspaper and the Beach will not be open if 2 qualified lifeguards are not found.

- **SIDEWALKS**-Discussion followed on sidewalk replacement-Supervisor Connell suggests continue down Main Street (where the Town stopped last year) towards railroad overpass. No action taken at this time.
- **STATE SNOW AND ICE CONTRACT AMENDMENT**-Due to increased costs of fuel the Municipalities requested a revision to reflect the additional costs.

**RESOLUTION # 117  
AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW  
& ICE AGREEMENT**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved the Town of Westport authorizes Supervisor Connell to enter into an agreement with New York State Department of Transportation Amendment B of 2008/2009 Estimated Expenditure for Snow & Ice Agreement by \$1350.75.

- **FIRE COMMISSIONERS REQUEST**-Town Clerk read a request from the Fire Commissioners to have a page on the Westport web site to enable interested persons to inquire the district resources i.e. officers, personnel, equipment, facilities and commissioners. Discussion followed.

**RESOLUTION # 118  
WEB PAGE REQUEST**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to offer a link on the Westport Web page-with the understanding any cost incurred would be the responsibility of the Fire Commissioners.

- **TOWN CLERK REPORT**-Supervisor Connell is in receipt of the Town Clerk's April Monthly Report.
- **AUDIT**-Auditors are still present and will be for awhile longer.
- **BUDGET TRANSFER**

**RESOLUTION # 119  
BUDGET TRANSFER**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to make the following budget transfer

FROM		TO
A1990.4 Contingent	\$2000.00	A1610.4a Building Maintenance

**RESOLUTION # 120**  
**AUDIT OF BILLS**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to pay the bills as audited on Abstract 5A Voucher #'s 2008-290 to 2008-319 in the amount of \$ 28,264.08.

**DPW SUPERINTENDENT REPORT/REQUEST**-DPW Superintendent Sherman presented The Town Board with CHIPS agreement for 2008 which will pave Marks Road, Washington Street, Eagle Lane, Harris Lane and a portion of Ledge Hill Road, discussion followed on drainage problems on Marks Road, David Reckahn, Lenny Zelkowitz, Tony Lavigne and DPW Superintendent to look at prior to paving of Marks Road, Councilman Tyler would like to pave his parking lot at the same time as the road paving, legalities and cost will be researched. The DPW crew has been sweeping streets, hauling walstonite, ditching and grading roads, mowing lawns, spring cleaning, replaced the gearbox on the sidewalk tractor, the new dump truck has arrived, 130 tons of salt have been ordered, Lenny Zelkowitz will perform a survey of the gravel pit, infiltrate into the sewer system south of town is being addressed by homeowner, new pump station at the Marina has had to be taken apart and debris cleaned out several times-Supervisor Connell will notify violators, lack of pooper scooping after pets was discussed, a sign and bag holder will be purchased for the STP lawn, Town Clerk to send letter to SPCA regarding walking dogs and pooper scooping at the Boat Launch Site. Windshield was replaced in the pickup. 2 DPW employees are signed up for the confined space training.

**RESOLUTION # 121**  
**CHIPS AGREEMENT**

On a motion by Councilman Tyler seconded by Councilman Sherman the following was approved on a roll call

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved pursuant to Section 284 of Highway Law to accept the agreement to expend Highway Funds 2008/2009 CHIPS monies of \$78,155 to pave Marks Road, Washington Street, Eagle Lane, Harris Lane and a portion of Ledge Hill Road.

DPW Superintendent Sherman stated the increase in CHIPS monies is due in part to the lobbying done in Albany during advocacy day.

### **CORRESPONDENCE**

- **FRED KAPPER LETTER**-Town Clerk read letter submitted by Fred Kapper stating his displeasure with the Town assessor-The Town Board noted the letter was received, and stated the Town Board intends to evaluate the assessors performance.
- **ENRICHMENT CLASS REQUEST**-Class would like a tour of the Wastewater Treatment Plant. DPW Superintendent Sherman to address.

**SUPERVISOR COMMENTS**-Supervisor Connell stated a person has shown interest in leaves to use as compost, short discussion followed. Supervisor Connell to address.

**COUNCILMAN COMMENTS**-Councilman Sherman furnished the Town Board with information on web sites on nitrogen, phosphorus, and plow pan, a cell tower which will be disguised as a white pine has been okayed for Schroon Lake, Councilman Sherman was asked to look at the "Brush Dump" after visiting the transfer station on Saturday. He was dismayed to find a pile of boards there. DPW Superintendent Sherman stated that was a pre-existing pile and NYSDEC is aware of it. Councilman Sherman was approached by a neighbor whom was distressed by their neighbors collection of junk. Mr. Hainer has spoken with the neighbor that they need to clean up their property.

Town Clerk reported a shop owner is frustrated over a neighboring building occupant. Building Codes/Zoning Officer had addressed this problem earlier, and will have Town Attorney contact property owners attorney.

**PRIVILEGE OF THE FLOOR-JAMES WESTOVER, Mr.** Westover reported loggers have completely destroyed Mud Pond. Supervisor Connell stated Mr. Westover needed to contact NYSDEC, since this wasn't on Town Property.

**PRIVILEGE OF THE FLOOR-DWIGHT ANSON**-Mr. Anson inquired on the dates of the Future of Westport Meetings.

**RESOLUTION # 122**  
**ADJOURNMENT**

On a motion by Councilman Tyler with a unanimous second to adjourn at 9:24 PM.

Respectfully Submitted \_\_\_\_\_ Brenda McCooey/Town Clerk