

Minutes of the 4th Tuesday Regular Town Board Meeting October 28, 2008

The October 28, 2008 Regular 4th Tuesday Town Board Meeting was held at the Town Hall and was called to order by Supervisor Connell, following the Public Hearing on the 2009 Budget at 6:53 PM.

Members present: Supervisor Connell, Councilman Tyler, Councilman Paquette, and Councilman Sherman. Councilman Smith was excused.

Others Present: Betty White, Town Clerk; Jerrold Sherman, DPW Superintendent

RESOLUTION #222

MINUTES APPROVAL

On a motion by Councilman Tyler and seconded by Councilman Paquette, the following was approved on a roll call.

AYES 4 Connell, Tyler, Paquette, Sherman
NAYS 0

Discussion: Councilman Sherman questioned if the discussion of Lee Park was in the minutes; and Councilman Paquette asked how long we had to settle the beach situation created by the vandalism. Supervisor Connell said we had one year.

RESOLVED to approve the October 14, 2008 Regular 2nd Tuesday meeting minutes as presented.

RESOLUTION #223

MINUTES APPROVAL

On a motion by Councilman Paquette and seconded by Councilman Sherman, the following was approved on a roll call.

AYES 4 Connell, Tyler, Paquette, Sherman
NAYS 0

Discussion: Supervisor Connell questioned other board members as to whether or not Councilman Smith was present at the Oct. 17th meeting at the Merriam Forge site. All said that he was not.

RESOLVED to approve the October 17, 2008 Special Board meeting minutes on the condition that Councilman Smith's name be removed from members present.

RESOLUTION #224

APPROVAL OF MINUTES On a motion by Councilman Sherman and seconded by Councilman Tyler, the following was approved on a roll call.

AYES 4 Connell, Tyler, Paquette, Sherman
NAYS 0

RESOLVED to approve the October 14, 2008 Special Board meeting minutes as presented.

COMMITTEE REPORTS

- **GARAGE** - Supervisor Connell reported that the Committee has selected 6 firms to be interviewed. All have been heard from. 5 firms were notified that they had not been selected. All have been heard from. Interviews have been scheduled for 3 companies beginning at 4:00 PM on November 19; and the other 3 at 4:00 on November 20. There will be an hour interview, then 15 min break; repeat 2 more times, followed by a 30 minute discussion pertaining to the 3 firms interviewed. At a meeting last week, a basic set of questions was developed to ask each company. Company will be introduced by Supervisor Connell, then Gordon Decker of the Fire Company will ask the set of questions. This meeting is open to the Town Board. There has been no word from NYS regarding the money from the grant.
- **YOUTH COMMISSION** – Will meet again on Monday. Soccer wrapped up with a tournament at Camp Dudley, which was very well done. Ski swap occurred on Oct. 18. Jeff Schwoebel and Supervisor Connell will be working on a better way to disperse the sales money to the persons bringing equipment in to swap/sell.

7:02 Sandra and John Goodroe arrived

7:03 George Hainer arrived

NEW BUSINESS

- **REQUEST FROM CHARLES CERF** – Clerk was asked to read to the assembly a letter received from Charles Cerf regarding the charge for 16 units on his water/sewer bill. The Goodroe's are caretakers for the Cerfs. Supervisor Connell referred to the Town Sewer Ordinance, which reflects that the Town charges per unit. This ordinance was adopted from the work of a Citizen's Advisory Committee, chaired by Russell Paquette from 2002-2004. Sandy Goodroe had earlier pointed out that one of the 16 buildings on the Cerf property had no sewer hook-up. Total units has already been dropped from 16 to 15. John Goodroe explained how and when the cabins are occupied; and that the water to all of the cabins was turned off shortly after Labor Day. Supervisor Connell stated that only the Town Water/Sewer Employees are to be turning on/off meters, and Mr. Goodroe agreed that from now on, he will notify the Town when meters are to be turned on and off. There was discussion comparing the Cerf property with other businesses in town, and how they are charged for water/sewer.

RESOLUTION # 225

CERF WATER/SEWER CHARGES

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

AYES	4	Connell, Tyler, Paquette, Sherman
NAYS	0	

Resolution #225 cont'd

RESOLVED to classify Cerf cabins as category 8 in the sewer ordinance, which is 2 full units plus ¼ for each of the non-permanent residential sites that have a sewer hook-up. Total 5.5 units on a year round basis. Windward is a separate account.

The Goodroe's will explain the decision to Mr. Cerf and Supervisor Connell will follow-up with a letter. The Goodroe's thanked Supervisor Connell and the Town Board.

OLD BUSINESS cont'd

- **FUTURE OF WESTPORT** - The annual Chamber of Commerce meeting was cancelled due to the fire at The Westport Hotel. It is possible that it will be rescheduled in about 2 weeks if the big dining room is back in use.
- **UNION CONTRACT** - Supervisor Connell has spoken with Union Negotiator Paul Engle. Mr. Engle has sent the contract to the Shop Steward, Thad Tryon.
- **WADHAMS WATER BONDING RESOLUTION** – the Land Bank has been contacted asking it to forgive paybacks on the Brant Property. If this is not achieved, the Town will take the property by Eminent Domain. License Agreement between the Town and the Brants has been drawn, which will allow the Town to drill before purchasing the land. Bids on drilling will be opened at the next Town Board Meeting which will be on Wednesday, November 12 due to the fact that the 2nd Tuesday in November falls on Veterans Day. [The clerk will place a notice in the newspaper indicating change of meeting date]. A letter from Orrick explains a serial bond (Bond Anticipation Note..BAN) which will allow the Town to borrow up to \$250,000. This should get us through the necessary initial processes. Then a SEQRA analysis will be completed. Then an application will be put in to EFC for funds.

RESOLUTION #226

PLANNING FOR WADHAMS WATER DISTRICT NO. 3 - \$250,000 BONDS

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

AYES	4	Connell, Tyler, Paquette, Sherman
NAYS	0	

A RESOLUTION AUTHORIZING PLANNING AND OTHER PRELIMINARY EXPENSES IN CONNECTION WITH WADHAMS WATER DISTRICT No. 3 IN AND FOR THE TOWN OF WESTPORT, ESSEX COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$250,000 AND AUTHORIZING THE ISSUANCE OF \$250,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF. WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been preformed, NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Westport, Essex County, New York, as follows:

Section 1. Planning and other preliminary expenses in connection with a new water supply for Wadhams Water District No. 3, in and for the town of Westport, Essex County, New York, including incidental expenses in connection therewith, are hereby authorized at a maximum estimated cost of \$250,000.

Section 2. The plan for the financing of the aforesaid specific object or purpose is by the issuance of \$250,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the aforesaid specific object or purpose constitutes a Type II action as defined under the regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act ("SEQRA") which, as provided therein, will not have a significant adverse impact upon the environment. Upon completion of the preliminary planning phase, a complete SEQRA analysis will be completed.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62(2nd) 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 not exceed five years.**

Section 5. 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 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. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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, forms 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 8. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object(s) or purpose(s) for which said Town is not authorized to expend money, or

POSTING: Doors of Westport Town Hall, October 15, 2008

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
the Issuer this 29th day of October, 2008

(CORPORATE SEAL)

Town Clerk

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on October 28, 2008, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Westport, Essex County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Westport, New York
October, 29, 2008

Town Clerk

BOND RESOLUTION DATED OCTOBER 28, 2008.

A RESOLUTION AUTHORIZING PLANNING AND OTHER PRELIMINARY EXPENSES IN CONNECTION WITH WADHAMS WATER DISTRICT NO. 3 IN AND FOR THE TOWN OF WESTPORT, ESSEX COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$250,000 AND AUTHORIZING THE ISSUANCE OF \$250,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

Specific object or purpose: Planning expenses for a new water supply for
Wadhams Water District No. 3

Period of probable usefulness: 5 years

Amount of obligations to be issued: \$250,000 serial bonds

SEQUA: Type II Action

- **PART TIME/FULL TIME** – on hold pending Councilman Smith’s return and the results of his research.
- **MERRIAM FORGE ROAD** – APA telling Supervisor Connell to apply for a variance. The Town of Westport will NOT be applying for a variance because nowhere is a road described as a structure. A variance is needed for moving a structure, but no variance has ever been needed for moving a road. Supervisor Connell has had contacts with Fred Monroe and Teresa Sayward. The Valley News published an article on the Red Tape the town has encountered while trying to repair this road. Councilman Paquette suggested that we make this end of the Merriam Road one lane, by blocking damaged lane with Jersey Barriers before someone is injured or killed at this site. DPW Superintendent Sherman will research how many would be needed and if we can rent or borrow some from the Fair Association or the County.
- **TEAMSTERS HEALTH INSURANCE** – tabled

MORE NEW BUSINESS:

RESOLUTION #227

2009 BUDGET ADOPTION

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

AYES	4	Connell, Tyler, Paquette, Sherman
NAYS	0	

RESOLVED to adopt the Town of Westport 2009 Final Budget in the amounts of \$816,641 in the General fund and \$602,816.55 in the Highway fund. And further resolve that water rates in Water District Three (Wadhams District) will be increased by \$10 per quarter.

RESOLUTION #228

BUDGET TRANSFERS

On a motion by Councilman Tyler and Councilman Paquette the following was approved on a roll call.

AYES	4	Connell, Tyler, Paquette, Sherman
NAYS	0	

RESOLVED to make transfers in:

WATER ONE APPROPRIATIONS

AMOUNT	FROM	TO
\$6,000	SW1 9710.6A Serial bond Principal	SW1 8340.4a Engineering

GENERAL APPROPRIATIONS

\$3,000	a1990.4 Contingent	A1620.4a Building Maint.
\$14,292.68	A5410.1 Sidewalk Imp. Labor	A5410.4 Sidewalk Imp. Materials
\$1,000	A 1990.4 Contingent	A8160.1 Shuttle Station Wages

SEWER ONE APPROPRIATIONS

\$2,500 SS1 8130.4a Engineering	SS1 8120.4 Operating Exp.
\$3,000 SS1 8130.4a Engineering	SS1 8130.4 Roto Rooter

WATER THREE APPROPRIATIONS

\$200 SW3 1990.4 Contingent	SW3 8310.1b Assistant Wages
\$400 SW3 1990.4 Contingent	SW3 8310.4a Engineering

**RESOLUTION #229
AUDIT OF BILLS**

On a motion by Councilman Tyler and seconded by Councilman Paquette, the following was approved on a roll call.

AYES	4	Connell, Tyler, Paquette, Sherman
NAYS	0	

RESOLVED to approve the bills as audited on Abstract 10B, Voucher #2008-634 through #2008-662 in the amount of \$48,120.63.

DPW SUPERINTENDENT REPORT AND REQUEST – Some workers on vacation because of hunting season, crew has finished hauling and stockpiling road sand, the winter firewood is done and stacked with help from Moriah Shock. The crew has been grading and patching roads, the water line on Ledge Hill has been done and cleaned up. The old Brass Lab building and the Beach House have been readied for winter. Culverts have been cleaned up. Plow equipment has been put on some trucks. The limb on the power lines at Mountain Spring Road is still waiting for National Grid. Twenty tons of salt has been ordered, as well as 4 new tires for Superintendent’s pick up. Culvert pipe has been ordered. Superintendent is working on pricing a York rake. He requested approval to buy 10-12 loads of sand that will be piled separately from the salted road sand to be used for bedding pipes. That request was approved. He also reported leaks in the new roof at the Sewer Plant. Supervisor Connell will call Bernier and Carr regarding Carlyle Roofing fixing this problem.

SUPERVISOR’S COMMENTS – none

COUNCILMEN’S COMMENTS – Councilman Sherman reported that the Blue Ribbon Committee got a preliminary reply from the APA with essentially a “NO” on all proposals submitted, except for Wadhams. Supervisor Connell called to set up a meeting in Raybrook with J. Conley when George King returns from Germany to discuss proposals.

Building and Codes Office George Hainer reported that Verizon has made application to put a cell tower on the Boyle Road. T-Mobile is beginning construction on the 10 ft. extension to Hilltop Motel Tower.

DPW Superintendent Sherman stated that a 60 foot culvert will be put in for the Industrial Park Driveway.

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RESOLUTION #230
ADJOURNMENT

On a motion by Councilman Tyler and a unanimous second the meeting was adjourned at
8:35

Respectfully submitted _____ Betty White, Town Clerk