

**Minutes of the 4<sup>th</sup> Tuesday Regular Westport Town Board Meeting November 25, 2008**

The November 25, 2008 Regular 4<sup>th</sup> Tuesday Town Board Meeting was held at the Town Hall and was called to order by Supervisor Connell at 7:00 p.m.

The assembly was led in the Flag salute.

Members present on a roll call were: Supervisor Daniel Connell, Councilmen Tyler, Paquette, Sherman and Smith

Others present: Sheila Borden, Deputy Town Clerk, DPW Superintendent Jerrold Sherman, and Zoning & Codes Officer George Hainer

**RESOLUTION #243  
MINUTES APPROVAL**

Motion was made by Councilman Tyler and seconded by Councilman Smith to approve the minutes of the November 12, 2008 Town Board Meeting.

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

**RESOLUTION #244  
MINUTES APPROVAL**

Motion was made by Councilman Tyler and seconded by Councilman Sherman to approve the minutes of the November 19, 2008 Special Town Board Meeting.

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

**NEXT MONTHLY MEETING**

The next regular monthly meeting will be held on 12/10/2008 and a notice will be sent to the paper.

**PUBLIC COMMENTS** - none

**COMMITTEE REPORT**

**RESOLUTION #245**

- **GARAGE** – Motion was made by Councilman Tyler and seconded by Councilman Paquette to accept the Committee's recommendation that will be presented at the next meeting on 12/2/2008 on hiring an engineer and continue to move forward.

5 Ayes Tyler, Paquette, Sherman, Smith, Connell

**RESOLVED** to accept the Garage Committee's recommendation on hiring an engineer.

**Minutes of the 4<sup>th</sup> Tuesday Regular Town Board Meeting November 25, 2008**

Page 2

- **YOUTH COMMISSION** – Councilman Sherman reported that there is a meeting on Monday 12/1/08.

**OLD BUSINESS**

- **FUTURE OF WESTPORT** – The next meeting will be held on 12/1/2008 at Westport Central School from 6:00-7:30.
- **UNION CONTRACT** – The contract has been retyped and will be ready for the next meeting.
- **WADHAMS WATER DRILLING FUNDING** – Supervisor Connell informed the Board of interest rates being charged by some financial institutions for a Bond Anticipation Note for the project. He also stated that to save on interest and bond counsel fees that funds could be moved from the unappropriated fund balance in Water District #1 and then paid back by the end of the year. This could be done by a board resolution, which he would present at the January meeting.
- **MERRIAM FORGE ROAD RESOLUTION FOR LAND ACQUISITION** –

**RESOLUTION #246  
LAND ACQUISITION**

Councilman Smith moved to accept the resolution for the acquisition of lands required for the reconstruction of a portion of Merriam Forge Road seconded by Councilman Sherman

Ayes 5            Tyler, Paquette, Sherman, Smith, Connell

**RESOLVED** to accept the resolution for the acquisition of lands required for the reconstruction of a portion of Merriam Forge Road.

**THIS INDENTURE**, made the            day of            in the year  
**BETWEEN**

**TOWN OF WESTPORT**, a Municipal Corporation with offices at 22 Champlain Ave.,  
P.O. Box 465, Westport, New York 12993

party of the first part, and

**DAVID M. GOLDWASSER and RACHEL A. HUNTER**, residing at \_\_\_\_\_

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby remise, release

**Minutes of the 4<sup>th</sup> Tuesday Regular Town Board Meeting November 25, 2008**

Page 3

and quitclaim unto the party of the part, the heirs or successors and assigns of the party of the second part forever,

All that piece or parcel of property situate in the Town of Westport, County of Essex, State of New York hereinafter designated as Parcel No. 3, as shown on a map entitled "Map Showing Conveyances for the Reconstruction of a Portion of Merriam Forge Road" dated September 15, 2008, [Insert filing information for map] prepared by David F. Barrass, Land Surveyor, and being bounded and described as follows:

PARCEL NO. 3

Beginning at a point at the intersection of the old westerly boundary of Merriam Forge Road (also known as River Road) with the northerly boundary of Morrisons Road, said point being 269.43 feet distant northwesterly measured at right angles from station 12+71.45 of the hereinafter described survey baseline for the reconstruction of a portion of Merriam Forge Road, and running thence northerly along said old westerly boundary of Merriam Forge Road the following seven (7) courses and distances: 1) North 86° 54' 21" East 46.77 feet to a point; 2) North 75° 38' 21" East 32.86 feet to a point; 3) North 55° 25' 21" East 79.12 feet to a point; 4) along a curve to the left having a radius of 242.00 feet an arc distance of 149.60 feet (chord North 37° 42' 46" East 147.23 feet) to a point; 5) along a curve to the right having a radius of 1283.00 feet an arc distance of 220.68 feet (chord North 24° 55' 50" East 220.41 feet) to a point; 6) along a curve to the right having a radius of 533.00 feet an arc distance of 282.93 feet (chord North 45° 03' 55" East 279.62 feet) to a point; and 7) North 60° 16' 21" East 19.51 feet to a point in the new westerly boundary of Merriam Forge Road, said point being 20.61 feet distant northwesterly measured at right angles from station 20+09.30 of said baseline; thence southerly along the said new westerly boundary of Merriam Forge Road the following three (3) courses and distances: 1) along a non tangent curve to the left having a radius of 483.00 feet an arc distance of 345.57 feet (chord South 34° 29' 28" West 338.25) feet to a point 47.77 feet distant northwesterly measured at right angles from station 16+75.85 of said baseline; 2) South 13° 59' 40" West 45.00 feet to a point 42.56 feet distant northwesterly measured at right angles from station 16+31.15 of said baseline; and 3) along a curve to the right having a radius of 417.00 feet an arc distance of 7.54 feet (chord South 14° 30' 46" West 7.54 feet) to a point in the old westerly boundary of Merriam Forge Road, said point being 41.76 feet distant northwesterly measured at right angles from station 16+23.65 of said baseline; thence southerly along the old westerly boundary of Merriam Forge Road the following two (2) courses and distances: 1) along a curve to the left having a radius of 1217.00 feet an arc distance of 108.16 feet (chord South 22° 32' 57" West 108.12 feet) to a point; and 2) along a curve to the right having a radius of 308.00 feet an arc distance of 0.75 feet (chord South 20° 04' 23" West 0.75 feet) to a point in the new westerly boundary of Merriam Forge Road, said point being 45.35 feet distant northwesterly measured at right angles from station 15+14.84 of said baseline; thence southerly along the said new westerly boundary of Merriam Forge Road

the following two (2) courses and distances: 1) along a curve to the right having a radius of 417.00 feet an arc distance of 338.79 feet (chord South 53° 18' 30" West 329.55 feet) to a point; and 2) South 76° 34' 59" West 20.49 feet to a point in the first mentioned northerly boundary of Morrisons Road; thence North 12° 04' 39" West along the said northerly boundary of Morrisons Road 54.10 feet to the point of beginning, containing 0.835 acre of land, being the same more or less.

Being a portion of the right of way for Merriam Forge Road (also known as River Road).

The above mentioned survey baseline is the 2008 baseline for the reconstruction of a portion of Merriam Forge Road (River Road), as shown on a map entitled "Map Showing Conveyances for the Reconstruction of a Portion of Merriam Forge Road" and described as follows:

Beginning at station 10+00; thence North 20° 38' 31" East to station 19+39.45; thence North 64° 11' 46" East to station 22+56.69.

All bearings referred to Magnetic North as the needle pointed April 2008.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

\_\_\_\_\_

THE TOWN OF WESTPORT

BY \_\_\_\_\_

DANIEL W. CONNELL,  
TOWN SUPERVISOR

**ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE**

State of New York County of Essex , ss:

On the day of , in the year 20 , before me the undersigned, personally appeared Daniel W. Connell, Supervisor of the Town of Westport personally known to me or proved to me on the basis of satisfactory evidence, to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that (he) (she) (they) executed the same in (his) (her) (their) capacity(ies), and that by (his) (her)

(their) signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

—

\_\_\_\_\_  
Notary Public

- **GORDON OIL** – Discussion on letter from Gordon Oil regarding the purchase of fuel. No action taken.

**NEW BUSINESS**

- **GENERAL COMPOSITES** – The clerk was asked to read a letter from the Office of Community Renewal regarding the General Composites Grant Agreement.
- **LEE PARK VANDALISM** – Letters of apology were received from two of the youth involved in the vandalism in Lee Park. The Town Board working with the State Police offered the consideration of community service in lieu of criminal charges if the individuals involved admitted to what they had done. After the initial investigation by the State Police further information was provided to the Town Board that at least two of the individuals involved did not tell the truth to the State Police. Because of this the Town Board has turned the entire matter over to the State Police and the Judicial System.
- **DEC SPLIT ROCK MOUNTAIN PARCEL** – Letter dated 11/12/08 received from the NYS Department of Environmental Conservation regarding purchasing a parcel of land on the east side of the Lake Shore Road, Town of Westport.

**RESOLUTION #247  
DEC SPLIT ROCK MOUNTAIN PARCEL**

Motion made by Councilman Tyler and seconded by Councilman Smith to send no response to the letter.

Roll call vote                      4 AYES-Tyler, Paquette, Smith, Connell    1-Nay  
Sherman

**RESOLVED** to send no response to the letter from DEC.

- **ASSESSOR LETTER** – Tabled. Will be reviewed at next meeting.

**RESOLUTION #248  
AUDIT OF BILLS**

On a motion made by Councilman Tyler and a second by Councilman Smith the following was approved on a roll call:

AYES – 5 Tyler, Paquette, Sherman, Smith, Connell

**RESOLVED** to approve the bills as audited on Abstract 11B, Voucher #2008-691 to Voucher #2008-717 in the amount of \$71,088.86.

**DPW SUPERINTENDENT REPORT AND REQUESTS** – Superintendent Sherman requested permission to have sewer pump from District #3 rebuilt for \$2,329.00.

**RESOLUTION #249  
SEWER PUMP REPAIRS**

On a motion by Councilman Tyler and a second by Councilman Smith the following was approved on a roll call:

AYES – 5 Tyler, Paquette, Sherman, Smith, Connell

**RESOLVED** that Superintendent Sherman have repairs made to the sewer pump.

Superintendent Sherman reported that machinery repairs are ongoing. They are also working on the road to the water tower, water hookups, storm drain and a water leak. He also requested the installation of the parking ban for the winter months.

**RESOLUTION #250  
PARKING BAN**

Councilman Smith moved with a second by Councilman Tyler the following was approved on a roll call:

Ayes – 5 Tyler, Paquette, Sherman, Smith, Connell

**RESOLVED** that effective immediately a parking ban for snow removal in the Town of Westport is established through April 15, 2009.

**SUPERVISOR COMMENTS**

Supervisor Connell mentioned that George Hainer had spoken with Brian Grisi from the APA about the zoning amendment updates for the hamlet and this will be brought forward at the next board meeting.

Zoning was discussed in relationship to the sale of the Hamilton Funeral Home. The next step for the purchaser is to apply to the Zoning Board of Appeals for approval.

**RESOLUTION # 251  
ADJOURNMENT**

Motion to adjourn by Councilman Tyler, second by Councilman Paquette at 8:40 p.m. Unanimously carried.

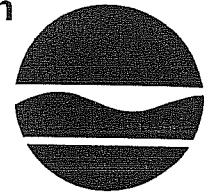
Respectfully submitted \_\_\_\_\_ Sheila Borden,  
Deputy Town Clerk

**New York State Department of Environmental Conservation  
Regional Director, Region 5**

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1211 • FAX: (518) 897-1394

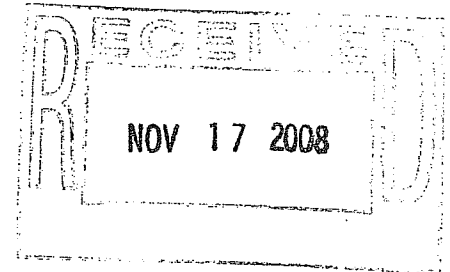
Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Alexander B. Grannis  
Commissioner

Certified Mail #7002 2410 0003 8505 0151  
Return Receipt Requested

November 12, 2008



Mr. Daniel W. Connell, Supervisor  
Town of Westport  
22 Champlain Avenue  
PO Box 465  
Westport, NY 12993

Dear Supervisor Connell:

In December of 2007, I wrote to you concerning the New York State Department of Environmental Conservation's (Department) interest in purchasing a parcel of land in the Town of Westport. The parcel is owned by the Open Space Conservancy Inc., and is located on the east side of the Lake Shore Road. Acquisition of this parcel will enhance the access to the Split Rock Mountain Wild Forest.

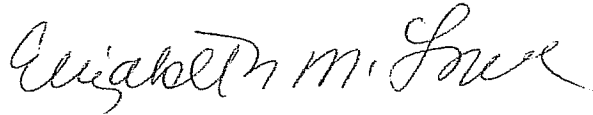
In January of 2008 you wrote to me to inform me that the Town Board of the Town of Westport voted to oppose the Department's purchase of this parcel of land. You informed me that: "The Town Board is opposed to the purchase of any lands in our Town by the State of New York until the issue of payment of property taxes by the State on these lands is settled." I am happy to let you know that the courts have dismissed the Dillenberg Lawsuit. The State of New York has paid property taxes on its lands in the Adirondack Park since 1885 and in light of the recent court decision will continue to do so in the future.

New York State's Open Space Plan recommends that the Department of Environmental Conservation communicate with local governments whenever a transfer of open space property to the People of the State of New York is proposed. Since this offering is in the Town of Westport, we want to keep you informed of this action as contemplated by this Department. I am asking you and the Town Board to kindly reconsider your decision to oppose the State purchase of this parcel. If the Town resolves to continue to oppose this acquisition, please share this letter with your Town Board and respond to this letter within 90 days of receipt.

If, after reviewing this letter you have any questions, please contact me or Regional Forester Thomas Martin.

Thank you for your reconsideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth M. Lowe". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

Elizabeth M. Lowe  
Regional Director - Region 5

EML/TDM/cmt

pc: F. Sheehan  
T. Martin  
M. Grove