

**MINUTES OF THE FOURTH TUESDAY WESTPORT TOWN BOARD MEETING
MAY 25, 2010**

The meeting was called to order by Supervisor Connell 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
Supervisor Connell

Others present:

Sheila Borden, Town Clerk
George Hainer, Zoning & Codes Officer
Elizabeth Lee, Youth Commission Director
James Herrmann, Dan Linder, Bruce Ware

**RESOLUTION #113
APPROVAL OF MINUTES**

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 approve the minutes of the May 11, 2010 Town Board meeting as received.

PUBLIC COMMENT

COMMITTEE REPORTS

YOUTH COMMISSION – Elizabeth Lee reviewed portions of a written report she presented to the Board on staffing and wages for the summer program. She will provide Supervisor Connell with documentation for his files showing that the Town of Westport is exempt from the minimum wage per Federal and State law for summer program employees.

Ms. Lee did state that an individual who had previously been hired as a Counselor would have to be a counCIT. Supervisor Connell stated this does need Board action.

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**RESOLUTION #114
CHANGE IN SUMMER COUNSELOR POSITION**

On a motion by Councilman Tyler seconded by Councilman Sherman and approved on a roll call vote after discussion at which time Supervisor Connell stated he must remain consistent in his opinion to vote no in this matter.

3 Ayes	Tyler, Paquette, Sherman
1 Nay	Connell

RESOLVED to hire Dorie Souris as a Counselor in Training instead of a Counselor for the summer program since she did not meet the qualifications.

Director Lee reported that the baseball program had started. There were 27 in the t-ball program and 17 in the majors. The hiking program was going great with two to ten children participating. They participated in a 16 ½ mile bike ride on Sunday and there was one accident. One girl did have an accident, but they took care of the bruises and a report was filled out.

She asked if a lifeguard had been hired for Ballard Park. She also wanted to inform the Board that the Commission had filed for a Honeybee Grant to help with bus driving costs and have received a grant in the amount of \$280.00.

The next Youth Commission meeting will be June 7th at 7:00 p.m. and they are always looking for volunteers.

Supervisor Connell commended Elizabeth Lee on her organization and the work she has been putting into the program.

There were two concerns however that he brought to the attention of the Board. One that it is the Board's responsibility to oversee all expenses and when they met with the Insurance Agent he found that there was no coverage on the Fair Labor Standards Act. He just wanted the Board to be aware of that.

Supervisor Connell further stated that when any town department is filing for a grant they need to come to the Board first to get authorization to do so. Then if the grant is approved it is necessary to pass a resolution amending the budget appropriations and revenues.

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**RESOLUTION #115
HONEYBEE GRANT ACCEPTANCE**

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 Honeybee Grant in the amount of \$280 to cover the cost of some of the bus driver expenses for the summer program.

WESTPORT MUNICIPAL CENTER – A committee meeting has been called for June 2nd at 6:30 p.m. to see if there is anything that the committee wishes to do before or for the vote.

Sheila reported that the notice of the election would be in the paper next week. The absentee ballots will be available from her starting June 1st and must be returned to her by 5:00 p.m. on June 15, 2010 to be able to be counted. Those eligible to vote must be a registered voter in Essex County by May 16, 2010.

OLD BUSINESS

WADHAMS WATER – The bids have been received, opened and need to be awarded. The Town Clerk read the letter from AES Northeast recommending the bids be awarded to the low bidders for the general contractor, mechanical and electrical.

**RESOLUTION #116
AWARD OF BIDS WESTPORT WATER DISTRICT #3**

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to accept the engineer's recommendation of the lowest bidders on the Westport Water District #3 project as follows:

General Contractor – Steven E. Fuller Excavating, Inc.	\$596,721	
Mechanical – John V. Warren, Inc.	\$315,000	
Electrical-Mountain Lake Electrical, Inc.	\$98,450	= \$1,010,171.

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**RESOLUTION #117
ACCEPTANCE OF DEED AND EASEMENTS WATER DISTRICT #3**

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

WHEREAS, the Town of Westport and Westport Water District No. 3 have determined that it is in the best interests of the Town and the Water District for the installation of a new ground water source and storage for the Water District in the Hamlet of Wadhams.

WHEREAS, the plans designated by AES Northeast require the obtaining of certain easements over the lands of Linda Bigelow, Brandon and Evelyn Brant, and Matthew Foley and Suzanne E. Becker for the implementation of the project. The said easements are to be granted without consideration.

WHEREAS, the plans designated by AES Northeast require obtaining fee title to a parcel of approximately 1.847 acres to a parcel owned by Evelyn and Brandon Brant for the installation of the ground water source and whereas it is agreed that the consideration for said project should be \$1,000. per acre.

WHEREAS, said easements and fee conveyance have been offered by the above reference property owners.

WHEREAS, the Town Board of the Town of Westport is desirous of accepting the offered easements and fee conveyance and finds the consideration offered above to be fair and reasonable for the value of the conveyances.

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Westport in regular session duly convened that the Town agrees to accept the fee title and easement and pay the consideration set forth above upon approval of the same by the Attorney for the Town and upon said approval to direct the Town Clerk to record the same at the expense of the Town in the Essex County Clerk's Office.

AMENDMENT #4 AES NORTHEAST – Request for modification to agreement. No action taken. The Town Board requested the Supervisor receive additional information.

HAMLET EXPANSION – nothing further at this time.

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AMTRAK FOLLOW UP – The architect has sent a picture of the building to George Hainer that they plan to put up. This would be a temporary building.

ADIRONDACK PARK REVIEW BOARD REQUEST – Tabled from last meeting. Councilman Sherman made a motion to support them with their request for \$250.00. No second received.

ADIRONDACK ASSOCIATION TOWNS AND VILLAGES DUES – Councilman Sherman made a motion to pay the dues of \$450.00. No second received.

NEW BUSINESS

**RESOLUTION #118
WESTPORT LANDFILL TESTING CONTRACT**

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

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to authorize the Town Supervisor to enter into a Professional Services Agreement for the Post Closure Monitoring Services at the Town of Westport Landfill with Adirondack Landfill Services, LLC in the amount of \$2,575.00.

**RESOLUTION #119
REQUEST TO ATTEND MEETING – TOWN CLERK**

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 Town Clerk to attend the Clinton-Essex-Franklin Town Clerks Association meeting in Plattsburgh on June 8th, 2010.

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**RESOLUTION #120
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 approve the payment of bills on Abstract 5B on Vouchers 2010-249 through Vouchers 2010-265 in the amount of \$22,255.83.

BEACH PERMIT – We are in receipt of the Ballard Park Beach Permit from the NYS Department of Health effective July 5, 2010.

**RESOLUTION #121
HIRING LIFEGUARD BALLARD PARK**

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 hire Zoe Saulsgiver as a Senior Lifeguard at \$10.50 an hour at Ballard Park.

**RESOLUTION #122
AMEND BALLARD PARK BEACH OPENING DAY**

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

RESOLVED to make a request of the NYS Department of Health to amend the permit to open the Ballard Park beach on June 28th, 2010.

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ESSEX COUNTY PURCHASE OF LAND IN TOWN OF WESTPORT

RESOLUTION #123

TOWN OF WESTPORT OPPOSES ESSEX COUNTY LAND PURCHASE

On a motion by Councilman Tyler with a unanimous second the following resolution was approved.

WHEREAS, the Town of Westport is aware that there may be interest by the County of Essex in purchasing the property in the Town known as the former NYS Police Barracks, and

WHEREAS, if this were to proceed and the County did purchase this property it would become a parcel of Tax Exempt property, and

WHEREAS, the Town of Westport at the present time has \$28,542, 712 of Tax exempt property, and

WHEREAS, this property has an assessed value of \$257,500 and

WHEREAS, the purchase of this property by the County would result in an increase in the tax burden on the residents of both the Town of Westport and the residents of the County of Essex, and

WHEREAS, this property is a prime site for future commercial and/or business development,

NOW THEREFORE BE IT RESOLVED, that The Town Board of the Town of Westport on a unanimous vote is requesting that the County of Essex refrain from any further consideration of purchasing this property.

SUPPORT FOR RETENTION OF CORNELL COOPERATIVE EXTENSION

RESOLUTION #124

CORNELL COOPERATIVE EXTENSION SUPPORT

On a motion by Councilman Tyler seconded by Councilman Sherman and approved on a roll call vote after discussion.

4 Ayes Tyler, Paquette, Sherman, Connell
0 Nays

RESOLVED to approve the resolution as follows:

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WHEREAS, Cornell Cooperative Extension-Essex County, housed in the Cornell Cooperative Extension Building at the Essex County Fairgrounds in Westport, employs as many as 19 people, is one of the largest employers in the town, whose presence is economically beneficial to the town; and

WHEREAS, the Cornell Cooperative Extension Building is in need of renovation in order to provide handicapped access, improve energy efficiency, improve the suitability of the building for its main uses of providing office and meeting space, and preserve the building; and

WHEREAS, the Cornell Cooperative Extension Building is an historic building included in the National Register Historic District of the Essex County Fairgrounds, which contributes to the character and charm of Westport and is an asset to the community;

NOW THEREFORE BE IT RESOLVED that the Town of Westport strongly supports the continued location of the Cornell Cooperative Extension-Essex County staff in Westport at their present location and the preservation of the 19 jobs it provides, and

BE IT FURTHER RESOLVED that the Town of Westport strongly supports renovation of the Cornell Cooperative Extension Building in order to provide a safe, efficient, and legally compliant work and meeting place, and in order to preserve this important historic resource in the Town of Westport.

DPW SUPERINTENDENT REQUEST – 284 Agreement Update

Discussion took place on what roads needed improvements made to. Sisco Street, Dudley Road, Old Arsenal Road, Sherman Road. Councilman Paquette stated Sisco Street with the use it receives especially by school vehicles should be repaired. No action taken.

SUPERVISOR'S COMMENTS

A communication has been received from our Area Forester, Thomas Gilman, stating the timber market has stabilized. He plans to start marking this summer to bid this fall and harvest in the coming winter.

We are in receipt of a letter from the law office of James Brooks who is representing Thomas Lonergan. He has requested an opportunity to appear before the Board and has been invited to come to a board meeting.

A letter of confirmation was received from Orrick, Herrington & Sutcliffe that they did receive the Bond Resolution on the Town Municipal Center.

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COUNCILMAN'S COMMENTS

Councilman Tyler stated that the bridge at the sewer plant has been refurbished and looks good.

TOWN CLERK – read a letter of Commendation for Lyle Fielder

**RESOLUTION #125
COMMENDATION LYLE FIELDER**

On a motion by Councilman Tyler with a unanimous second the following resolution of commendation was approved.

COMMENDATION – LYLE FIELDER

WHEREAS on May 15, 2010 Lyle Fielder while traveling south along Route 9N & 22 out of Westport, NY with family members past the residence of Irwin and Bertha Borden's in the late afternoon noticed a questionable fire near the back corner of their home.

WHEREAS Lyle Fielder being a concerned and conscientious individual had his wife stop the vehicle, turn around, return to the home and check the situation out.

WHEREAS Lyle Fielder having been a member of the Westport Fire Department since 1995 has been trained to be alert to such things and to know how to react in emergency situations in a calm professional manner.

WHEREAS Lyle Fielder when returning to the Borden home took control of the situation by having others present call for additional manpower and apparatus and then began smothering the fire with what he had available.

THEREFORE BE IT RESOLVED that the Town of Westport recognizes Lyle Fielder for his conscientious efforts and willingness to serve as one of our local volunteer fireman.

FURTHERMORE let this resolution serve as a public Thank You to Lyle Fielder from the Town of Westport to someone who has unselfishly looked out for his fellow man and a sincere Thank You from the entire Borden Family.

PUBLIC COMMENT

Bruce Ware commented that he felt that the two organizations that had requested financial assistance from the Town were worthy organizations.

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**RESOLUTION #126
REQUEST NYS TO FUND THE ADIRONDACK PARK LOCAL GOVERNMENT
REVIEW BOARD**

On a motion by Councilman Sherman with a unanimous second to request that the State of New York reconsider returning to the full funding level of the Adirondack Park Local Government Review Board.

**RESOLUTION #127
ADJOURNMENT**

On a motion by Councilman Paquette with a unanimous second to adjourn the meeting at 8:50 p.m.

Minutes respectfully submitted

Sheila A. Borden
Town Clerk