

Minutes of the Regular Town Board Meeting on Tuesday, November 24, 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 Paquette
Councilman Tyler
Councilman Sherman
Supervisor Connell

Others present:

Sheila Borden, Town Clerk
George Hainer, Zoning and Codes Officer
Jerrold Sherman, DPW Superintendent
Dr. John Gallagher, Superintendent Westport School
Alice LaRock, Board President, Westport School
George Maffey, Bill Kuntz, Bruce Ware, Bruce Dunning, Barbara Breyette,
George W. King, James Herrmann, Gordon Decker, Jeff Schwoebel, Juris
Miemis, Ted Taylor, Waldemar Kasriels, Rick Rockefeller, Jana Atwell,
Rick Hoffmann

RESOLUTION #230 APPROVAL OF MINUTES

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

4 Ayes Paquette, Tyler, Sherman, Connell
0 Nays

RESOLVED to approve the minutes of the November 10, 2009 Regular Town Board meeting as presented.

WESTPORT CENTRAL SCHOOL PRESENTATION

Supervisor Connell extended the floor to Superintendent Gallagher for a presentation to the Board on the \$500,000 Capital Project planned for at the school facility. Dr. Gallagher reviewed the proposed scope and estimated costs of the various areas. Questions were asked by the Town Council and by members of the public in attendance. The public information meeting will be held on December 10th and the project vote on December 22, 2009.

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PUBLIC COMMENT

Rick Hoffman encouraged people present to bring other people to the polls.

George King asked if there were any requirements on the school's part since they are an emergency site for the Horace Nye Home.

COMMITTEE REPORTS

MUNICIPAL CENTER – The brochure has been finalized and will be mailed to the patrons soon. There will be public informational meetings held at the Town Hall on December 17th and 21st at 7:00 p.m.

YOUTH COMMISSION – Councilman Sherman reported that they have selected the Civil Service Classification of “Recreation Director” for the director's position and they would like the advertisement placed in the paper.

On behalf of the Youth Commission, Jeff Schwoebel made a request to purchase portable basketball stanchions so they will be able to enlarge their program for Kindergarten, First and Second graders. They would also like to buy pinnies for the children to wear.

RESOLUTION #231
YOUTH COMMISSION PURCHASE

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

4 Ayes Paquette, Tyler, Sherman, Connell
0 Nays

RESOLVED to authorize the Youth Commission to spend up to \$1,600.00 on the stanchions and pinnies for Bidy Basketball.

OLD BUSINESS

ASSESSMENT ISSUE – The committee will hold its first meeting on Thursday, December 17th at 3:00 p.m.

Committee: Dan Connell, Tim Sherman, Dave Galarneau,
George King, Rick Hoffmann, Rick Rockefeller

WADHAMS WATER – Received an email from AES-they purchased and installed a meter in the pit but the hole filled with water so they have not been able to get a read.

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BLUE RIBBON COMMITTEE – Five firms returned RFP’s to consider.

RESOLUTION #232
NEGOTIATION OF RFP’s

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

| | |
|--------|--------------------------|
| 3 Ayes | Paquette, Tyler, Connell |
| 1 Nay | Sherman |

RESOLVED to authorize the Committee to negotiate with the companies that submitted RFP’s and hire the company or collation of companies that can best provide the services needed.

ARTICLE 78 – nothing new.

SHARED COURT FACILITY – nothing

TIMBER BID – We received notice from Fountains Forestry that Rene Bernard Inc. won the timber sale bid and we received their check. They will start work when the ground freezes.

NEW BUSINESS

RESOLUTION #233
COUNCILMAN SMITH RESIGNATION

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

| | |
|--------|-----------------------------------|
| 4 Ayes | Paquette, Tyler, Sherman, Connell |
| 0 Nays | |

RESOLVED to accept the resignation of Edward Smith as Town Councilman effective November 15, 2009.

The Board discussed the options they had in regards to the vacant position:

- 1) do nothing leave position vacant
- 2) fill by appointment and position goes on ballot next election 11/2010
- 3) call for a special election
- 4) Governor may appoint someone to fill position

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LETTER OF APPRECIATION from Robert Mahar commending George Hainer on his service was read by the Clerk and will be copied into the minutes.

RESOLUTION #234
LOCAL LAW NO. 2 OF 2009 TO AMEND LOCAL LAW NO. 1 OF 2002
SECTIONS 2, 3, & 4 WINTER PARKING BAN

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

4 Ayes Paquette, Tyler, Sherman, Connell
0 Nays

RESOLVED to adopt Local Law No. 2 of 2009 which amends Local Law No. 1 of 2002 Winter Parking Ban effective immediately as follows:

TOWN OF WESTPORT
LOCAL LAW NO. 2 OF 2009
TO AMEND
LOCAL LAW NO. 1 OF 2002, SECTIONS
2, 3, & 4
WINTER PARKING BAN

SECTION 1 PURPOSE:

The Board of the Town of Westport finds that enforcement of the Winter Parking Ban as set forth in Local Law No. 1 of 2002 will be aided and enhanced by amending Local Law No. 1 of 2002, expanding the application of said Local Law No. 1 of 2002 to include all streets, roads and highways within the Town of Westport which are maintained by the Town of Westport Department of Public Works and to authorize the Department of Public Works Superintendent or his deputy to order vehicles to be removed and towed from said streets, roads and highways as maintained by the town.

SECTION 2 APPLICATION:

LOCAL LAW NO. 1 OF 2002 SECTION 2 APPLICATION is hereby rescinded and deleted and a new SECTION 2 is hereby substituted as follows:

The provisions of this local law shall apply on all highways, roads; streets and parking lots maintained by the Town of Westport Department of Public Works. Nothing herein shall be construed to prohibit compliance with the directions of a police officer or law

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enforcement official, nor prohibit an emergency vehicle from access in the course of an emergency.

SECTION 3 ALL NIGHT PARKING

LOCAL LAW NO. 1 OF 2002 SECTION 3 is hereby rescinded and deleted and a new **SECTION 3** is hereby substituted as follows:

The parking of vehicles is hereby prohibited on all highways; roads; streets and parking lots maintained by the Town of Westport Department of Public Works between the hours of 11:00 P.M. and 6:00 A.M. from November 1 to April 15.

SECTION 4 PENALTIES

LOCAL LAW NO. 1 OF 2002 SECTION 4 PENALTIES is hereby rescinded and deleted and a new **SECTION 4** is hereby substituted as follows:

The Town of Westport Department of Public Works Superintendent or his deputy is hereby authorized to order any vehicle parked in violation of this local law to be removed from the said highway and streets. If the owner of said vehicle cannot be readily ascertained, or if the ascertained owner does not comply, the Town of Westport Department of Public Works Superintendent or his Deputy shall promptly contact a towing service and order the vehicle removed and stored at the owner's expense. In addition, any person convicted of a traffic infraction for a violation of any provision of this local law, for a first conviction thereof, shall be punished by a warning; for a second conviction within twelve months thereafter, such person shall be punished by a fine of Seventy-Five Dollars (\$75.00); upon a third or subsequent conviction within twelve (12) months after the first conviction such person shall be punished by a fine of One-Hundred Dollars (\$100.00).

SECTION 4 LOCAL LAW No. 1 of 2002 in FULL FORCE AND EFFECT AS AMENDED:

Except as amended hereby **LOCAL LAW NO. 1 OF 2002 WINTER PARKING BAN** remains in full force and effect as previously adopted.

SECTION 5 STATUTORY AUTHORITY:

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and Section 1660 of the Vehicle and Traffic Law of the State of New York.

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SECTION 5 EFFECTIVE DATE

This local law shall take effect immediately on filing with the Secretary of State of the State of New York in accordance with the provisions of the Municipal Home Rule Law.

RESOLUTION #235
APPROVAL OF BILLS

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

4 Ayes Paquette, Tyler, Sherman, Connell
0 Nays

RESOLVED to authorize the payment of Bills on Abstract 11B Vouchers 2009-693 through Vouchers 2009-710 in the amount of \$58, 574.11.

ASSOCIATION OF TOWNS MEETING will be February 14 – 17th, 2010. Please get reservations in.

STORMWATER MANAGEMENT TRAINING various dates available if anyone is interested.

TOWN CLERK REQUEST – Clinton/Essex Town Clerk’s Association Meeting Tuesday, December 8th – Plattsburgh

RESOLUTION #236
MEETING APPROVAL

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

4 Ayes Paquette, Tyler, Sherman, Connell
0 Nays

RESOLVED to authorize the Town Clerk to attend the Town Clerk’s Meeting in Plattsburgh on December 8th, 2009.

DPW SUPERINTENDENT REPORT – JERROLD SHERMAN

We have been grading roads, replacing culverts and ditching. There has been some normal repairs and maintenance along with some issues at the water plant. Truck #10 is

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at Arrowhead having the plow put on and Truck #11 is in Plattsburgh having some transmission work done. The buzz saw has been ordered and we are ready for snow.

COUNCILMAN'S COMMENTS – There was a question about the firecrackers going off at the beach.

PUBLIC COMMENT – Mr. Ware stated the fireworks were the result of a filming project that was being done at the beach.

RESOLUTION #237
ADJOURNMENT

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

Minutes respectfully submitted

Sheila A. Borden
Town Clerk