

06-24-2008 Regular Town of Westport Board Meeting 7:00 PM

The June 24, 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-absent  
Supervisor Connell

**OTHERS PRESENT:** Betty White, Deputy Town Clerk; Jerry Sherman, DPW Superintendent; George Hainer, Zoning and Codes Officer; Bill LaHendro, Town Justice; Karen Tromblee, Superintendent of Westport Central School; George Maffey; Jim Westover, Sr.; James Herrman; Sheila Borden; Irwin Borden, Linda Adams; Derinda Sherman; Pat Dougan, Alice LaRock. Russell Paquette.  
Bruce Ware arrived at 7:30.

Assembly was led in the Pledge of Allegiance.

**RESOLUTION # 139**

Deputy Town Clerk was asked to read the letter of resignation submitted to the Secretary of State by Brenda McCooey, Town Clerk.

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

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to accept the resignation of Brenda McCooey, Town Clerk, effective 8:00 AM June 23, 2008.

Supervisor Connell explained the procedure for the appointment of a clerk, and the election procedure for fulfilling the remainder of the term of the position.

Supervisor Connell explained some of the duties needed to be performed by the clerk. Councilman Sherman questioned the need for filling this position immediately. Supervisor Connell said that he had been advised by an attorney from The Association of Towns, and others, that it was essential that it be filled immediately.

**RESOLUTION #140  
APPOINTMENT OF CLERK TO FILL VACATED POSITION**

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

AYES 3 Tyler, Sherman, Connell  
NAYS 0

Resolved to appoint Betty White to the position of Town Clerk until Dec. 31, 2008.

**OATH OF OFFICE**

Justice William LaHendro administered the Oath of Office to Betty White, Town Clerk

**COUNCILMAN VACANCY**

Supervisor Connell explained the need to appoint a councilperson to fill the vacancy created by the resignation of Councilman Donald McIntyre. Due to the absence of Councilman Smith for health reasons, it is extremely difficult to operate with a 3 man board.

**RESOLUTION #141  
APPOINTMENT OF COUNCILMAN TO FILL VACATED POSITION**

On a motion by Supervisor Connell, seconded by Tim Sherman , the following was approved on a roll call.

AYES 3 Tyler, Sherman, Connell

NAYS 0

Resolved to appoint Russell Paquette to fill the position of Town Councilman created by the resignation of Donald McIntyre, until December 31, 2008.

**OATH OF OFFICE**

Justice William LaHendro administered the Oath of Office to Russell Paquette, Town Councilman

**RESOLUTION # 142  
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

ABSTAIN 1 Paquette

NAYS 0

Resolved to accept the minutes of the June 10, 2008, 1<sup>st</sup> Tuesday Regular Town of Westport Board Meeting as presented.

## **PUBLIC COMMENT**

Pat Dougan commended the Highway Dept. for the paving that was recently done on Harris Lane.

## **COMMITTEE REPORTS**

- **YOUTH COMMISSION** – No report
- **GARAGE** –Discussion- Councilman Tyler suggested putting an ad in the papers to get prices for engineering firms. Supervisor Connell notified all present about a meeting on July 8 which is open to the public to discuss project. On July 14 at 6:00, interested persons will meet at the school for a tour of the 3 sites, so that everyone can be brought up to date. At 7:15 that evening there will be a discussion-Q & A session about why this project is necessary and the process to be followed. This will also be at the school.

## **OLD BUSINESS:**

- **ZONING:** Zoning Officer, George Hainer said that Brian Grisi is having problems with the Resource Management portion. We probably will separate portions. We will need SEQR process to proceed – one on those we can do now and a second when APA is ready.
- **FUTURE OF WESTPORT**-Committees have been meeting. A blog has been set up for all community members to share their thoughts and ideas with each other and the committees. The Committee on infrastructure will be invited to the garage meetings in July. They will be meeting next Monday and want to hear public's recommendations. Linda Adams and Derinda Sherman, Committee members, encouraged everyone in the community to participate.
- **SEWER:**
  1. DPW Superintendent and his staff have been replacing brick risers with concrete risers.
  2. The recent storms resulted in increased the flows into the sewer system, probably from storm drains and roof gutters.
  3. **Smoking the system** will most likely be occurring to see where this is coming from. Effluent tests fine. Discussion followed about the possibility of the DEC increasing the limit of incoming water to avoid fines.
- **OUTDOOR FURNACES**

Town Board has looked at laws regulating outdoor furnaces in other towns such as Essex and Chesterfield. Zoning Officer, George Hainer spoke about the need to regulate in the hamlets because of the older ones burning inefficiently causing health problems. Older units are still being sold in New York State although sales of them have been prohibited in other states like Vermont. Many people are looking to use these, because of the favorable cost, and the expensive fuel oil. The DEC is not actively enforcing their current law.

Discussion followed concerning corn and pellet burning indoor stoves. Current building code addresses those issues.

Derinda Sherman inquired about procedure for reporting the outdoor burning of garbage. That is currently outlawed, and should be reported to DEC Ranger. . Probably later this year a burn ban will be placed on all outdoor burning.

**RESOLUTION # 143**  
**OUTDOOR FURNACE REGULATION**

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

AYES           4 Tyler, Paquette, Sherman, Connell  
NAYS           0

Resolved to table any vote on regulations pending further study.

• **BEACH AND LIFEGUARDS**

Councilman Tyler reported that the Moriah Shock inmates worked at cleaning the beach and removed seaweed. Both Councilman Tyler and DPW Superintendent feel that at this point the beach is in good shape and the amount of seaweed is negligible. 2 lifeguards will be hired and beach will open next week.

• **SIDEWALKS**

• **AUDIT**

The auditors left yesterday. They will come back to do a presentation to the Town Board. They also will do a written report, which the Board will be able to reply to. The final audit report will probably take 2-3 months.

• **UNION CONTRACT**

No response from Union Agent to Supervisor Connell's request to begin negotiations.

• **ANN de la CHAPPELL LETTER**

Engineers report that no property corner markers were removed unless they were on the state right of way. The blue spruce is in the state right of way. The time for reporting suspected damages has passed. (over a year). No action will be taken by contractor. Councilman Tyler suggested that a letter be written to Ms. de la Chapell advising her to contact the engineers directly.

• **CEMETERY**

Councilman Sherman will email Alan Kennedy regarding right-of-way to Arsenal Cemetery.

• **WADHAMS WATER**

Proposal from HydroSource Associates, Inc. received and distributed to Board members to study.

### Wadhams Water cont'd

There will be a Citizen's Advisory committee meeting Monday night. Discussion about grants and funding for project followed. We are under consent order in District 3 to find a new source of water. Because second home owners are figured in to the resident average income, we don't qualify for low to moderate income sources. Concern for low income Wadhams residents was expressed.

### NEW BUSINESS

- **RESOLUTION # 144**  
**APPOINTMENT OF LIFEGUARDS**

Applications have been received for the positions of 2 lifeguards.

Ruth Betit (a former Westport Beach lifeguard) and her sister Margaret Betit have submitted applications for the 2008 summer season.

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

Resolved to appoint Ruth Betit at \$12.00 per hour and Margaret Betit at \$10.50 per hour to serve as lifeguards for the summer season, June 30-August 31, 2008, 7 days a week from 10 AM to 6 PM.

AYES 4 Tyler, Paquette, Sherman, Connell

NAYS 0

Councilman Tyler stated that there was equipment stored from last year. We may need a new rope. Supervisor Connell relayed information about the new apparatus that will be put on the beach for disposal of dog waste. A pole will be erected which holds plastic bags and a basket for the used bags to be placed in. Arrests are possible if dog waste is not taken care of properly. DPW Superintendent Sherman will put signs on the gates of the playground so the gates will be closed and dogs not permitted inside.

- **RESOLUTION # 145**  
**BUDGET AMENDMENT**

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

AYES 4 Tyler, Paquette, Sherman, Connell

NAYS 0

Resolved to Increase Highway Revenues account DA2665 *sale of equipment* by \$30,250 for sale of dump truck and plow equipment and increase Highway Appropriations account DA5110.4a *Fuel town* by \$30,250 to \$65,250.

**RESOLUTION #146**

**BUDGET AMENDMENT**

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

AYES 3 Tyler, Sherman, Connell

ABSTAIN 1 Paquette

NAYS 0

Resolved to Increase Sewer One Revenues account SS1 2770 *Unclassified & Miscellaneous Revenue* by \$32,877.86 to \$32,977.86 from refund from water project and increase Sewer Appropriations account SS 1 8120.2 *Equipment and Capital Outlay* by \$10,000 to \$12,500 and increase account SS1 8130.4a *Engineering* by \$22,877.86 to \$23,877.86.

• **WATERSHED MANAGEMENT GRANT**

A letter received from the Office of Governor David Paterson received on June 16, 2008, announced the provision of funding through the Local Waterfront Revitalization Program to the Town of Westport to undertake the Boquet River Watershed Management Plan in the amount of \$50,000. A contract will be sent to request reimbursement.

**RESOLUTION # 147**

**LIBRARY REQUEST**

The Town Clerk was asked to read a letter from William Daniels, Westport Library Association Board, requesting to have about 15 feet of the slate sidewalk that was taken up a few years ago, to use along the South side of the Library building to provide a surface for stacking wood and to help direct water away from the library building. On a motion by Councilman Tyler and seconded by Councilman Sherman, the following was approved on a roll call vote, after discussion.

AYES 4 Tyler, Paquette, Sherman, Connell

NAYS 0

Resolved to give the Westport Library Association the slate requested.

**RESOLUTION # 148**

**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

ABSTAIN 1 Paquette

NAYS 0

Resolved to approve the bills as audited on Abstract 6B Voucher #'s 2008-376 through 2008-404 in the amount of \$44,616.80.

**DPW SUPERINTENDENT REPORT/REQUEST-** Superintendent Sherman announced that there was a meeting scheduled tomorrow at 9AM at the Fanny Swan Bridge with Carl Schroeder and others to discuss possibilities for the repair of the Merriam Forge Road. The DPW crew has continued replacing the manhole rings. Dudley Road has been shimmed up on the lower end. Most of the paving is done: Washington Street, Harris Lane, Marx Road including gutters by the apartments on that Road. Ledge Hill paving had to be cut back some due to increased expenses for materials and fuel. Shoulder work has been done near Marina. Town of Elizabethtown wants to stockpile wallstonite at old brush dump. The grass in town areas needs mowing and will be done ASAP. Superintendent Sherman noted that the aerators in old wastewater facility need repair due to a problem with the lag bolts failing. He will check to see if these were put in as part of the new project. Engineers will be contacted if this is the case.

**SUPERVISOR'S COMMENTS-**#1 bottles will be accepted for recycle at the transfer station due to an effort by a class of students in Ticonderoga in cooperation with Supervisor Bob Dedrick. Regarding the Munson Pit: surveying is done and permit has been signed and mailed to DEC. This permit is good for 5 years. The file with new maps on the pit will be given to DPW Superintendent Sherman. On July 7, 2008 at 11:30 at the Essex County Government Center there will be an EFC "check" presented to the Town of Westport. This is a photo opportunity only, and is NOT a borrowing of new funds. Supervisor Connell stated that according to a recent report, the only major state project coming up in the town of Westport is the Wadhams Bridge Replacement in 2013.

**COUNCILMEN COMMENTS** – Councilman Sherman has been in contact with Verizon regarding the lack of cell phone reception in town following the erection of the new tower near the Country Club. An email from a Verizon representative states that new equipment is being ordered to resolve the problem. Building and Codes Officer Hainer noted that he had gotten an email from Verizon about another tower being erected in the Town of Westport. It is supposed that this is the one near the Northway.

**PUBLIC COMMENT-** Derinda Sherman mentioned the granite bench that was on the James Bridge which had been dedicated to Michael Carpenter. The bench was damaged a few years ago and still needs repair. It is stored by our DPW. Further discussion revealed that it was made by Adirondack Granite, and that we should get an estimate on getting it repaired and put back on the bridge. DPW Superintendent will see if someone from Adirondack Granite will come to assess the amount needed for repair. Bruce Ware suggested that the brush be cut so that people standing on the bridge have a clear view to the lake.

#### **RESOLUTION # 149**

On a motion by Councilman Tyler and a unanimous second, the meeting was adjourned at 8:45 PM

Respectfully Submitted \_\_\_\_\_ Betty White/Town Clerk