

Minutes of the Fourth Tuesday Westport Town Board Meeting held on February 24, 2009

Supervisor Connell called the meeting to order at 6:35 p.m.

The assembly was led in the Pledge of Allegiance.

Members present on a roll call were:

Councilman Smith
Councilman Sherman
Councilman Paquette
Councilman Tyler entered at 7:25 p.m.
Supervisor Connell

Others Present:

Sheila Borden, Town Clerk/Tax Collector
Jerrold Sherman, DPW Superintendent
George Hainer, Zoning and Codes Officer
Bruce Ware, William McHone, Jim Westover Sr., Dwight Anson

**RESOLUTION #69
APPROVAL OF MINUTES**

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

4 Ayes Smith, Sherman, Paquette, Connell
0 Nays

RESOLVED to approve the minutes with the following changes and corrections.

Page 2 Wadhams Water 72-hour monitoring period.

Merriam Forge Roadwork 50%

Page 3 Resolution #55 Authorize Supervisor Connell to request an RFP from A.E.S. for an estimate to conduct a flow management plan so to be in compliance with DEC.

Page 4 Resolution #58 change from March 6 to March 25th.

COMMITTEE REPORTS:

Garage Meeting – Next meeting is Thursday, February 26, 2009 in the School auditorium. The committee has met with the architect and they are looking at all opportunities for funding.

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**RESOLUTION #70
CAPITAL ACCOUNT – JOINT MUNICIPAL BUILDING PROJECT**

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

4 Ayes Smith, Sherman, Paquette, Connell
0 Nays

RESOLVED to set up capital account H-18 for the Joint Municipal building project in the amount of \$644,000. Funds will be temporarily advanced from the General Unappropriated fund balance and reimbursed to those funds as the Shared Municipal Services Incentive Grant funds are obtained.

Youth Commission – Councilman Sherman reported that plans have begun on the Bidy Baseball program. Essex County is holding a coaching clinic on 3/15/09.

OLD BUSINESS

FUTURE OF WESTPORT – meetings are still going on.

WADHAMS WATER – Drilling of the second well will start soon.

MERRIAM FORGE RD. – Nothing is happening at this time.

SEWER PLANT – No proposal received.

BLUE RIBBON UPDATE – There is a meeting scheduled in two weeks on March 9th.

ARTICLE 78 UPDATE –

**RESOLUTION #71
ARTICLE 78**

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

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

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RESOLVED to authorize Attorney for the Town to break off negotiations and take case directly to Court setting a court date for as soon as possible.

NEW BUSINESS

Adirondack Government Days will be on March 25, 2009.

AUDIT COMMITTEE – Supervisor Connell and Councilman Smith have completed their audits of the Justice, Town Clerk and the Clerk to the Town Supervisor.

**RESOLUTION #72
AUDITS**

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

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

RESOLVED that the Town Board recognizes that the audits of the Justices, Town Clerk and the Clerk to the Town Supervisor were done on February 19th and 24th, 2009.

The Town Board has received no formal notice from the anyone in the NYS Court Administration that the Town Justice System is in receipt of a credit card machine.

**RESOLUTION #73
LOCAL LAW NO. 1 OF 2009**

RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2009

The following resolution was offered by Councilman Smith who moved its adoption.

WHEREAS, by Resolution No. 1 duly adopted on February 12, 2009, the Town of Westport introduced Local Law No. 1 of 2009, "Providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the Town of Westport who is eligible to receive health insurance benefits under the Town of Westport's Personnel Policy or under any Collective Bargaining Agreement of which the Town of Westport is a party"; and

BE IT RESOLVED, that the Town of Westport hereby adopts proposed Local Law No. 1 of 2009, as follows:

"TOWN OF WESTPORT LOCAL LAW NO. 1 OF 2009

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A local law providing cash payments in lieu of health insurance coverage for any eligible employee and elected official in the Town of Westport who is eligible to receive health insurance benefits under the Town of Westport or under any Collective Bargaining Agreement of which the Town of Westport is a party.

BE IT ENACTED by the Town of Westport as follows:

§1. Title.

This local law shall be known as the “Local Law providing an alternative to health insurance benefits”.

§2. Purpose.

The Town Board finds that some of its eligible employees and elected officials who could otherwise receive health insurance coverage through the Town’s group health insurance provider for themselves and/or their families may already have health insurance coverage available to them from another source. In cases such as this, the Town Board finds that it is an unnecessary expense for the Town of Westport to provide such an employee health insurance coverage for an otherwise eligible employee of the Town already has sufficient health insurance coverage available from another source. It is therefore the intent of this local law to authorize the Town of Westport employees and elected officials who already have health insurance coverage available to them outside of the Town to elect cash payments in lieu of the Town providing health insurance coverage for them and/or their families as set forth more fully below.

§3. Legislative Authority.

This chapter is inactive pursuant to §10, (1) (ii) a (1), of the Municipal Home Rule Law of the State of New York and is intended to be inconsistent therewith to supercede the provisions of General Municipal Law §92-a and 93, Civil Service Article XI and Town Law §27.

§4. Cash Payments for Non-participation of Plan.

- (a) Full-time Town employees, part-time with benefits employees and appointed and elected officials of the Town of Westport who are eligible for health insurance coverage paid for by the Town shall have the option of either receiving Town paid health insurance or money in lieu of health insurance coverage set forth below.
- (b) Employees who are so entitled to family plan health insurance coverage through the Town and opt to drop that coverage, said employee shall be entitled yearly to \$2,500.00, subject to proportional calculation in the event the employee makes his/her election other than at the beginning of the Town’s fiscal year.
- (c) Employees who are so entitled to individual health insurance coverage through the Town, said employees shall be entitled yearly to \$2,500.00 subject to proportional calculation in the event the employee makes his/her election other than at the beginning of the Town’s fiscal year.
- (d) Cash payments will be made the first non payroll Friday in December each year.

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- (e) In order to obtain the health insurance buy-out, the employee must document to the Town that other health insurance is available and the employee must sign a release to the Town waiving any rights to health insurance coverage and releasing the Town from any other health insurance related liability.
- (f) If an employee who has elected the buy-out option loses his/her health insurance coverage, he/she must immediately notify the personnel office and his/her coverage will be reinstated upon the employee making the appropriate payment of the premium, if such premium is due, and otherwise satisfies any eligibility requirements.
- (g) Any future changes to the hereinabove recited cash payments will be established from time to time by resolution of the Town of Westport and/or by Collective Bargaining Unit Agreement. The amount of such cash payment will never exceed the Town of Westport actual cost of providing an eligible employee health insurance coverage through the Town of Westport's health insurance programs and providers.

§5. Effect on Income Tax.

An employee receiving payments pursuant to this chapter shall be fully responsible for any income taxes that may be payable with respect to such payments, and the Town may withhold any amounts required by any applicable tax laws, federal or state, that relate to or require such withholding on payments of such nature.

§6. Definitions.

Employee. Includes all past, current and future employees of the Town of Westport who are eligible under the Town's policy for payments of all or portion of their health insurance premiums, and any past, current and future officers of the Town that otherwise eligible for partial or complete health insurance coverage.

§7. This local law shall take effect immediately upon filing in the Office of the Secretary of State.

This resolution was duly seconded by Councilman Tyler, and adopted upon a roll-call vote, as follows:

AYES:	4	votes	Smith, Sherman, Tyler, Connell
NOES:	1	votes	Paquette
ABSENT:	0	votes	

Code of Ethics – no discussion.

Councilman Smith and Sheila Borden, Town Clerk, both reported on the Association of Towns Conference they recently attended in New York City.

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**RESOLUTION #74
APPROVAL OF BILLS**

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

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

RESOLVED to authorize the payment of bills on Abstract 02B, Vouchers 2009-147 through Vouchers 2009-174 in the amount of \$41,203.30.

DPW SUPERINTENDENT REPORT – Jerrold Sherman

Still dealing with plowing and drifting snow.

Have received an estimate on Truck #4 to be repaired.

Wadhams Pump Test is done and went reasonably well.

Worked on and fixed water leak at junction of 9N & Ledge Hill.

SUPERVISOR'S COMMENTS:

**RESOLUTION #75
OFFER OF CONDOLENCES**

On a motion by Supervisor Connell and with a unanimous second

RESOLVED to offer our condolences to the Donald McIntyre family.

A letter to Supervisor Connell from Trooper Rodriguez regarding the Lee Park criminal mischief incident was read by the Town Clerk.

A thank you was received from the Westport Library Association for the funding in the 2009 budget for the library.

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PUBLIC COMMENTS

Bruce Ware suggested that the Town ask for a higher level limit on the Spedes permit.

**RESOLUTION #76
ADJOURNMENT**

On a motion by Councilman Tyler and unanimously approved to adjourn the meeting at 8:40 p.m.

Minutes respectfully submitted

Sheila Borden, Town Clerk