

Minutes of the Town of Westport Regular Board Meeting on August 25, 2015

The meeting was called to order by Supervisor Connell at 3:00 p.m.

The Assembly was led in the Pledge of Allegiance.

Members present on a roll call were:

Councilperson Page
Councilperson Paquette
Councilperson Viens
Supervisor Connell
Excused: Councilperson McCormick

Others present:

George Hainer, Zoning & Codes Officer
Julie Schreiber, Town Clerk
Dennis Westover, DPW Superintendent
Lyn Barrett, Diane LaMountain, Steve Fleury, Bob Mahar, James Herrmann,
Lucy Connell, Barry W Morrison, Richard Sherman, George Maffey, David
Golembeck, Ruth Farnsworth, Daphne Hallowell, Doris Bodie, Jean Kirejczyk,
Derinda Sherman, Patricia French, Sam Sherman, Tom Mann, Jim Rule, Robert
Tanneberger, Daniel Conway, Heidi Sweet, Dick Fritz, Mike Sherman, Rachel
Dowty Beech, Bill Johnston, Dee Carroll, Robin Crandall, Penelope Conway,
Sandy Goodroe, John Crandall, Philip Siarkowski, Cena Shaw, Matt Chivers,
Richard Nicholas, Bill LaHendro

RESOLUTION #137

MINUTES AUGUST 11, 2015

On a motion by Councilperson Paquette, seconded by Councilperson Viens, and approved on a roll call vote.

4 Ayes Page, Paquette, Viens, Connell
0 Nays

RESOLVED to accept the minutes of the August 11, 2015 Regular Town Board Meeting as received.

PUBLIC COMMENT – Sam Sherman addressed a concern with water runoff at the corner of Sisco Street and Champlain Avenue. A letter detailing the issue was submitted to the board by Doris Smith-Bodie, Rachel Dowty-Beech, Ed and Laura Piasecki, Sam and Derinda Sherman, and Barbara Breyette. They would like the town's help to resolve the issue. Supervisor Connell will work with the DPW and have a report ready for the next meeting.

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NEW BUSINESS

POWER OUTAGE – National Grid will be turning off the power on Wednesday from approximately 9-10 a.m. to remove an osprey nest.

RESOLUTION #138
BRASS SUPPORT

On a motion by Councilperson Page, seconded by Councilperson Viens, and approved on a roll call vote.

4 Ayes Page, Paquette, Viens, Connell
0 Nays

RESOLVED to support the completion of the Boquet River Watershed Management Plan by the Boquet River Association,

WHEREAS, over the last two years, the Boquet River Association (BRASS) completed a very intensive and comprehensive watershed-wide environmental assessment, and;

WHEREAS, BRASS has expended about \$40,000 in the past two years on empirical fieldwork and mixed methods research, data collection, developing a GIS atlas, and pulling it all together into a 200+ page Phase 1 report, and;

WHEREAS, BRASS wants to share the results with watershed local governments, and other key stakeholders, include local codes, highway, planning, and town boards and invite them to participate in the development of recommendations for implementation, and;

WHEREAS, the Lake Champlain Basin Program has noted that BRASS has a really nice project and could define some specific next steps as a grant proposal to complete the plan in consultation with the watershed and local governments.

NOW, THEREFORE BE IT RESOLVED that the Town of Westport supports the efforts of BRASS to submit and receive funding from the Lake Champlain Basin Program to complete the watershed management plan which includes public and government input, recommendations, and printing of the document.

THE TOWN FURTHER RESOLVES to communicate and cooperate with BRASS on the completion of the plan.

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RESOLUTION #139
COPIER PURCHASE

On a motion by Councilperson Page, seconded by Councilperson Paquette, and approved on a roll call vote.

4 Ayes Page, Paquette, Viens, Connell
0 Nays

RESOLVED to approve the purchase a new copier on the state contract, with the final cost not exceeding \$5,000.

AUDIT REPORT – A draft of the report was received. Supervisor Connell will write a response, which will be acted upon in an executive session at the next meeting. The final audit report will be posted on the town website and hard copies will be available for viewing in the office.

RESOLUTION #140
APPROVAL OF BILLS

On a motion by Councilperson Viens, seconded by Councilperson Paquette, and approved on a roll call vote.

4 Ayes Page, Paquette, Viens, Connell
0 Nays

RESOLVED to authorize the payment of bills on Abstract 8B in the amount of \$39,276.89 for Vouchers 2015-452 through 2015-475.

TOWN HALL DISCUSSION and response to the Bicentennial Committee letter:

Supervisor Connell – Residents have taken it upon themselves to destroy reputation, through facebook and newspaper postings. Since first elected in 2001, through positive interaction with the town board and residents, has worked with the Department of Health on water system upgrades, rebuilt the Wadhams Park to meet regulations (an \$80,000 grant was awarded for this project, however only \$14,000 was reimbursed after spending \$45,000), new streetlights and sidewalks were installed, new equipment was purchased for the DPW, and reserve funds were built up. Was upset by use of word ‘cancer’ in letter. Has missed a total of 14 meetings out of 87. Discussion of building should be a dialogue and not a ‘crisis.’

Went over building figures again and estimates a town cost of \$300,000, not including housing for employees during construction.

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Councilperson Paquette – Assumed the letter was directed at him. Not against building being fixed. Would be in favor of current plan if the project followed a plan similar to the ‘recommendations’ in the Village of Washingtonville Report (copies were available at the meeting).

Councilperson Page – Bill Johnston was voted to be contact person. Would like to clarify that a 15% contingency is built into the budget.

Councilperson Viens – In favor the project going forward. New to council and financial concerns of projects; trying to learn and keep up with issues.

Bill Johnston – Meetings have been generally favorable. Received the only historic preservation grant in the North Country and on March 4th authorized the supervisor to accept the funds. Next step is to prepare contract by supplying necessary information to OPRPH. They don’t want a line item budget in the contract (to allow for more flexibility), but asked for more detail after the last submission.

Pat French (co-chair of Bicentennial Committee) – The committee had nothing to do with the letter. Signed the letter but didn’t write it; was in agreement after how the last meeting went. Attitude of the board left everyone frustrated. Absence issue was directed at Dan McCormick, not Supervisor Connell. It was not intended to offend anyone.

Bob Mahar – Offended by ‘cancer’ comment. Said it’s an honor for Supervisor Connell to attend town board meetings.

Steve Fleury – Appreciates things said in favor of Supervisor Connell. Noticed a board lying near the handicap ramp at the Town Hall and was told it had been there for two years. Why isn’t upkeep being done? Someone is failing the town and changes need to be made.

Dee Carroll – Concerned with who will take over, and if there are any young people to step in. Recently spoke with a young man who is moving back to town and is now hopeful for the future.

Jean Kirejczyk – Will the new building be maintained? How many new issues (and expenses) will be found when construction begins?

Robert Tanneberger – Town is about old buildings and restoring them. The new Town Hall wouldn’t go with that and wouldn’t be in character. It’s important for the Town Hall to be in the village.

Lyn Barrett – As a new resident, gave thanks and appreciation to the board for past work. Issues with the building won’t get better or cheaper with time. The project is a start and an important piece of the town.

Tom Mann – Sees the grant as a vote of confidence in the town.

Dick Fritz – What’s the plan if the building isn’t fixed? How would that be financed? The DPW/Fire building is a separate project and shouldn’t affect this vote.

Lucy Connell – Three signers of the letter have only lived here for a short time and haven’t seen the progress made during Dan’s term. The board needs to vote ‘no’ on this project to save taxpayers. Money in reserve funds is tax dollars and we will be looking at higher taxes. The cancer reference was offensive and disgusting, and the Bicentennial Committee is in a crisis.

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Supervisor Connell – There has been no talk of personnel with the new plan; offices won't fit in planned spaces and there would be no privacy with partitions. Employees don't feel they can work under the new plan. Alternative – build Town Hall where firehouse is for \$400,000 and sell current building for \$1 (could be used for senior housing). After March 12th meeting with Sunshine, learned that everything sent in with supervisor's signature *must* be done (even if exceeding proposed budget). No contingency is included in the plan; it's usually a line item at the bottom of a budget. County taxes have been going up for a few years due to lack of fund balance. Can't spend \$500,000 and not see an increase in taxes. Would have to accept a project bid even if it exceeds budget and can't guarantee the state will reimburse the grant money. Will base vote on number of calls received, in favor or against the project.

Councilperson Page – Would like to see the project move forward. The general fund has more reserves than necessary for this project. It will not bankrupt the town and will not raise taxes (if willing to spend reserves). This project is a slimmed down version that focuses on necessities.

Dick Fritz – What happens with a 2-2 vote?

Supervisor Connell – The state requires three yes's for a motion to pass and the voter must be present (no phone or mail votes). Would vote yes immediately if the town was guaranteed to only pay \$180,000.

Lyn Barrett – Why weren't the negatives put out sooner? Why let the project get to this point first?

Supervisor Connell – Was on board with project until learning that signing the contract means that all work must be completed at the town's expense, even if it exceeds the budget.

Richard Nicholas – Briefly discussed issues of the DPW and fire department buildings.

RESOLUTION #141
TOWN JUSTICE REDUCTION

On a motion by Councilperson Paquette, seconded by Supervisor Connell, and approved on a roll call vote after discussion.

4 Ayes Page, Paquette, Viens, Connell
0 Nays

RESOLVED to reduce the number of town justices from two to one,

WHEREAS, the Town Justice Court of the Town of Westport is comprised of two Town Justice positions, and

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WHEREAS, the Town Justice Court is currently presided over by Town Justice William LaHendro, and

WHEREAS, the second Town Justice position was held by Michael Tyler who assumed office on January 1, 2015 for a four year term,

WHEREAS, Town Justice Michael Tyler resigned his position as Town Justice on or about June 29, 2015, thereby creating a vacancy in the Town Justice position,

WHEREAS, the Town Board of the Town of Westport hereby determines that it would be in the best interest of the Town to reduce the number of Town Justices from two to one in that there is presently no need for two justices to handle the volume of matters in the Town Court of the Town of Westport;

NOW THEREFORE BE IT RESOLVED, pursuant to the provisions of subparagraph 2, of Section 60-a of the Town Law of the State of New York as follows:

- 1) The vacant position of Town Justice, formerly held by Michael Tyler, is eliminated and the number of Town Justices of the Town of Westport shall be reduced from two to one effective January 1, 2016.
- 2) In accordance with the provisions of paragraph 2 of Section 60-a of the Town Law, this Resolution is adopted subject to permissive referendum and shall not become operative or effective unless and until 30 days have elapsed after its adoption and no petition protesting against this local law signed and authenticated as required by law has been filed with the Town Clerk of the Town of Westport, or if such a petition is filed, a proposition for approval of this Resolution has been submitted at the next general election or a special election for that purpose pursuant to said election and received the affirmative vote of a majority of voters thereon.

DISCUSSION ON JUSTICE POSITION

Supervisor Connell – Eliminating the position would save the town money and could help stay under the tax cap. The tax cap allows for a .73% (\$6,500) increase and health insurance costs alone could exceed that.

Matt Chivers (works for 4th Judicial District) – Town probably won't see much savings by eliminating the position. The court needs to be available for emergencies and officers will call judges who they know are available. Should look at the issue more before deciding.

Supervisor Connell – This is the only meeting where a decision can be made, fitting the 75/60 day window preceding the election.

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Derinda Sherman – Public has lost the ability to elect an assessor and DPW superintendent and the town now pays more for those appointed employees. Suggests seasonal cutbacks as an alternative (used George Hainer’s position as an example).

Supervisor Connell – If the resolution is passed, it is subject to permissive referendum, giving the public 30 days to circulate a petition to have to position be on the November ballot.

Penelope Conway – What would happen if the position were cut and the remaining judge gets sick?

Matt Chivers – The board can appoint a judge for the remainder of the term. An attorney could sit immediately and anyone else would have to attend justice school (courses offered in December or April). There is no requirement to have a court clerk for each judge (Town Law 20).

Councilperson Page – What is the current caseload? How many hours per week?

Bill LaHendro – At least 15 hours on a 7-day week and 90 cases in two months.

DPW SUPERINTENDENT REPORT – Regarding the water runoff issue on Sisco Street, Dennie has previously checked the area with Dave Reckahn (of Soil & Water) and will check it again. The county didn’t use their quota of salt and recommend that towns buy it before August 30th to top off their stock. A flattened sign at the Post Office will be put back up.

SUPERVISOR’S COMMENTS – Board packets include the latest financial report and a letter from the Whallonsburg Grange inviting board members to their 100th anniversary celebration on September 13th.

COUNCILPERSONS COMMENTS – Councilperson Page – Can we reinstitute posting the agenda on the website? Supervisor Connell – Yes, but there will be a Thursday cutoff. Additional items received from Friday to Tuesday morning won’t be included on the agenda.

RESOLUTION #142

ADJOURNMENT

On a motion by Councilperson Paquette, with a unanimous second, the meeting was adjourned at 5:46 p.m.

Minutes respectfully submitted,

Julie Schreiber, Town Clerk