

REGULAR WESTPORT TOWN BOARD MEETING AUGUST 27, 2013

The meeting was called to order by Deputy Supervisor Tyler at 6:50 p.m.

The Assembly was led in the Pledge of Allegiance.

Members present on a roll call were:

Councilman Paquette
Councilman Sherman
Councilman McCormick
Deputy Supervisor Tyler

Excused:

Supervisor Connell

Others present:

Sheila Borden, Town Clerk
Ruth Jenkins, Deputy Town Clerk
Dennis Westover, DPW Superintendent
George Hainer, Zoning & Codes Officer
Elizabeth Lee, Youth Commission Director
John R. Stack, NYS Real Property Tax Services
Charli Lewis, Director, Real Property Tax Services
Nancy Page, Chris Maron, Jim Bullard, Jim Herrmann, Gerald Goulet

RESOLUTION #163 MINUTES AUGUST 13, 2013

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to accept the minutes of the Regular Meeting of August 13, 2013 as received.

PUBLIC COMMENT

COMMITTEE REPORTS

YOUTH COMMISSION – Director Lee reported that the soccer program is going well with about 50 youth participating and they have had three practices already. They had a free

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soccer clinic for the girls and the annual soccer tourney will be held at Dudley on September 21st. They plan to have a fundraising dance in the fall. The summer program was successful with 59 enrolled and everyone seemed to like the 6-week program. They are currently working on the budget and want to get back to the by-laws and improving the website. They have had interest expressed in a yoga class.

OLD BUSINESS

TIMBER SALE – The Deputy Supervisor has had some positive dialog with the forester and caretaker on behalf of the landowner. It was the consensus to table until the next board meeting.

HIGHWAY GARAGE UPDATE – Councilman McCormick reported that the Committee had interviewed 7 candidates and that they were getting together once again and perhaps they would have a recommendation for the next meeting.

TOWN HALL BUILDING UPDATE – Councilman McCormick stated that Bill Johnston and the committee would be going to Albany to NYSERDA regarding historical preservation grants for the building.

HAMLET EXPANSION – Nothing new.

CEMETERY OLD ARSENAL ROAD – No new progress.

WESTPORT REVITALIZATION PROJECT – Nothing.

BICENTENNIAL CELEBRATION – Dates again for everyone to put on calendars for vacations for family to come in 2015 – July 3, 4 & 5th.

The committee is gaining momentum and support. We'd like to put forth the names of Medara Sherman Kurth, Edward & Patricia French, and George King that have been asked and are willing to work with us.

RESOLUTION #164

BICENTENNIAL COMMITTEE REPRESENTATIVES

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to authorize Medara Kurth, Edward & Patricia French and George King to be members of the Bicentennial Committee.

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ASSESSOR INTERVIEW UPDATE – Councilman McCormick reviewed the interview process that took place. There were 4 members on the committee and they interviewed five candidates.

Deputy Supervisor Tyler welcomed Charli Lewis and John Stack from Real Property Tax Services who were present to answer any questions and assistance. Mr. Stack explained that Westport and Elizabethtown would remain in the same “Cap Agreement” with Westport being the lead agency.

Deputy Supervisor Tyler read the following and asked the Clerk that it be added to the minutes:

The Towns of Westport and Elizabethtown are amending the 2007 CAP agreement to reflect the change in the composition of the CAP. The Towns of Westport & Elizabethtown have stayed in the CAP and the Town of Willsboro has withdrawn from the CAP.

The two CAP Towns have moved ahead with the process of advertising, interviewing and selecting a sole assessor who will work for the two towns. The CAP Towns will sign a separate agreement with the sole assessor, which will outline and detail the specific requirements for assessing services. This agreement should be in place by October 1, 2013 and will last for 6 years.

The Clerk read the following amended CAP agreement.

RESOLUTION #165
ACCEPT AMENDED CAP AGREEMENT

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to accept the Amended CAP Agreement and authorize the Supervisor to sign it.

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AMENDED CAP AGREEMENT FOR ASSESSMENT

This Agreement by and between the Towns of Elizabethtown and Westport (collectively referred to herein as “the Parties”), each of which is a separate municipal corporation as defined by section 119-N of the General Municipal law. It is effective is
____ 2013

Whereas, the Parties are empowered by sections 576 and 579 of the Real Property Tax Law and Article 5-G of the General Municipal Law to enter into a municipal cooperative agreement to appoint one Assessor to hold office in their respective Towns; and

Whereas, the Parties are seeking to amend a coordinated assessment program (“the Program”) pursuant to Section 579 of the Real Property Tax Law, whereby one Assessor will provide assessment services for the Parties, assessing all property in the Program at a uniform percentage of full value; and

Whereas nothing in this Agreement shall preclude the Parties from unanimously authorizing the admission of other similarly situated Towns into the Program under uniform terms. At such time of admission, such Towns shall be deemed to be among the Parties to this Agreement.

Now, therefore, the Parties agree as follows:

1. They hereby establish the Program, with one Assessor.
2. The appointing authority for the Assessor shall be the Town of Westport.
3. The Assessor shall be appointed within the Non-Competitive Class of New York Civil Service.
4. The appointment shall be for that of a part time position, subject, in the sole discretion of the Town of Westport, after consultation with the other Parties at the time of such action, to reclassification and/or reduction of the appointment to a part-time position.
5. The Assessor shall be responsible for:
 - (a) Assessing all parcels of real property located in the Towns of Elizabethtown and Westport and such properties in any Town(s) that become a Party to this Agreement, for the purposes of taxation and special *ad valorem* levies for town, county, special districts, school district and, if applicable, village purposes; and
 - (b) The performance of all other duties for the Parties, and for such Towns as may become a Party to this Agreement as are or may become required of assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services.
6. Throughout the terms of this Agreement, the Assessor shall assess all real property pursuant to this Agreement at the same uniform percentage of market value in all of the Parties participating in this Agreement at the time of such assessment, Such percentage of market value shall be annually printed on the tentative assessment roles for the then participating Parties. The dates applicable to

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the assessment process in each then participating Party, including but not limited to taxable status dates, and the dates for the filing of the tentative and the final assessment roles, shall be the same for each then participating Party.

7. The then participating Parties shall review the terms and provisions of this Agreement annually in October of each calendar year, If any then participating Party desires to make any amendments to and/or modifications of this Agreement, it shall give notice to the other Parties and a joint session of the governing bodies of such participants shall be held promptly, and not later than 30 calendar days following the giving of such notice, to discuss the proposed amendments and/or modifications. Minutes of such joint session shall be taken and the agreements reached thereat shall become part of this Agreement.
8. In the event that the appointed Assessor shall resign or otherwise be unwilling or unable to remain in office and perform the duties of Assessor, within 60 days of such resignation or unwillingness/inability to perform the duties of Assessor, the then participating Parties shall appoint a single individual to perform the duties of Assessor.
9. A Town may withdraw from this Agreement if its governing body adopts a local law or resolution so providing, approved by a majority vote of the voting strength of the Town Board at least six (6) months prior to the effective date of withdrawal. In the event that State aid pursuant to Real Property Tax Law Section 1573(3), or any other provision of State law, has been received in respect of this Program, each withdrawing Party shall indemnify, save and hold harmless those Parties not withdrawing for any losses or State aid, including but not limited to reimbursement of State aid received, sustained due to its/their withdrawal(s).
10. In the event of any failure of the then participating Parties to settle any substantial dispute or disagreement arising among themselves in respect of any provision of this Agreement, including but not limited to the performance of the Assessor, such dispute(s) or disagreement(s) shall be submitted promptly to binding arbitration by disinterested individuals appointed by the then participating Parties. Each Party shall appoint one such individual. In the event that such dispute or disagreement may result in a legal liability on the part of a Party no longer participating, that Party may elect to appoint a disinterested individual. In the event that the resulting arbitration panel shall have an even number of members, the Town of Westport may appoint a second disinterested individual, Among the appointed individuals, the Chair of the arbitration panel shall be selected by the drawing of lots, with the shortest lot being determinative of the selection of the Chair. The arbitration process shall be conducted pursuant to the Civil Practice Law and Rules of the State of New York concerning arbitration.
11. The Assessor shall be paid at the rate of Twelve Dollars (\$12.00) per parcel per calendar year of his service (if prorated, on the basis of 365 days per year), whichever is greatest.
12. It is contemplated that Westport has 1,497 parcels and Elizabethtown has 1,478 parcels. Should a Party not pay its shared cost, or any part thereof, the other Parties shall have a claim against it for such costs, as well as legal interest and all reasonable costs incurred by such Parties, including but not limited to reasonable attorneys fees, incurred in the enforcement of their claim(s). Provided, however, that nothing in this provision shall entitle any non-prevailing party to recovery of legal interest, attorneys fees and/or other such costs.
13. This Agreement shall be effective only following its approval by a majority vote of

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the voting strength of the governing bodies of the Towns of Elizabethtown and Westport. If so approved, its effective date shall be that set forth herein above. It shall remain in effect until a participating Party withdraws in accordance with numbered paragraph 10 herein.

14. This Agreement may be amended, modified or terminated in the manner provided by then applicable law.
15. A copy of this Agreement, and any amendment or modification thereto, shall be filed with the State Board of Real Property Services on or before the taxable status date of the first assessment role to which it is to apply.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals.

RESOLUTION #166 DANIEL MAXWELL, SOLE ASSESSOR

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to hire Daniel Maxwell as the sole assessor with the amended CAP agreement with Elizabethtown effective with a starting date of October 1, 2013.

Mr. Stack also discussed the Star Exemption and how the filing is changing on the Basic Exemption. The State will be sending out a notice to those recipients and those persons must file on-line or by phone. Essex Counties mailings are due to be sent out September 3rd. **THIS HAS NO AFFECT ON THE ENHANCED STAR.**

Deputy Supervisor Tyler extended his thanks to Charli Lewis and John Stack for coming to the meeting, for answering the Board's questions and for sharing their information.

NEW BUSINESS

INVASIVE KNOTWEED – JAMES BULLARD

Mr. Bullard provided the Board with literature on a nuisance plant called "knotweed" that is invading the area and needs specific treatment to get rid of. He said that there is not a free program that provides the pesticide application. He is currently waiting for a cost estimate for treatment at his own property.

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RESOLUTION #167
NAMING FAIRGROUND ROAD

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to approve the naming of the road at the Fair Grounds, Fairground Way.

FRANCHISE RENEWAL AGREEMENT – d.b.a. CHARTER COMMUNICATIONS

RESOLUTION #168
RENEWAL OF AGREEMENT

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

3 Ayes Sherman, McCormick, Tyler
1 Nay Paquette

RESOLVED to approve the renewal of the Franchise Agreement with Charter Communications for five years and authorize the Supervisor to sign the agreement.

WADHAMS ROUTE 22 SLOPE FAILURE

Chris Maron addressed the Board requesting that the sidewalk be extended to the Wadhams Recreation Park as part of the Route 22 Slope Repair Project. He read a draft letter he prepared and asked the Board to consider mailing it to the NYS Department of Transportation and the Adirondack Park Agency.

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RESOLUTION #169
REQUEST FOR WADHAMS SIDEWALK

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to support the mailing of the letters to the NYS Dept. of Transportation and to the Adirondack Park Agency.

RIVERSTREET CONTRACT

Deputy Supervisor Tyler had spoken with Carol Calabrese and she explained that they would like the grant extended until 11/30/2013 to complete the work. The NYS Department of State who is funding this project is aware of the extension and has approved it.

RESOLUTION #170
EXTENSION RIVERSTREET CONTRACT

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to authorize the extension of the Revitalization Grant with Riverstreet Planning and Development until November 30, 2013 and authorizing the Supervisor to sign the extension document.

RESOLUTION #171
APPROVAL OF BILLS

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

4 Ayes Paquette, Sherman, McCormick, Tyler
0 Nays

RESOLVED to authorize the payment of bills on Abstract 8B for Vouchers 2013-490 through 2013-500 in the amount of \$11,571.51.

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DPW SUPERINTENDENT REPORT – DENNIS WESTOVER

The grant Mr. Westover and Mr. Reckahn were working on for the Decker Road and the Hald Road has been approved.

Someone has damaged the exit lights in the beach house.

The paving on Barber Lane will take place on Thursday and the concrete work will also begin on Thursday on the Salt Shed.

SUPERVISOR'S COMMENTS

Deputy Supervisor Tyler mentioned that he had reviewed the revenues and expenses on the landfill and currently we are operating in the black.

He also stated that we are not being charged for freon removal any longer. Therefore, it was the consensus of the Board that we will no longer charge \$26.00 for those items that have freon in them. Instead they may be placed next to the metal bin for recycling.

Wayne Shepard has made a verbal request to be able to use the snowmobile and 4-wheeler trails on the spring lot for riding bikes. Deputy Tyler will contact the insurance company about the legalities.

PUBLIC COMMENT

RESOLUTION #172

ADJOURNMENT

On a motion by Councilman McCormick seconded by Councilman Sherman and approved unanimously the meeting was adjourned at 8:30 p.m.

Minutes respectfully submitted

Sheila A. Borden, Town Clerk

