

Minutes of the Town of Westport Regular Board Meeting on November 13, 2018

The meeting was called to order by Supervisor Tyler at 7:00 p.m.

The Assembly was led in the Pledge of Allegiance.

Members present on a roll call were:

Councilperson Page
Councilperson Kirkby
Councilperson Viens
Councilperson Morrison
Supervisor Tyler

Others present:

Julie Schreiber, Town Clerk
Dennie Westover, DPW Superintendent

RESOLUTION #180 SPECIAL MEETING MINUTES

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to accept the minutes of the October 23, 2018 special board meeting as received.

RESOLUTION #181 REGULAR MEETING MINUTES

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to accept the minutes of the October 23, 2018 regular board meeting as received.

NEW BUSINESS

RESOLUTION #182 APPROVAL OF BILLS

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to authorize payment of bills on Abstract 22 in the amount of \$156,874.69 for Vouchers 593-630.

MONTHLY REPORTS – The supervisor is in receipt of the Town Clerk’s and Town Court’s October reports.

COURT CLERK POSITION – Three applicants were interviewed. They recommended hiring Catherine Simmer.

**RESOLUTION #183
COURT CLERK HIRE**

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to hire Catherine Simmer as part-time Court Clerk at a rate of \$13/hr.

**RESOLUTION #184
LOCAL LAW #1 INTRODUCTION**

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

BE IT RESOLVED that the Town of Westport Town Board hereby introduces proposed Local Law No. 1 of 2018 entitled “A Local Law Regulating Parking on All Town Roads, Drives, Streets, Lanes and Avenues in the Town of Westport”, reading and provided as follows:

“TOWN OF WESTPORT LOCAL LAW NO. 1 OF 2018”

A Local Law Regulating Parking on all Town Roads, Drives, Streets, Lanes and Avenues in the Town of Westport.

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BE IT ENACTED, by the Town Board of the Town of Westport as follows:

Section 1. Title: This Local Law shall be known as “Town of Westport Parking Regulation Local Law”

Section 2. Purpose: The Town Board of the Town of Westport, Essex County, New York, has determined it to be necessary and appropriate to institute certain prohibitive regulations incident to the parking of vehicles on all Town roads, drives, streets, lanes and avenues of the Town of Westport, Essex County, New York, situate in the Town of Westport, Essex County, New York, to promote, enhance and regulate the ordinary, reasonable and unobstructed passage, usage and travel thereof by vehicles and the proper and necessary repair, maintenance, cleaning and removal of snow and other obstacles thereof and therefrom and to promote the health, safety and welfare of users thereof and the persons and property in and of said Town.

Section 3. Definitions: The relevant provisions of Article I of the Vehicle and Traffic Law of the State of New York shall apply and be definitive of the verbiage used in this Local Law and as to the meaning thereof, save as hereinafter set forth, including but not limited to “vehicle”, “highway”, “park” and “parked”.

Section 4. Provisions:

A. No person shall park, permit or allow the parking of a vehicle nor shall any vehicle be permitted to be parked, occupied or not, on all Town roads, drives, streets, lanes and avenues of the Town of Westport, Essex County, New York, situate in the Town of Westport, Essex County, New York, at any time between the hours of 11 p.m. and 6:00 a.m. during the period of November 1 through April 1 of each year hereafter for any purpose save as hereinafter set forth.

B. The highways of the Town of Westport hereinabove referred to as Town highways where parking is prohibited between the hours of 11:00 p.m. and 6:00 a.m. during the period of November 1 through April 1 of each year hereafter are more particularly described at Schedule A attached hereto and made a part hereof.

C. In addition to the provisions of Section 4(A) and 4(B) of this Local Law, no person shall park, permit, or allow the parking of a vehicle, nor shall any vehicle be permitted to be parked, occupied or not, on Town Highways, sidewalks and public areas designated as non parking areas within the Town of Westport. The Town Board of the Town of Westport shall, by Resolution, designate specific Town Highways, any Highways within the Town, sidewalks and public areas upon which no vehicle shall be permitted to be parked.

Section 5. Exceptions:

(1) The prohibitive provisions of Section 4(A) and 4(B) hereof shall not apply to the parking of any such vehicles for the following purposes or reasons:

(a) When in compliance with the directives of a police officer or traffic control device, sign or signal.

(b) When parking temporarily for the purpose of and while actually engaged in the loading, unloading or discharge of merchandise, passengers or other personal property.

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(c) When parking is exercised by a police officer, the of a fire fighting or fire protection vehicle or that operator of an Ambulance or other emergency vehicle while actually engaged in the actual conduct or exercise of the official duties of said police officer or operator.

(d) When there occurs an actual malfunction of a vehicle which prohibits further operation thereof.

(2) Prohibitive provisions of Section 4(C) of this Local Law shall not apply to the parking of any such vehicles for the following purposes or reasons:

(a) When in compliance with the directives of a police officer or traffic control device, sign or signal.

(b) When parking is exercised by a police officer, the operator of a fire fighting or fire protection vehicle or the operator of an Ambulance or other emergency vehicle while actually engaged in the actual conduct or exercise of the official duties of said police officer or operator.

(c) When there occurs an actual malfunction of a vehicle which prohibits further operation thereof.

With respect to the prohibitive provisions of Section 4(C), temporary parking for the purpose of and while actually engaging in the loading, unloading or discharge of merchandise, passenger or other personal property shall be expressly prohibited in order to insure that emergency vehicles, school buses, regular traffic and pedestrians are protected.

Section 6. Violations (Towing of Vehicles):

1. Removal of a Vehicle — In addition to the applicable provisions referred to herein, any vehicle found to be parked in violation with the relative provisions of this Local Law may be removed, towed and impounded or stored and subsequently redeemed as hereinafter set forth:

(a) Such vehicle shall be subject to such removal or towing by such firm, person, corporation or entity as so designated, and ordered by this Town Board, the Town of Westport Highway Superintendent or his deputy.

(b) The individual(s), firm, corporation or other entity (herein referred to as towing service) to be so contracted with by the Town to furnish such services shall meet the following criteria or services:

(i) Such service shall have a place of business located within the Towns of Westport, Essex or Willsboro unless otherwise determined by the Town Board.

(ii) Such towing service shall be available to provide towing services on a 24 hour basis.

(iii) Such towing service shall at all times have the necessary towing equipment to properly provide for the towing of motor vehicles, such equipment to be duly and properly licensed and insured for operations upon public highways within the State of New York.

(iv) If such towing services will utilize employees who are required to be covered by Workers' Compensation and/or Disability Insurance by the laws of the State of New York, such employees shall be so covered at all times when engaged in providing such services to the Town (copy of insurance policy or policies or other indicate of such coverage shall be provided to the Town).

(v) Only operators duly licensed to operate the vehicle utilized for such services shall perform such services.

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(vi) All equipment so utilized shall be in good condition, properly maintained and equipment and suitable for the towing of motor vehicles as provided for by such Local Law.

(vii) Such towing service shall familiarize himself, herself or itself with the provisions of said Local Law.

(c) Any such vehicle so removed or towed shall be taken to, deposited and stored at such an impoundment or storage area as may hereinafter and from time to time be so designated by said Town Board for such purpose.

(d) Any such vehicle so impounded or stored shall be redeemed or released from such impoundment or storage by the owner thereof upon compliance with the provisions of this Local Law and/or such provisions, rules, fees and regulations as may be hereinafter promulgated and adopted by this Town Board for such purpose.

Section 8. Redemption: The owner of any such vehicle so impounded or stored may redeem such vehicle from said impoundment in the following manner:

(a) The owner should present to the Office of the Town Clerk of the Town of Westport during normal business hours proof of ownership of such vehicle. Such proof shall constitute the exhibition of a current registration duly issued by the Department of Motor Vehicles of the State of New York or such similar licensing or registration agency, department or other entity of another State. The Town Clerk or his/her authorized deputy or representative shall have the right to require such additional proof of ownership and/or verification thereof as he/she or his/her authorized deputy or representative may deem to be necessary and proper in his/her discretion.

(b) Upon receipt of such proof of ownership and the payment of such towing and storage or impoundment charges as may be payable incident to the provisions of such rules, standards or fees to be promulgated by this Town Board as hereinafter set forth, then currently in effect, the Town Clerk or his/her authorized deputy or representative shall give and present to such owner a release and receipt form and upon receipt of the same, the owner may thereafter retrieve such vehicle from such impoundment or storage.

Section 9. Regulations, Rules and Fees:

1. The Town Board of the Town of Westport shall and is hereby authorized and empowered to hereafter and from time to time promulgate and establish such rules, provisions, regulations and schedule of fees or costs for towing, storage or impoundment in addition to those set forth in this Local Law which shall be applicable to this Local Law consistent with the Vehicle and Traffic Law of the State of New York or as otherwise may be provided for by statute.

2. The Town Board of the Town of Westport shall further adopt and establish such administrative forms, documents and procedures as it may deem necessary and appropriate incident to the enforcement of this Local Law and the implementation hereof including but not limited to release and receipt forms or documents, traffic infraction appearance forms consistent with forms prescribed by the Criminal Procedure Law of the State of -New York and other forms and documents which may be appropriate for the administration and enforcement of this Local Law and, further, said Town Board is hereby authorized and empowered to designate and authorize personnel, being officers of the Town of Essex or otherwise, to assist in the enforcement and implementation of this Local Law including but not limited to authorized personnel to assist the Town Clerk in the general operating procedure encompassed by this Ordinance.

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Section 10. Traffic Enforcement Officer: The Office or position of the Traffic Enforcement Officer of the Town of Westport is hereby created and such officer shall have the authority, duty and responsibility to assist in the enforcement and administration of this Local Law and such rules, regulations, provisions and fees as may be hereinafter be adopted or promulgated by the Town Board and have such other and further duties as hereinafter be assigned to such officer by the Town Board of the Town of Westport. The Town of Westport Highway Superintendent shall be the appointed Traffic Enforcement Officer however, in the event that he is unwilling or unable to serve, this office shall be an appointed position and such officer shall serve at the discretion of the Town Board for such period of time and for such compensation as the Town Board may direct or provide for.

Section 11. Enforcement Procedures: Any police officer, peace officer or Traffic Enforcement Officer of the Town of Westport may issue an appearance ticket for a violation of this Local Law subject to the following:

(a) Such appearance ticket shall be in form prescribed by the Criminal Procedure Law of the State of New York and shall be returnable before a Town Justice of the Town of Westport.

(b) Such appearance ticket shall designate the date, time and place of the violation, the make, license plate number and State of issue thereof and color of the vehicle involved and the date, time and place of the required appearance before said Town Justice.

(c) In addition thereto, any such police officer, peace officer or Traffic Enforcement Officer of the Town of Westport may file a Complaint signed under oath or Information as the case may be alleging a violation of this Local Law with a Town Justice of the Town of Westport specifying the date, time and place of the violation, make, license plate number and State of issue thereof and color of the vehicle and such other pertinent information as such officer may deem necessary.

(d) Upon receipt by the Town Justice of any such Complaint or Information, the Town Justice may issue a Summons or appearance ticket requiring the owner and/or driver as the case may be to appear before him. If said Summons or appearance ticket is disregarded or, if an appearance ticket issued by any appropriate officer is disregarded, the Town Justice may issue a Warrant for the arrest of the owner and/or driver as the case may be of any such vehicle.

Section 12. Penalties: Any person who violates this Local Law shall be deemed to have committed a traffic violation under this Local Law and any person convicted of any such offense after a hearing thereon shall be punishable and subject to a fine not to exceed \$250.00 and up to fifteen (15) days in jail for the first violation, \$350.00 and up to fifteen (15) days in jail for a second offense, and on subsequent offenses an increase of \$100.00 fine and five (5) additional days in jail to be added to the prior offense penalty in accordance with the appropriate provisions of the Vehicle and Traffic Law of the State of New York including by not limited to Article 45 thereof or any other provisions relating thereto.

Section 13. Abandonment: The provisions of the Vehicle and Traffic Law of the State of New York and in particular Section 1224 thereof shall be applicable in the event of an abandonment of a vehicle which is in the custody of the Town of Westport pursuant to the provisions of this Local Law.

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Section 14. Severability: If one or more of the provisions of this Local Law is held to be invalid or unenforceable by a Court of proper jurisdiction, all of the other provisions hereof shall nevertheless be valid.

Section 15. This Local Law shall take effect upon the filing of the same with the Office of the Secretary of State of the State of New York.

Section 16. Statutory authority: This local law is adopted to the provisions of the Municipal Home Rule Law of the State of New York and Sections 1660 and 1224 of the Vehicle and Traffic Law of the State of New York.

BE IT FURTHER RESOLVED that the Town Board of the Town of Westport shall hold and conduct a public hearing on the foregoing proposed local law on the 27 day of November, 2018, at 2:30 p.m. to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Clerk of the Town of Westport will publish a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

RESOLUTION #185
EMPIRE TRAIL AGREEMENT

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to authorize Supervisor Tyler to sign the DOT Empire Trail Work Agreement.

CATS GRANT – Chris Maron has submitted an application for a 2018 Community Change grant. Their goal is to rebuild the stairway leading from Ballard Park to the public beach.

RESOLUTION #186
AATV MEETING

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

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RESOLVED to authorize Supervisor Tyler to attend the Adirondack Association of Towns & Villages meeting on December 2-3, 2018 and payment of his actual and necessary expenses.

RESOLUTION #187
WATER CODE AMENDMENT

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to amend the Town of Westport Water Code to include a \$200 per billing quarter charge for non-metered water.

DECEMBER MEETINGS – Both December board meetings have been rescheduled. Meetings will be held on December 12 at 7 p.m. and December 27 at 3 p.m.

RESOLUTION #188
2019 FINAL BUDGET

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

5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to adopt the 2019 Preliminary Budget as the 2019 Final Budget.

DPW SUPERINTENDENT REPORT – The bill for the McMahon Road culvert has been received and should be reimbursed immediately after payment. All CHIPS bills have been received and will be submitted for reimbursement. The homeowner with a water meter violation has corrected the issue. Dennie would like the winter parking ban published.

RESOLUTION #189
WINTER PARKING

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

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5 Ayes Page, Kirkby, Viens, Morrison, Tyler
0 Nays

RESOLVED to publish the Parking Ban Notice in the local newspaper.

SUPERVISOR'S COMMENTS – The Office of Community Resources sent a letter summarizing the results of a search for potential grant opportunities for municipalities to purchase land for development. Supervisor Tyler stated that the Fire Department is looking at one of the Bessboro lots. The county is planning a training building for police and fire personnel and Supervisor Tyler has recommended they use one of the Bessboro properties.

COUNCILPERSON COMMENTS – Councilperson Morrison wished everyone a happy Thanksgiving.

RESOLUTION # 190
ADJOURNMENT

On a motion by Councilperson Page, with a unanimous second, the meeting was adjourned at 7:35 p.m.

Minutes respectfully submitted,

Julie Schreiber, Town Clerk