

Minutes of the Town of Westport Regular Board Meeting on March 24, 2020

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

Members present on a roll call were:

Councilperson Brankman
Councilperson Kirkby
Councilperson Viens
Councilperson Morrison
Supervisor Tyler

Others Present:

Catherine L. Simmer, Deputy Town Clerk
Dennie Westover, DPW Superintendent

RESOLUTION #73 APPROVAL OF MINUTES

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

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

RESOLVED to accept the minutes of the March 10, 2020 regular meeting as received.

RESOLUTION #74 APPROVAL OF BILLS

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

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

RESOLVED to authorize the payment of bills on Abstract 6 in the amount of \$50,315.74 for Vouchers 148-173.

YOUTH COMMISSION REPORT – The Youth Commission has a meeting scheduled in two weeks. They are not sure how they are going to proceed with the meeting at this point. They are going to wait to see how things progress.

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RESOLUTION #75
PUBLIC INTEREST ORDER

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

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

WHEREAS, the Town Board of the Town of Westport, Essex County, New York, has duly caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities Sewer District No. 1 in the Town of Westport, Essex County, New York, consisting of the construction of new, as well as improvements to and reconstruction of, pump stations and sewer transmissions mains and manholes, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith at a maximum estimated cost of \$3,148,395; and

WHEREAS, at a meeting of said Town Board duly called and held on March 10, 2020, and Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Sewer District No. 1: the construction of new, as well as improvements to and reconstruction of, pump stations and sewer transmissions mains and manholes, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in said Town at a maximum estimated cost of \$3,148,395, and to hear all persons interested in the subject matter thereof concerning the same at the Town Hall, in Westport, New York on March 24, 2020 at 2:30 p.m. Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOW, THEREFORE, BE IT ORDERED by the Town Board of the Town of Westport, Essex County, New York as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Sewer District No. 1 in the Town of Westport, Essex County, New York, consisting of the construction of new, as well as improvements to

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and reconstruction of, pump stations and sewer transmissions mains and manholes, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in said Town at a maximum estimated cost of \$3,148,395.

Section 2. This Order shall take effect immediately

RESOLUTION #76
SEWER DISTRICT NO. 1 BOND

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

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

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Sewer District No. 1 in the Town of Westport, Essex County, New York, at a maximum estimated cost of \$3,148,395; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), which it has been determined will not have any significant adverse impacts on the environment; and

WHEREAS, it is now desired to authorize such capital project and its financing;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Westport, Essex County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of the facilities Sewer District No. 1, in the Town of Westport, Essex County, New York (the “Sewer District”), being the cost of the construction of new, as well as improvements to and reconstruction of, pump stations and sewer transmissions mains and manholes, including original furnishings, equipment, machinery, apparatus, appurtenances, and -2- 4156-6171-7283.1 incidental improvements and expenses in connection therewith; bonds of said Town pursuant to the provisions of the Local Finance Law.

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Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$3,148,395, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$3,148,395 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Westport, Essex County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Sewer District No. 1 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the

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Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental -4- 4156-6171-7283.1 Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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RESOLUTION #77
RESIGNATION OF THE TOWN CLERK, JULIE SCHREIBER

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

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

RESOLVED to accept the resignation of Julie Schreiber as of March 31, 2020.

RESOLUTION #78
APPRECIATION FOR YEARS OF SERVICE

On a motion by Councilperson Morrison and a unanimous second.

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

RESOLVED to express appreciation to Julie Schreiber for years of dedication and service to the people of the Town of Westport.

RESOLUTION #79
APPOINT CATHERINE SIMMER AS THE TOWN CLERK

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

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

WHEREAS, Julie Schreiber has announced her resignation; and

WHEREAS, the Town desires to appoint Deputy Town Clerk Catherine Simmer as the new Town Clerk;

NOW, THEREFORE, BE IT RESOLVED that Catherine Simmer is hereby appointed as the Town Clerk, Tax Collector, and Registrar of Vital Statistics for the Town of Westport, New York for the remainder of 2020 and beginning April 1, 2020.

RESOLUTION #80
JASON KEECH TRAINING APPROVAL

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

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

RESOLVED to approve Jason Keech's online wastewater training.

SUPERVISOR'S COMMENTS

A message to the town from the Town Board regarding the Coronavirus will be included in the water bill mailing. The message will also be added to the webpage for residents that are not in the water district.

There has been a request of the town to provide orange trash bags and a trailer for the roadside trash. The trailer will be placed behind the Town Hall for one week. Further discussion on this topic next meeting.

RESOLUTION #81

HIRE AN ANIMAL CONTROL OFFICER

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

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

RESOLVED to hire Jacob Ashe as the animal control officer for the Town of Westport.

DPW SUPERINTENDENT REPORT – Dennie provided a crew update to accommodate the guidelines for protecting the crew against the Coronavirus. The crew is broken up into two crews working an alternate schedule.

The town will be getting the firewood from a new source that will save the town about \$400-\$500.

RESOLUTION #82

ADJOURNMENT

On a motion by Councilperson Brankman, seconded by Councilperson Kirkby, and approved on a roll call vote, the meeting adjourned at 3:30 p.m.

Minutes respectfully submitted,

Catherine L. Simmer, Deputy Town Clerk