

The Town of Moriah Town Board held a Joint Meeting with the Village of Port Henry, Board of Trustees on October 27, 2016 at 7:00pm at the Town of Moriah Court House, 42 Park Place, Port Henry, New York, to discuss the formation of joint Fire District #3.

Present: Thomas Scozzafava Supervisor
Paul Salerno Councilman
Lucille Carpenter Councilwoman
Thomas Anderson Councilman

Absent: Timothy Garrison Councilman

Others Present: Linda Smyth-Village Trustee, Mark Davenport-Village Trustee, Matt Brassard-Village Trustee, Jim Hughes-Chief: Port Henry Fire Dept., Robert Hafner-Village of Port Henry Attorney, John Silvestri-Town of Moriah Attorney, Ann Tesar, William Trybendis, Janel & Walt Jurkiewicz, Denise Daly-Village Clerk, and Rose French, Town Clerk. Robert Hafner-Village of Port Henry Attorney, arrived at 7:10pm.

Supervisor Scozzafava opened the joint meeting at 7:00pm by reading the legal notice calling for the joint meeting.

John Silvestri, Attorney for the Town of Moriah, discussed the legal procedures on how the new Fire District #3 will be formed. It has to be by majority vote, and then a date will be set for a Public Hearing. It has to be a joint resolution between the Town and Village. The area in fire protection that was covered by the Port Henry Fire Department will be covered by the new Fire District #3.

1. ON MOTION by Trustee Matt Brassard, seconded by Councilman Salerno, the following joint resolution was

APPROVED	Ayes	Scozzafava, Salerno, Carpenter, Anderson, Brassard, Smyth, Davenport
	Nays	0
	Absent	Garrison

Whereas, the Board of Trustees of the Village of Port Henry and the Town Board of the Town of Moriah, Essex County, New York (the “Boards”) met at a joint meeting on October 27, 2016 for the purpose of jointly considering the formation of a joint Fire District pursuant to the provisions of Section 189-a of the Town Law and Section 22-2210 of the Village Law; and

Whereas, the object and purposes for which it is proposed that the joint Fire District be created is to maintain fire protection within the areas of the proposed joint Fire District following dissolution of the Village; and

WHEREAS, the Boards have determined by a majority vote of each Board that it is in the public interest to hold a joint Public Hearing on the proposal to establish the Port Henry Fire District, pursuant to Town Law and Village Law, which fire district would encompass the Village of Port Henry and a portion of the Town of Moriah; and

WHEREAS, the Boards intend that such joint Fire District shall be a joint fire district until such time as the Village of Port Henry is dissolved and shall at such time become a regular fire district under Article II of Town Law (since the Village will no longer exist);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. It is in the public interest and each Board determines to make the proposal to establish the Village of Port Henry/Town of Moriah Joint Fire District, entitled “Fire District #3”.
2. The Board of Trustees of the Village of Port Henry and the Town Board of the Town of Moriah will hold a joint Public Hearing on November 15, 2016 at 7:00pm at the Knights of Columbus located at 4253 Main Street, Port Henry, New York 12974, to hear

all persons interested in the proposed formation of a joint Fire District within the Town of Moriah Fire Protection District and the Village of Port Henry all such territory being contiguous, and for such other and further action on the part of said Boards with relation to the proposed joint Fire District as may be authorized and prescribed by law. The boundaries of such proposed joint Fire District shall encompass the entire bounds of the Village of Port Henry and properties currently located within the Moriah Fire Protection District and detailed in Schedule A attached hereto.

3. The Village Board hereby authorizes and directs the Village Clerk to duly provide notice of the joint Public Hearing as follows:

A. Publication of a Notice of the Public Hearing in a newspaper with general circulation in the Village and the Town at least once.

B. Posting of the Notice in five (5) conspicuous public places in the Village not less than ten (10) days before the date of the Hearing.

C. Service of the Notice on the members of the Village Board of Trustees by mail addressed to their last known post office addresses, at least ten (10) days before the date of the Hearing.

4. The Town Board hereby authorizes and directs the Town Clerk to duly provide notice of the joint Public Hearing as follows:

A. Publication of a Notice of the Public Hearing in a newspaper with general circulation in the Village and the Town at least once.

B. Posting of the Notice in five (5) conspicuous public places in the Town outside the Village not less than ten (10) days before the date of the Hearing.

C. Service of the Notice on the members of the Town Board of Trustees by mail addressed to their last known post office addresses, at least ten (10) days before the date of the Hearing.

2. **ON MOTION** by Supervisor Scozzafava, unanimous second, the following resolution was

APPROVED Ayes Scozzafava, Salerno, Carpenter, Anderson, Brassard,
Smyth, Davenport

Nays 0

Absent Garrison

RESOLVED to set date for Joint Public Hearing for Tuesday, November 15, 2016 at 7:00pm at the Port Henry Knights of Columbus, 4253 Main Street, Port Henry, NY 12974.

Jim Hughes, Port Henry Fire Chief asked the Supervisor if he has had any calls regarding the formation of the new Fire District. The Supervisor said yes, he has had a couple.

John Silvestri, Attorney for the Town of Moriah, asked Robert Hafner, Attorney for the Village of Port Henry if there was anything else that needed to be done after the Public Hearing on November 15, 2016.

Mr. Hafner said yes, the new Fire Corporation has to be established along with the 5 Fire Commissioners and he suggested we amend the Public Hearing notice to include those 2 items so it doesn't prolong the process.

3. **ON MOTION** by Supervisor Scozzafava, unanimous second, the following resolution was

APPROVED Ayes Scozzafava, Salerno, Carpenter, Anderson, Brassard,
Smyth, Davenport

Nays 0
Absent Garrison

RESOLVED to amend previous resolution to schedule joint public hearing to consider formation of joint fire district.

4. ON MOTION by Trustee Brassard, seconded by Trustee Smyth, the following resolution was

APPROVED Ayes Scozzafava, Salerno, Carpenter, Anderson, Brassard,
Smyth, Davenport

Nays 0

Absent Garrison

WHEREAS, the Board of Trustees of the Village of Port Henry and the Town Board of the Town of Moriah, Essex County, New York (the “Boards”) met at a joint meeting on October 27, 2016 for the purpose of jointly considering the formation of a joint Fire District pursuant to the provisions of Section 189-a of the Town Law and Section 22-2210 of the Village Law; and

WHEREAS, the object and purposes for which it is proposed that the joint Fire District be created is to maintain fire protection within the areas of the proposed joint Fire District following dissolution of the Village; and

WHEREAS, the Boards have determined by a majority vote of each Board that it is in the public interest to hold a joint Public Hearing on the proposal to establish the Port Henry Fire District, pursuant to Town Law and Village Law, which fire district would encompass the Village of Port Henry and a portion of the Town of Moriah; and

WHEREAS, the Boards intend that such joint Fire District shall be a joint fire district until such time as the Village of Port Henry is dissolved and shall at such time become a regular fire district under Article II of Town Law (since the Village will no longer exist);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. It is in the public interest and each Board determines to make the proposal to establish the Village of Port Henry/Town of Moriah Joint Fire District, entitled “Fire District #3”.
2. The Board of Trustees of the Village of Port Henry and the Town Board of the Town of Moriah will hold a joint Public Hearing on November 15, 2016 at 7:00 p.m. at the Knights of Columbus located at 4253 Main Street, Port Henry, New York, 12974, to hear all persons interested in the proposed formation of a joint Fire District within the Town of Moriah Fire Protection District and the Village of Port Henry all such territory being contiguous, and for such other and further action on the part of said Boards with relation to the proposed joint Fire District as may be authorized and prescribed by law. The boundaries of such proposed joint Fire District shall encompass the entire bounds of the Village of Port Henry and properties currently located within the Moriah Fire Protection District and detailed in Schedule A attached hereto.
3. The Village Board hereby authorizes and directs the Village Clerk to duly provide notice of the joint Public Hearing as follows:
 - A. Publication of a Notice of the Public Hearing in a newspaper with general circulation in the Village and the Town at least once.
 - B. Posting of the Notice in five (5) conspicuous public places in the Village not less than ten (10) days before the date of the Hearing.
 - C. Service of the Notice on the members of the Village Board of Trustees by mail addressed to their last known post office addresses, at least ten (10) days before the date of the Hearing.

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C. Service of the Notice on the members of the Town Board of Trustees by mail addressed to their last known post office addresses, at least ten (10) days before the date of the Hearing.

BE IT FURTHER RESOLVED, that the Village of Port Henry Board of Trustees and the Moriah Town Board shall each hold a separate public hearing immediately following the joint public hearing on November 15, 2016, at the Knights of Columbus located at 4253 Main Street, Port Henry, NY 12974 for the purpose of considering the incorporation of the Port Henry Fire Department as a not-for-profit fire corporation and the granting of Consent for such incorporation by the Village of Port Henry Board of Trustees and the Moriah Town Board.

BE IT FURTHER RESOLVED, that the Port Henry Village Clerk and Moriah Town Clerk shall be authorized and directed to post and publish notices for such public hearings.

Mr. Hafner explained that at the Public Hearing there are 2 things that need to be done; 1) Form the new fire district, appoint the 5 fire commissioners. Authorize the fire department to give property and equipment to the Town in accordance with the Dissolution Plan effective April 1, 2017. He also stated that it is subject to permissive referendum, it will need to be filed with New York State and recorded with the County Clerk. 2) Incorporate the Fire Department as not for profit. Incorporate the exact areas currently in fire protection. Hold a Public Hearing authorizing consents.

The Supervisor asked if the parcels needed to be listed in the legal ad and Mr. Hafner said yes, they do.

The Supervisor asked if this is voted down, is the formation of the fire district dependent on the corporation. Mr. Hafner said no. The Supervisor stated that the Town is obligated to provide fire protection to the people in the Village.

Mr. Salerno asked if this goes to vote, what percentage of the voters will it take to pass. Mr. Hafner said it would take 51%.

Jim Hughes, Port Henry Fire Chief stated he has provided 3 names for the proposed fire commissioners, Tom Edwards, Chuck Kolodzey, and Janel Jurkiewicz; and Jim Curran has provided 2, Frank Slycord and Carl Gifaldi. He stated that the Village Board of Trustees will have to figure out who the 3 are. He feels he has provided 3 good candidates. The Supervisor stated that the Town has come up with 2 people, Dwayne Maye and Steve Pelkey, he feels they will make good fire commissioners as well. Mr. Hafner said the Village Board of Trustees will have to meet and pick 3 people and get the names to him as soon as possible. The Supervisor reminded everyone that these people are not permanent and they will be up for election next November. He reiterated that the names that Chief Hughes presented are all good candidates, responsible and knowledgeable. The Supervisor also wanted to remind people that the Fire Commissioners do NOT have an "open checkbook"; they can't just go out and buy whatever they want.

The meeting closed at 7:36pm.

Town Clerk

