

THE PORT HENRY FACT FINDER

Reporting the News and Needs of Port Henry and Surrounding Area

issue #18
2016

vol. 6,
April 9,

**This issue has been made possible by the generous support of:
Nancy and Kim Gilbertson, Margaret and Charles Parah, Josie and Pat Tom**

SETTING THE RECORD STRAIGHT

Quoted from the Press Republican.

“To the Editor:

I'm writing to set the record straight due to recent assumptions that have been made and facts that have been misconstrued: On Friday February 26, 2016 a meeting was held at the Village Hall with citizens who found an alternative plan to dissolution that would be fair to both village and town taxpayers. The following people were in attendance at this meeting; a Village Trustee, six citizens and I, which does not constitute an open public meeting. As we were discussing the alternative information another trustee, who was at the hall for other Village business, entered the room. At this time yes, it did become a meeting that should have been advertised and open to the public, as three or more Village officials does constitute an open public meeting however, I assure you this was not intentional; the entrance of the third trustee was not planned or anticipated.

On Saturday March 5, 2016 another meeting took place at the Village Hall with one Village Trustee, an attorney, two citizens and I. Again, this did not constitute an open public meeting and was held to obtain advice with regard to what the next step would be should the proposed dissolution plan be voted down. This meeting was not held in an executive session either. The state could not give us the answers we seek because a dissolution plan has never been voted down before. It is my duty as an elected official to listen to the concerns of ALL Village constituent's as well as to obtain any and all information to ensure that the dissolution process is followed to the end, in accordance with state law. No taxpayer funds were expended at either meeting and no action was taken.

Ernest Guerin

Village of Port Henry Mayor”

THE PRESENTATION OF THE DISSOLUTION PLAN

This past Tuesday 5th, Port Henry's Knights of Columbus Hall was the venue for the Presentation of the Dissolution Plan to the public, just one of many steps in the process of dissolution. There were around ninety of the public there to listen, make comment and ask questions after Nicole Allen of the Laberge Group had again explained the process and the final Plan. At the very end of the meeting, the Village Board decided to accept the Plan as written (another necessary step in the dissolution process.) This allowed those village residents opposing dissolution to begin obtaining signatures on their petition (which they did then and there) for a re-vote on the Plan. The process allows forty-five days for this signature gathering. Signing the petition in **no way** obligates you to vote in either way or even to vote at all. It merely allows those, who would like to be given a second chance to express their preference, to do so.

Overseeing the meeting was Nicole Allen of the Laberge Group; Rob Roekle from the State to answer questions concerning State laws; Town Supervisor Tom Scozzafava; and the Village Board with James Curran, Mark Davenport and Linda Smyth, its three new trustees, present for the first time.

Those of the public who wished to be sure of time in which to make statements signed-up prior to the meeting. There were about fourteen or fifteen people, in all, who chose to comment. During this commentary period, the public was told about alternatives to dissolution. One person asked why had

these alternative solutions not been discussed before? **Answer:** when a petition of dissolution is presented to a village, it must respond to this request by beginning a specific process of dissolution and The Laberge Group was hired to guide the village through this process of dissolution. This was what it was hired for and not for presenting alternatives. Those interested in retaining the village began studying the problem and discovered there were alternatives, potentially as tax-saving as dissolution might be. At this meeting, Nicole was asked to read an email she had sent in response to a request for information; it is very informative on this particular subject.

Nicole Allen's email:

“Sorry I was unable to respond to you quicker last week. Laberge has been hired by the Village to advise the Board as to the options that it has in front of them related to dissolution. I have cc'd the mayor on this email as well. I can add a discussion for our public presentation about the options available to the village that would achieve a tax savings without dissolution, including both “coterminous” and “consolidation.” I think that we all agree that there is a savings, the question that is on the table is what will be quality and level of service and will that be worth the loss of the village. These alternative options would achieve the same savings but would provide the village with the most strength in creating enforceable agreements with the town. Through this alternative process, the CETC state tax credit would still be available upon implementation.

At this point in the process the next step for saving the village is a petition for another vote after the Board adopts the plan. I am more than happy to discuss these alternatives with you and the mayor should you desire more information. Nicole”

Coterminous! What *is* “coterminous?” The dictionary meaning for “coterminous” is: “sharing a common boundary, bordering or contiguous. For example, the northern border of the United States is coterminous with the southern border of Canada. It also means enclosed within a common boundary.”

As how “coterminous” is being used to set legal parameters for an alternative solution to dissolution, the following explanation is offered. The LG06 memorandum outlines methods in which two municipalities can come together and create ways that most suite their separate and combined needs. In a broader sense the Home Rule statute supports the same concept and allows latitude for communities to form agreements stating how they wish to organize. The Home Rule statute seems clear in supporting the principle that grass-roots, bottom-up initiatives are to be shown deference by the Courts. This is further reinforced by the NY Constitution. It encourages creativity in finding what is best for both communities, but “regardless” how this town-village has been created, there is permanent State legislation governing the administration of this newly created municipality.

At least two persons' comments explained the fact that if the village *is* dissolved, the Plan is legally non-enforceable. The Town Board would not have to follow one aspect of the Plan. Not that this would happen, but it could, particularly by later boards. As one person wrote, “It is a momentous decision...” One statistically minded person pointed out that the village is where, in government, your voice has most weight and that if Port Henry were to be dissolved, each person's voice would have considerably less weight.

There were many questions about village services which would be changed or eliminated if dissolution were to occur. Some of the responses were: garbage will not be picked up, sidewalks will not be plowed, it seems that streets, other than Main and Broad, will not be plowed.

There were also many questions concerning the village's assets such as its equipment and Port Henry beach. Equipment, if it becomes necessary, would be sold to pay down the village's debt (as the village, if dissolved, is required to be responsible for continuing to pay off all debts acquired prior to dissolution). The beach is another matter. The beach may not be sold without a public vote of agreement and then the State legislature would have to sign-off on it because it is under “public” land jurisdiction.

There were questions concerning the two separate existing water filtration systems; would they

be combined if dissolution occurred? Reason for these questions is that many people believe Port Henry's water is much better tasting than town water.

During this whole dissolution process, what would happen to the Port Henry Fire Department if the village dissolved was seemingly one of the hardest decisions for the Plan Committee to make and maintain. The final Plan, as presented to the public, suggests the best option would be to form a joint Town/Village Fire District, with Port Henry's Fire Department maintaining its identity, current location and current equipment. This new Fire District would continue to serve Port Henry and encompass the two Fire Protection areas to the Village's north and south which it has previously served under contract from the Town for \$26,000 a year. The Town of Moriah has expressed preference for this option. The village-owned vehicles and equipment will be leased out to the new district - *at nominal cost*. The Village-owned Firehouse will be transferred to the Town and *leased* to this new Fire District. The lease would be based on 25% of the cost for utilities covered by the Town with the existing 75% of the utilities covered by this new Joint Fire District. The fuel oil would be 50/50 with the Town. Fact Finder's read on "Table 12" under Fire Departments, in Laberge's final presentation of the Plan, would seem to be considerably more expensive than what Port Henry's Board now budgets for its Fire Department.

ANNOUNCEMENTS

The Moriah Chamber of Commerce is requesting its member businesses to place their orders for banners now! Deadline for orders is **April 22nd**.

For just \$150.00 you can order your customized banner with your business name on it. Banners will be hung for you at your business location. Place your order via **Facebook**, email: moriahchamber@gmail.com, or call [518-250-1050](tel:518-250-1050). Don't miss out on this fantastic promotional opportunity!

All three of our immediate area fire departments, the Moriah Fire Department, the Mineville-Witherbee Fire Department and the Port Henry Fire Department are holding Open Houses on **April 23rd**. They will be participating in the state-wide day, "Recruit New York" celebrations recognizing the truly amazing gift we all receive 24/7 month after month from all the men and women of Volunteer Fire Departments.

Moriah Fire Department will open its doors at 10am-2 PM. A definite drawing card will be the crash simulator. Penelope the Clown will be there from 11am-1 PM and there will be free hotdogs, chips and soda available at lunchtime. For any further information call the station: 546-7837 or James Michener.

Mineville-Witherbee's Chief Adam Wright's phone number: [802-349-7415](tel:802-349-7415) is a good number to call for further information on the Mineville-Witherbee celebration. Unfortunately, The Fact Finder's closest publishing date to these events is April 9th, so some of the information is not available for the Fact Finder to be able to include in this issue.

Port Henry's Firehouse will be open from 10am-2PM to allow people to see the equipment and ask any questions they may have. Their special observance for the day will be a spaghetti dinner from 3-7PM at the Mineville VFW. Children under five are free, but adults should be ready to pay \$10.00 per person.