

The Town of Moriah Town Board held their Regular Board Meeting on September 11, 2014 at 6:00 PM at the Town of Moriah Court House, 42 Park Place, Port Henry, New York.

<b>Present:</b>	Thomas Scozzafava	Supervisor
	Timothy Garrison	Councilman
	Luci Carpenter	Councilwoman
	Thomas Anderson	Councilman
	Paul Salerno	Councilman

**Others Present:** John Easter; William Trybendis; Jamie Wilson-Highway Superintendent; Dianna Stevenson; Richard LaPier, Codes Officer; Tom & Georgiana Scott; Sandra Lovell; Sue Fernandez; Jill Yukalis; Elaine Adkins Town Clerk.

Mr. Scozzafava called the meeting to order at 6:00pm by saluting the flag. The Supervisor asked for a moment of silence in memory of those lost 13 years ago today.

**ON MOTION** by Councilman Anderson, seconded by Councilman Garrison, all in favor, carried. **RESOLVED** that the Town of Moriah Town Board approve the minutes from the previous meeting.

**Floor Open to the Public:** No one spoke.

#### **Department Head Reports:**

Jamie Wilson, Highway Supt., reported that the total reconstruction of Republic Street is completed with the exception of a little work left on the island to do. The culverts are in on Stone Street and the tennis courts in Moriah Corners have been paved along with paving Fisk Road and Potter Lane. The swing sets are together and up at Linney Field, the equipment is in for the tennis court and the beach project will start on Monday, September 15<sup>th</sup>.

September 27<sup>th</sup> is the brush day at the transfer station for residents only. Brush must be three inches or under.

Mr. Scozzafava stated the swing set looks nice at the playground at Linney Field and this was done with Healthy Choices Grant money. Jamie got most of the grants with the help of Meg Parker. The grants are encouraging people to get out and walk and stay healthy.

Richard LaPier, Code Enforcement, gave the following report. Building Codes issued five building permits in August, did two annual fire/safety property maintenance inspections and responded to two complaints.

Councilman Garrison asked to set a date for the Community Public Meeting and asked the Codes Officer to be there for his input. Mr. Scozzafava stated the informational meeting will be to discuss what the Codes Officer is doing and what the cost is to the Town. Mr. LaPier stated that he enforces the state code when it comes to property maintenance. The Board discussed the issues of foreclosed properties and not being able to add the cost of cleanup on to property taxes and why it can't be done. The meeting will be held on October 16<sup>th</sup> at the Moriah Fire House at 7 PM.

Councilman Garrison gave the following Police Report. The Police Department handled 149 calls for service in the month of August of which there was one violation arrest, one disorderly conduct, seven misdemeanor arrests, one felony arrests, issued 24 traffic tickets and handled six traffic accidents.

#### **Floor Open to the Public:**

Susan Fernandez and Jill Yukalis came here on horse issues; to represent the horseback riding people. They are hearing that the Town wants to pass a law where horseback riders have to stop and pick up horse manure; they are a little offended by this. They know that going through Grover Hills can be a problem so they have been staying out of there. It is not their fault what other people do. Councilwoman Carpenter stated that she met with Ed Roberts, Janet Collier from Ag & Markets and Judge Carpenter to draw up a local law to cover animals in general; nothing has been adopted. Mr. Scozzafava stated that he and the Board have had complaints; they are not expecting them to get off their horse and clean up the manure. Everything you heard has only been discussed. The drafted law will go to a public hearing where both sides will be

heard, then the Board decides on the adoption in whole or in part. Ms. Fernandez stated that Channel 3 has on TV, rules for safety on horseback. These rules are the same as for bicycles; people need to respect horseback riders. The Board discussed the public hearing. Ms. Lovell doesn't understand why they'd be asked to clean up horse poop.

### Reports from Town Board:

Councilman Anderson reported that there was a Youth Committee meeting regarding the summer program and discussed personnel for next year. This year's program was very successful. We are waiting to see if we get a bill from the school to get our numbers together. If we don't get one we will be under budget. Mr. Scozzafava stated that New York State is making it more difficult every year to run the program. If they require an RN on staff, which they are talking about, we won't be able to afford the program.

Councilwoman Carpenter stated that Public Access is looking at the possibilities of a digital camera; no decision has been made. Mr. Scozzafava stated that we are negotiating with Time Warner and hope they will cover the cost. The equipment at the school is digital ready.

Mrs. Carpenter stated that the Wi-Fi at the campsite is up and working.

Councilman Garrison asked the Board to pass a resolution for first time home builders giving them a five year tax break. This is a win-win situation, encouraging people to build new homes on vacant lots increasing the tax base and benefits everyone.

**ON MOTION** by Councilman Garrison, seconded by Councilman Anderson, the following resolution was

**APPROVED** Ayes Garrison, Anderson, Scozzafava, Carpenter, Salerno  
**RESOLVED** that the Town of Moriah Town Board authorize the drafting of a local law for a tax break to benefit new home builders building on a vacant lot.

Sandra Lovell asked if this is a state law and Mr. Scozzafava said yes where a municipality can opt into it for a certain time period. She asked if it would impact the Village and she was told that they would have to adopt their own law.

Councilman Salerno gave the following Building and Grounds report. They have been mowing and weed whacking, cleaning brush with the inmates, working on the playground, assisting water & sewer and getting ready to clean furnaces for the winter.

Mr. Salerno reported that the last day of the campsite is October 12<sup>th</sup>. They've had 160 seasonals and have no one on the waiting list. They are getting many transient campers. Monday the shoreline erosion project.

The free dump days are September 13<sup>th</sup> for Mineville, Witherbee and Moriah Center, September 20<sup>th</sup> for Moriah and Port Henry.

### Supervisor's Report:

- Mt. Lake Services has opened a clothing warehouse in Moriah Center to benefit anyone in need in the community. You can also drop off useful clothing that they will clean and sell. To find out more you can contact Mt. Lake at 546-3386 ext. 181.
- Received a letter from the Village to the Assessors Assessment Review in support of lowering the taxes on the property owned by Old Chimney LLC. Mr. Scozzafava stated this is in litigation and the Judge should be announcing his decision in the next few weeks.
- Received letter from Joanne Mazzotte regarding cable on 9N&22. We've been negotiating by phone to get extensions in different areas. The legislature has what they call the last mile; if there are no houses within a mile of the last house they hook up they don't have to keep going with the cable.
- The Supervisor was drug tested and passed.
- Received letter from NYS Public Service regarding discount on the lifeline discount telephone service program encouraging eligible people to enroll; based on income.
- Advertised for transfer station attendant; 21 hrs. /week. Met with One Work Source about the different scenarios. Will make a decision next week.

**ON MOTION** by Councilman Anderson, seconded by Councilman Garrison, the following resolution was

**APPROVED** Ayes Anderson, Garrison, Scozzafava, Salerno, Carpenter  
Nays 0

**RESOLVED** that the Town of Moriah Town Board authorize the Supervisor to hire someone 21 hours per week at the Transfer Station.

The Supervisor stated that we are about \$16,000 in the black at the transfer station before the debt comes out for the old landfill; then we are about \$25,000 in the red. When we raised the price of stickers it drove people to the private sector; may ask the Board to reduce the price of stickers at budget time.

**Resolutions:**

1. **ON MOTION** by Councilman Garrison, seconded by Councilman Anderson, the following resolution was

APPROVED Ayes Garrison, Anderson, Scozzafava, Salerno, Carpenter  
Nays 0

**RESOLVED** that the Town of Moriah Town Board re-appoint Sharon Callahan to the Board of Assessment Review for a five year term running from October 1, 2014 through September 30, 2019.

2. **ON MOTION** by Councilman Garrison, seconded by Councilman Salerno, a resolution authorizing the issuance of \$500,000 Serial Bods of the Town of Moriah, Essex County, New York to pay the cost of shoreline improvements at the Town's Bulwagga Bay Camp Ground and recreational area off Route 22/9N in and for said Town.

WHEREAS, the capital project hereinafter described has been determined to be a "Unlisted Action" as defined under the regulations of the State Environmental Quality Review Act promulgated pursuant to the State Environmental Quality Review Act which, it has been determined will not have a significant impact upon the environment; and

WHEREAS, it is now desired to authorize the financing of said capital project; NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Moriah, Essex County, New York, as follows:

Section 1. The cost of shoreline improvements for the Town's Bulwagga Bay Camp Ground and Recreational Area off Route 22/9N in and for the Town of Moriah, Essex County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, including incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$500,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of bonds ultimately to be issued shall be reduced by any grants-in-aid received therefore.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(c) 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 not exceed five years.**

Section 4. The faith and credit of said Town of Moriah, 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. 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 bonds herein authorized, including renewals of such notes is hereby delegated to the Town 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 Town 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 Town 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 interest of said Town; provided, however that in the exercise of these delegated powers, he 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 Town 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 such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, 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 Town 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 Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. 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 publications, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. 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 10. This resolution, which takes effect immediately, shall be published in summary 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.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Anderson	Voting	Aye
Councilman Carpenter	Voting	Aye
Councilman Garrison	Voting	Aye
Councilman Salerno	Voting	Aye
Supervisor Scozzafava	Voting	Aye

The resolution was thereupon declared duly adopted

3. **ON MOTION** by Councilman Anderson, seconded by Councilwoman Carpenter, the following resolution was

APPROVED Ayes Anderson, Carpenter, Scozzafava, Salerno, Garrison  
Nays 0

**RESOLVED** that the Town of Moriah Town Board authorizes the renewal of the contract with TelVue for video equipment at the school in the amount of \$944.85 for one year.

Discussion: There is an option to do the contract for four years; the amount due decreases each additional year from 15 percent of the total paid for the equipment the first year, 12.5 percent the second year, 10 percent the third year and 7.5 percent the fourth year. The Board decided they should go the four years and the Town Clerk will check to see if it can be paid yearly or if the total amount is due now.

4. **ON MOTION** by Councilwoman Carpenter, seconded by Councilman Garrison, the following resolution was

APPROVED Ayes Carpenter, Garrison, Scozzafava, Anderson, Salerno  
Nays 0

**RESOLVED** that the Town of Moriah Town Board authorize to put out to bid the scrap metal at the transfer station with the bid opening at the October 9, 2014 Board meeting.

5. **ON MOTION** by Councilman Garrison, seconded by Councilman Salerno, the following resolution was

APPROVED Ayes Garrison, Salerno, Scozzafava, Carpenter, Anderson  
Nays 0

**RESOLVED** that the Town of Moriah Town Board set the date for the Tentative Budget to be held on October 2, 2014 at 6:00PM at the Town Hall.

6. **ON MOTION** by Councilman Anderson, seconded by Councilman Garrison, the following resolution was

APPROVED Ayes Anderson, Garrison, Scozzafava, Carpenter, Salerno  
Nays 0

WHEREAS, on March 28, 1972 the Witherbee Sherman Corporation and Republic Steel Corporation sold to the Town of Moriah the property commonly known as the "Old Hospital", located at 26 Hospital Road, Mineville, NY 12956; and

WHEREAS, on May 8, 2014, All Kings Brokerage was the bidder on Auction Property No.1, being located at 26 hospital Toad, Moriah, Essex County, NY containing tax map number 86.74-1-4.001; and

WHEREAS, that on May 8, 2014, All Kings Brokerage won the bid for said parcel above for the sum of \$4,000.00; and

WHEREAS, that after review of the deed, the attached hereto and made a part hereof, there is a clause that states the "Grantee, for itself and its successors and assigns, in consideration of this conveyance and by the acceptance of this instrument does hereby covenant and agree that the real property will be continued to be used and maintained as a dispensary and hospital for the Town or solely for public purposes".

NOW THEREFORE BE IT RESOLVED, that because this property went up for auction, and there are no heirs to Witherbee Sherman and Republic Steel, the Town of Moriah hereby declares the clause contained in said deed null and void, and hereby deeds to said All Kings Brokerage the property known as 26 Hospital Road, with full permission to tear down, destroy, renovate, or use said property however they see fit, with permit approval from the proper authorities, and will not hold and bind them to the clause "continuing to be used and maintained as a dispensary and hospital for the Town or solely for public purposes".

\*See attached deed.

7. **ONMOTION** by Councilman Salerno, seconded by Councilman Anderson, the following resolution was

APPROVED Ayes Salerno, Anderson, Scozzafava, Carpenter, Garrison  
Nays 0

**ESOLVED** that the Town of Moriah Town Board authorize the payment to the Essex County Clerk in the amount of \$219.00 for the filing fee for the deed to the Old Health Center.

8. **ONMOTION** by Councilman Anderson, seconded by Councilman Salerno, the following resolution was

APPROVED Ayes Anderson, Salerno Scozzafava, Carpenter, Garrison  
Nays 0

**RESOLVED** that the Town of Moriah Town Board approve the payment of the warrants.

9. **ON MOTION** by Councilman Garrison, with a Unanimous second, the following resolution was

APPROVED Ayes Garrison, Scozzafava, Anderson, Carpenter, Salerno  
Nays 0

**RESOLVED** that the Town of Moriah Town Board is in support of Essex County in their pursuit to get the cemetery across from the Old County Home turned back over to the County from a private owner, in a manner deemed practicable and sufficient based on all local and state laws.

10. **ON MOTION** by Councilman Garrison, seconded by Councilwoman Carpenter, the following resolution was

APPROVED Ayes Garrison, Carpenter, Scozzafava, Salerno, Anderson  
Nays 0

**RESOLVED** that the Town of Moriah Town Board supports asking the Village Board the Village of Port Henry, to put forth a resolution to put referendum on the ballot to dissolve the Village of Port Henry.

Discussion: The Town of Moriah Town Board thinks the Village people should have an opportunity to vote on dissolving.

**Floor Open to the Public:**

Councilman Salerno asked for an update on the hydro-plant. The Supervisor stated that he spoke with Jim Besaw from Albany Engineering and the investors are still very interested. The company currently runs five plants now. During the week they will be doing a fly over. Once the permit application is in we will hold an informational meeting. Mr. Salerno asked on a scale of 1-10 what the Supervisor thought the feasibility of this happening is; Mr. Scozzafava replied “an eleven”, the investors are there.

The meeting adjourned at 7:20pm.

**Abstract Distributions:**

**Claim Nos.:**

August 26, 2014

4013 - 4028

General	\$8,168.55
Water #1	198.96
Water #2	142.17
Water #4	18.93
Sewer	<u>92.59</u>
Total:	\$8,621.20

September 9, 2014

4035 – 4129

General	\$26,244.44
Highway	11,689.82
Water #1	6,100.89
Water #2	4,430.38
Water #4	564.23
Sewer	<u>2,183.00</u>
Total:	\$51,212.76

**Capital Projects:**

**Claim Nos.:**

Shoreline Erosion	\$18,413.16
Waste Water	5,115.00
Emergency Study	
Court House	253.72

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Town Clerk