

The Town of Moriah Town Board held their REGULAR BOARD MEETING on May 14, 2015 at 6:00 PM at the Town of Moriah Court House, 42 Park Place, Port Henry, New York.

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

**Others Present:** John Easter, Jamie Wilson-Highway Superintendent, John and Jackie Viestenz, Dianna Stevenson, Bill Trybendis, Sandra Lovell, Art Morgan-Water & Sewer Superintendent, Elaine Adkins, Richard Lapier-Code Enforcement Officer, Eric Wilhemson, Peter Wilhemson and Rose French-Deputy Town Clerk.

Mr. Scozzafava called the meeting to order at 6:00pm by saluting the flag.

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

**Floor Open to the Public:**

N/A

**Department Head Reports:**

Jamie Wilson-Highway Superintendent: Sweeping is almost done. They have been working on equipment and mowing to get ready for Memorial Day. They have been helping out the Campsite and the Water & Sewer Department. Champ is up at the Campsite and the docks are in. As far as paving goes, Jamie is waiting on the County to see what they are going to do. Jamie is waiting to meet with Meg Parker and the County to see if we are eligible for any grants to do sidewalks.

Art Morgan-Water & Sewer Superintendent: Still cleaning up from winter and all the water breaks. They had a sewer plug at the Moriah Health Center. They have been working on the backhoe. Hydrant flushing is done. Had a call on a water break on Windy Hill Road, it isn't a break; it is a natural spring in the middle of the road that is there every year.

Rich Lapier-Building Codes: Issued 4 building permits, and 3 violation notices. Would recommend approval for a 2 lot sub division for Tom Wood, non APA jurisdictional, they would be 1.3 and 2.6 acre lots.

**ON MOTION** by Councilman Salerno, 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 approve a 2 lot sub division for Tom Wood.

There have been a lot of complaints about the garbage on Wall Street. There are 2-3 places that need to be cleaned up. Homeowner will need to clean up their property or they will be taken to court, it will cost the Town money to do this, but it needs to be done.

Police Report: (read by Tom Anderson, Steve Stahl-Officer in Charge-absent)

Handled 163 calls for service.

(3) violation arrests:	(1) disorderly conduct
	(1) failure to control a dog
	(1) harassment 2 <sup>nd</sup> degree

(4) misdemeanor arrests: (1) issuing bad checks  
(1) petit larceny  
(1) conspiracy 6<sup>th</sup> degree  
(1) filing a false statement

(1) felony arrest (1) burglary 2<sup>nd</sup> degree

Issued 15 traffic tickets

Handled 7 traffic accidents

### **Town Board Committee Reports:**

Councilman Anderson: Hiring is complete for the 2015 Summer Youth Program.

**ON MOTION** by Councilman Carpenter, seconded by Councilman Salerno, the following resolution was

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

**RESOLVED** that the Town of Moriah Town Board approve Joseph Defelice, Janelle Brassard, Christina Lashway, Caitlyn Pelkey, Bianca Crisan, Halee Calabrese, Victoria Smith, Ryan Jaquish, Bill Larrow, Joe King, Nick Manfred and Josh Defelice - Counselors, Debra Brace - Assistant Director, and Celia Briggs - Activities Coordinator for the 2015 Summer Youth Program.

There will be trainings and meetings coming up for the Youth Commission.

Councilwoman Carpenter: Work is still in progress getting the meetings on Channel 17 with the new camera. The Iron Ore Center Historical Society meetings are the 3<sup>rd</sup> Wednesday of the month and she will be attending those. The proposed Animal Control Law has been sent to the Attorney's, waiting to hear back from them.

Councilman Garrison: The Iron Ore Challenge on Cheney Mountain will take place on June 6, 2015, sign up is at 8:45AM, and start time is 9:00AM. Proceeds go to the Town of Moriah Chamber of Commerce. Councilman Garrison attended the Chamber meeting and they have a lot of projects that they want to do, but they need new members.

Councilman Salerno: Building & Grounds Report: (Ed Roberts-Building & Grounds Superintendent-absent). Busy with road side clean up; so far have picked up 110 bags of garbage. Building & Grounds have been busy mowing the cemeteries and all the grounds getting ready for Memorial Day. Ed will get the prisoners Monday and Tuesday to put up the new fence at the cemetery next to Raymond Wright Park.

The Campsite opened on May 8, 2015. We currently have 139 seasonals. Transients are already coming in; last year we didn't have any early transients, due to the flooding. Wi-Fi is up and running.

### **Supervisor's Report:**

The Town's contract with Time Warner Cable is up this year. The merger with Comcast is no longer going to happen. Moriah is slated to have cable extended in certain areas this year as soon as Governor Cuomo releases the funds to do so.

The town received a thank you card from Barb Brassard for the donation to the ambulance squad in memory of her mother, Anna Beebe.

Tom received an email from Demond Burwell from TowerPoint Capital. They would like to lease space where the Verizon tower is. If Verizon sublets any space the Town and Village will get a kick back for the land.

Due to the increase in minimum wage, the YCC program will only hire between 12-15 children this year. Also, the age limit will be 16-18 year olds; we will not accept

applications from 14-15 year olds. We will also only hire one counselor, not two, it will be a 20 hour a week program.

Governor Cuomo announced the availability of federal grants to help local governments with infrastructure. The sewer line that runs from Grover Hills all the way to Moriah Central School will be a priority. Also, new suction pumps not submersible pumps for Moriah Center pump station will be looked into and new water lines in certain areas.

Tom picked up a packet at the Village Hall that former Mayor Gary Cooke wrote regarding the highway tax that the Village Residents are responsible for. Tom feels that this is an unfair tax but he would never vote to alleviate that tax. Eric Wilhelmson stated that the Village has their own DPW, maybe they should do away with that department or consolidate with the Town. Tom stated that there are a lot of other shared services with the Village as well, the Waste Water Treatment Plant, Police Department, Moriah Health Center, etc. Tom said the Governor is offering money to towns that do shared services and stay under the 2% tax cap with a rebate on property tax. Schools cannot do shared services with the Town. Tom brought up the idea of consolidating the fire departments again.

Tom received a letter from Mayor Guerin regarding an increase in the Water District 3 rate. This increase will not take place until January 2016, due to the fact that we have already billed Water District 3 for the whole year.

Tom copied all Town Board members with a letter from camper Hugh Phillips; it can be discussed at the next town board meeting.

#### **Resolutions:**

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

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

**WHEREAS**, Old Chimney, LLC, the owner of certain real property in the Town of Moriah, commenced a tax assessment review proceeding in the Supreme Court of Essex County for each of the years 2012 and 2013, challenging the assessment by the Town of Moriah of its real property on Lake Champlain and seeking the correction thereof on the assessment roll of the Town of Moriah for each of said years, and

**WHEREAS**, said proceedings for the years 2012 and 2013 came on for trial in the Supreme Court of Essex County, and

**WHEREAS**, the Supreme Court determined after trial that said property was over assessed by the Town of Moriah for each of the years 2012 and 2013 and directed that the assessment roll of the Town of Moriah for each of said years be corrected to set forth an assessed valuation for said real property in the sum of \$466,440, and

**WHEREAS**, a Judgement was entered pursuant thereto in the Essex County Clerk's Office which, among other things, the refund to Old Chimney, LLC of the excess taxes paid by Old Chimney, LLC to each taxing authority based upon the erroneous assessment for each of the years 2012 and 2013, together with interest as may be required by law, and

**WHEREAS**, a Notice of Appeal from said Judgement and Order to the Appellate Division Third Department was served and filed by the Town of Moriah, and

**WHEREAS**, a conference was held before a conciliator appointed by the Appellate Division Third Department to attempt to resolve the issues on appeal by settlement agreement, and

**WHEREAS**, at said conference, a tentative agreement was reached between the parties to settle the issues to be raised on appeal by reducing and correcting the

assessment roll of the Town of Moriah for the years 2012 and 2013 to set forth an assessment of \$550,000 for the real property of Old Chimney, LLC, subject to the approval by the Town Board of the Town of Moriah, and

**WHEREAS**, it appears that the best interests of the Town of Moriah would be served by approval of the proposed settlement agreement,

**NOW, THEREFORE**, be it

**RESOLVED**, that the settlement agreement be approved and that the assessment roll of the Town of Moriah be corrected for each of the years 2012 and 2013 to set forth an assessed valuation of the real property of Old Chimney, LLC at the sum of \$550,000, and be it further

**RESOLVED**, that there be refunded to Old Chimney, LLC all excess taxes paid, inclusive of interest as provided by law, as a result of the over-assessment of its real property on the assessment roll of the Town of Moriah for the years 2012 and 2013 and also for the year 2014, as required by §727 of the Real Property Tax Law of the State of New York, and be it further

**RESOVLED**, that the Town Supervisor and counsel be authorized to execute any documents required to accomplish the settlement and to refund that portion of the taxes due and owing to Old Chimney, LLC because of the correction of the assessments for the years 2012, 2013 and also for the year 2014.

Discussion: Tom stated that the Town Board has no control over any assessments until it goes to court. If a party is not happy with an assessment it first goes to grievance, if it is still not resolved than it goes to court. In 2013 Old Chimney's assessment was reduced to \$820,000, it was settled in court and then the Assessor's raised it again to 1,230,000. Property owner filed a suit. The Town had to hire an appraiser and so didn't Old Chimney. Judge ruled on \$440,000, Town appealed and settled at \$550,000. After all is said and done, between the Village, Moriah Central School, Essex County and the Town of Moriah will end up refunding Old Chimney @ \$50,000. The Town has not received a bill from the Town Attorney or for Court fees yet. The Town will have to pay for it out of fund balance. Councilman Anderson asked what the Assessors had to say about this and Tom said he should ask them.

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

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

**RESOLVED** to amend the contract with Kubricky Construction for Bulwagga Bay Project for additional rock, top soil and sand in the amount of, not to exceed \$30,000.

Discussion: There are 2 areas that need about another 1,000 yards of rock.

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

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

**RESOLVED** to adjust water and sewer bill for Daryl Allen as his residence was vacant from 3/10/14-2/5/15 in the amount of \$263.00.

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

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

**RESOLVED** to use \$2,169 for the installation of a water lateral for Sara Arno.

Discussion: Money is from CDBG account that must be used for this purpose.

5. **ON MOTION** by Councilman Anderson, seconded by Councilman Garrison, the following resolution was  
**APPROVED** Ayes Carpenter, Garrison, Scozzafava, Anderson, Salerno  
Nays 0  
**RESOLVED** to renew contract with Twinstare, 6/2/15-6/1/16 in the amount of \$690.00 for phone service maintenance.

6. **ON MOTION** by Supervisor Scozzafava, seconded by Councilman Salerno, the following resolution was  
**APPROVED** Ayes Carpenter, Garrison, Scozzafava, Anderson, Salerno  
Nays 0  
**RESOLVED** to adjust metered water bill for Beulah Olsen, account #WSD01111 from \$101.06 to \$76.91.

Discussion: Ms. Olsen has metered water and during the winter when she was away in Florida, she left her water running so it wouldn't freeze up as the Town suggested, resulting in a slightly higher water bill.

7. **ON MOTION** by Councilwoman Carpenter, seconded by Councilman Anderson, the following resolution was  
**APPROVED** Ayes Carpenter, Garrison, Scozzafava, Anderson, Salerno  
Nays 0  
**RESOLVED** to approve payment of the warrants and end of month warrant for April.

**Floor Open to the Public:**

N/A

The meeting adjourned at 6:55pm.

Abstract Distributions for 4/22/15	Claim #'s:
General: \$47,227.72	2015-410 – 2015-432
Highway: \$114.26	
Water #1: \$144.29	
Water #2: \$98.73	
Water #4: \$15.20	
Sewer: \$366.73	

Abstract Distributions for 5/14/15	Claim #'s:
General: \$29,371.87	2015-438 – 2015-543
Highway: \$16,470.49	
Water #1: \$3,706.32	
Water #2: \$2,688.41	
Water #4: \$346.74	
Sewer: \$56,932.98	

Capital Projects:	Claim #'s:
Waste Water Engineering Study:	\$10,020.00 4

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Deputy Town Clerk