

PUBLIC HEARING OF THE
VILLAGE OF PORT HENRY BOARD OF TRUSTEES

LOCATION: KNIGHTS OF COLUMBUS, 4253 MAIN STREET
PORT HENRY, NY 12974

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth; Town of Moriah Supervisor; Tom Scozzafava, Clerk Daly, Treasurer Monette, Deputy Superintendent of Water and Streets; Daniel (Digger) Laing and Port Henry Fire Department Chief; Jim Hughes.

Attendance: Nicole Allen and Rebecca Yanus of the Laberge Group, Robert Roeckle; NYS Department of State, Keith Lobdell; Times of Ti Sun, Lohr McKinstry; Press Republican and approximately 90 people from the public; sign in sheet on file.

Mayor Guerin called the Public Hearing to order at 7:00 pm, followed by the salute to the flag and thanked everyone for attending.

Mayor Guerin introduced Nicole Allen and Rebecca Yanus; Laberge Group consultants and Rob Roeckle from the NYS Department of State. Mayor Guerin indicated that the purpose of the Public Hearing was to present the proposed Dissolution Plan to the public and provide the opportunity for the public to ask questions or make comment on the plan, during the public comment period.

Mayor Guerin asked Deputy Mayor and Trustee, Brassard if he wished to speak before the presentation. Trustee Brassard asked that the public direct questions or comments to the Board or consultants only and to please be respectful of others while they are speaking. Trustee Brassard also indicated that those who wished to comment or ask questions on the plan would need to indicate so, on the sign the sheet and that speakers would be chosen in the order they signed up.

Supervisor Scozzafava thanked everyone for coming and indicated that he and Trustee Brassard have worked many hours on the Dissolution Plan and have discussed all areas that will affect the Village and Town with regard to personnel, operations and fire protection. Supervisor Scozzafava feels the plan is workable and provides the best options for the overall community and that as Town Supervisor he will do everything in his power to put forth and uphold the plan.

Trustee Brassard turned the floor over to Nicole Allen of the Laberge Group who provided a presentation on how Dissolution came about, the process and the proposed Dissolution Plan. The presentation and plan is available on the internet at: <http://labergegroup.com/PortHenry> - *A summary of the plan is attached.*

PUBLIC COMMENT PERIOD

Each individual who signed up was given five minutes to speak, make comments on the dissolution plan and ask questions as follows:

Mike O'Dell asked if there will be a duplication of fire services. Ms. Allen indicated there duplication would not be an issue, as there would be no loss of fire service personnel.

Cheyenne Morin asked if the Village residents would accumulate the costs associated with the water plant or would that become a town wide debt. Ms. Allen indicated that the debt associated with the Village water plant will remain with the Village water district.

Gary Cooke, former Village Mayor presented an alternative coterminous option to dissolution where the Village could negotiate a system of government, keep its services and still maintain its voice. Mr. Cooke indicated that the current proposed dissolution

plan can be tossed out anytime after dissolution takes effect. Under the coterminous option, the CETC funding would still be available to utilize. There are currently five or six communities in NYS that have implemented such, successfully. Mr. Cooke commented that if dissolution occurs, Village residents would have no representation on the Town Board and would simply be giving away the Village assets to the Town. Mr. Cooke indicated that consolidation under the coterminous option would also be legally enforceable.

Sandra Lovell read a statement from Margaret Parah who could not attend the hearing. Ms. Parah suggested asking for a list of pro's and con's with regard to the dissolution plan; that would allow each individual to make an informed decision.

Sandra Lovell informed the Board and public that she is in favor of keeping the Village however the State is eager to eliminate all villages and that this is apparent in the changes made to the law with regard to the dissolution process. Ms. Lovell indicated that the percentage of signatures required for a petition to put dissolution to a vote decreased to 10% and the time line has also been decreased to three months. Ms. Lovell supports a petition to allow Village residents to vote on the proposed Dissolution Plan (that will require 25% of signatures of registered voters of the Village) because the proposed plan is not enforceable, and the Town does not have abide by it.

Tom McDonald asked if the Village campground/beach can be sold. Supervisor Scozzafava said that would be subject to a mandatory referendum. Rob Roeckle from the State indicated that doing so would require an act of State legislature as it is considered parkland.

Nancy Gilbertson indicated that she understands the amount of time that was spent on formulating the plan, however she is uncomfortable with the fact that that the plan is not legally binding. In her opinion, it sounds like a coterminous approach/option would work well. Ms. Gilbertson commented that she hopes everyone will sign a petition to put the proposed plan to a vote.

Kim Gilbertson commented that with dissolution, the Village would have less of a voice and that he'd like to see a legally binding agreement. Mr. Gilbertson asked Nicole Allen if the plan holds any legal weight with regard to the Town taking on and keeping the employees they've indicated they would, in the plan. Ms. Allen indicated that the plan is not legally enforceable however it does hold some political weight, and that the Town Supervisor has stated repeatedly that all of the employees will transfer as indicated in the plan. Kim Gilbertson urged the public to sign the petition and indicated that he is not in favor of the plan as he does not feel that it good for the Town.

Tom Edwards indicated that the property value of the Village Hall is assessed in the plan at \$400,000. Mr. Edwards asked the Board if the village has thought about selling the Village Hall or beach, or leasing the beach, to pay down some of the debt. Mr. Edwards was informed that the \$400,000 for the Village hall is the insured value of the property, not the market value and the beach could not be sold as it is considered park land and would have to be approved by State legislation.

Mr. Edwards asked if the Town plans on leaving a plow in the Village upon dissolution and Supervisor Scozzafava indicated yes, that will be done. Tom Edwards also commented that the loader and back hoe each have a zero dollar amount next to them in the plan, why? Ms. Allen indicated that would be looked in to and that the Town has recommended that both pieces of equipment stay in the Village. Mr. Edwards suggested selling both pieces of equipment to pay down the Village water and sewer debts as well as any thing else, in order to help offset any remaining debt to the Village taxpayer.

Greg Cunningham introduced himself on behalf of Adirondack Community Works and indicated that he has been looking for a location to open a community center and possibly house the fire department as well. Mr. Cunningham commented that dissolution is a difficult process and that the public turnout at this hearing and the community involvement throughout this process has been impressive.

Greg Cunningham commented that one of the things people seem upset about is the garbage removal being discontinued under the proposed plan. Mr. Cunningham indicated that Village residents currently pay approximately \$10.00 a month for garbage pick up and that he has contacted ACE with regard to garbage removal in the Village and they have provided him with a written quote of \$12.00 a month to pick up garbage for senior citizens in the Village of Port Henry.

Mr. Cunningham further commented that a decision on the proposed plan should be made based on the foreseeable future and that trust must be involved during the political process. Mr. Cunningham indicated that the process began as a result of property taxes that will be substantially reduced per the proposed dissolution plan and that if the plan is not upheld by the political figures it will be up to the public to elect new ones. Mr. Cunningham further commented that the Village's identity will remain in tact; a democratic process is never an easy one however it appears that dissolution may be helpful for all.

Supervisor Scozzafava asked Rob Roeckle from the State; if the plan has no legal binding then why is the plan subject to permissive referendum and if the plan is voted down under such, does the dissolution process then stop? Mr. Roeckle indicated that yes, the State says the dissolution process will stop if the plan is voted down via permissive referendum. Under Article 19, a plan used to be formed before the vote on dissolution, however under new current legislation the dissolution vote is held prior to forming a plan. Mr. Roeckle explained that the plan is not legally binding due to the fact that no municipal board may bind another to take legal action.

Supervisor Scozzafava reiterated that the dissolution process stops if the plan is voted down and Mr. Roeckle confirmed such, adding that the matter could be pursued via the State Supreme Court.

Gary Cooke indicated that the Home Rule option occurs if two municipalities agree to consolidate. Nicole Allen confirmed such however further indicated that the dissolution process must be carried through first as that is the process the Village was petitioned for. Mr. Cooke asked Ms. Allen if the dissolution plan is voted down could the plan then be renegotiated under Home Rule Law. Ms. Allen indicated that once dissolution is followed through to the end then yes, alternative options could then be entertained.

Annemarie Adamowicz asked Ms. Allen to read aloud an e-mail she sent to Mr. Cooke, regarding an alternative process to dissolution. Ms. Allen indicated in the e-mail that there may be a lot of savings to be had by utilizing a coterminous or consolidation approach to the matter. Ms. Adamowicz commented that regardless of personal feelings, the people have to have faith and 100 % representation is needed with regard to these issues.

Amanda Lovell commented that the Village Board doesn't have to do anything and could in fact decide to stop the dissolution process at the next meeting as this is all about money and reducing taxes; and that can be done in other ways. Ms. Lovell further commented that the Village Board has recently been high jacked and is no longer pro-Village. Mayor Guerin informed Ms. Lovell that she had gotten off topic and that the hearing was for the public to voice their comments and questions on the proposed dissolution plan.

Jackie Viestenz asked if there would also be snow removal on the sidewalks upon dissolution on Church Street, where the Sherman Free Library is located, as well as the banks ATM and was informed by Supervisor Scozzafava; that no, there would not be snow removal on the sidewalks on Church Street.

Ms. Viestenz also asked if the Town would be required to implement a Zoning Board of Appeals upon dissolution if a zoning law is in place in the Village and if the Town currently has a Planning Board. Nicole Allen indicated that yes, the Town would be required to have a Zoning Board of Appeals. Supervisor Scozzafava indicated that the Town Board currently serves as the Planning Board.

Ms. Viestenz indicated that she believed the Village was budgeting \$4,500 for expenses for the Sherman Free Library however the dissolution plan lists the expenses as \$4,000.

Cheyenne Morin asked Nicole Allen to please explain the fire department matter again. Ms. Allen reiterated the plans for the fire department becoming a fire district.

Patsy McCaughin asked why the public is just hearing about alternatives to dissolution now. Ms. Allen explained that a petition on dissolution was presented therefore the Village Board was legally required to pursue dissolution, before any other alternative.

Amanda Lovell commented that the Town Supervisor is not against dissolution which will raise Town taxes and that they will not decrease when the fund balance is used. Ms. Lovell also commented that the taxes are based on budgeted amounts, not actual amounts.

Kim Gilbertson asked if the fire trucks will be housed in the same building they are now. Ms. Allen indicated that that the only change will be the fire departments name; which will change to the Port Henry Fire District.

Trustee Curran addressed the public by asking if anyone had any suggestions on improving the plan. Trustee Curran then asked if anyone had even looked at the Dissolution Plan because he hadn't heard any comments from Village residents during the hearing with regard to any suggested changes. Trustee Curran indicated that about 80% of the people in attendance that evening probably hadn't even looked at the plan. Kyle Miller asked in response to Trustee Curran's comment; for those of us who supposedly haven't read the plan, when will we officially hear the date that the petition will be passed around to sign so that we can vote on the plan? Trustee Brassard indicated that it could be as soon as that evening. Tom Edwards asked if it could be done by write in.

Patsy McCaughin indicated that she would like to hear more about the alternative options to dissolution, rather than comment on the plan.

Joy Armstrong asked if someone is injured on the sidewalk in front of her property due to it not being cleared of snow/ice while she and her husband are at work or away for the day, are they responsible? Supervisor Scozzafava indicated yes, they would be liable, the same as they are now and Trustee Brassard agreed. Ms. Armstrong asked if they could remove the sidewalk in front of their house as it poses a well known safety hazard. Trustee Brassard indicated that he did not think a sidewalk could be removed by the homeowner.

Ms. Armstrong further commented that she would like to see something added to the plan with regard to garbage removal. While she thinks its great that a company has offered to pick up garbage for senior citizens for a fee of \$12.00 per month, she asked; what about the working class that are currently paying into social security?

Patsy McCaughin commented that she is not able to place an ACE container in front of her residence due to the guard rail. Trustee Brassard indicated that he understood her concern.

BOARD DISCUSSION

The Village Board contemplated on adopting the Dissolution Plan. Nicole Allen informed the Board that they had a few options; they could close the public hearing and amend the plan based on comments received this evening and hold another public hearing, or they could adopt the plan this evening as is, or adopt it at a future board meeting. The Board would however need to close the public hearing before voting on adopting the plan this evening, if they chose to.

A motion was made by Trustee Curran, seconded by Trustee Brassard, to adjourn the Public Hearing at 8:26 pm. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

REGULAR SESSION

Trustee Brassard announced that the public hearing had been closed and that the Village Board would now vote on adopting the Dissolution Plan.

A motion was made by Trustee Curran, seconded by Trustee Davenport, to pass a resolution to adopt the Dissolution Plan as is, with no changes and as presented at the April 5, 2016 Public Hearing. Vote:

Aye: Trustees Matthew Brassard, James Curran, Mark Davenport and Linda Smyth.
Nay: Mayor Ernest Guerin

By a vote of four to one, the Dissolution Plan was duly adopted by the Village of Port Henry Board of Trustees on this 5th day of April 2016.

A motion was made by Trustee Curran, seconded by Trustee Brassard, to adjourn at 8:28 pm. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

ADJOURNED

Denise C. Daly, Village Clerk