

JOINT MEETING AND PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES AND MORIAH TOWN BOARD

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

DATE: NOVEMBER 15, 2016

TIME: 7:00 PM

PRESENT: Village of Port Henry Deputy Mayor and Trustee; Matt Brassard, Village Trustees; James Curran, Mark Davenport and Linda Smyth, Village Clerk; Denise Daly, Town of Moriah Supervisor; Thomas Scozzafava, Town Board Council members; Thomas Anderson, Lucille Carpenter, Tim Garrison and Town Clerk; Rose French.

ABSENT: Village Mayor; Ernest Guerin, and Town Council member; Paul Salerno.

ATTENDANCE: Ann Tesar, Sandra Lovell, Phil Smith, Check Kolodzey, Bill Trybendis, Charlie Lewis, Tom Edwards, Ned Finney, Lohr McKinstry, Ron Nesbitt, Jr., Charlie Bryant, Town Attorney; John Silvestri, Village Attorney; Bob Hafner and Port Henry Fire Chief; Jim Hughes.

Supervisor Scozzafava called the Joint Meeting to order at 7:00 pm, followed by the salute to the flag and read aloud the legal notice for the Public Hearing on the proposed establishment of a Joint Fire District.

Supervisor Scozzafava introduced the Town and Village attorney's; Mr. Silvestri and Mr. Hafner and indicated that their legal services will be paid for through a consolidation grant from the NYS Department of State.

Village attorney Hafner provided an overview of the order of steps to be taken and provided documents for implementation. Part 1, is a resolution approving the establishment of the Joint Fire District including the appointment of the Board of Commissioners. The joint fire district will incorporate the current fire protection areas on the south and north ends of the Village of Port Henry into the proposed joint district. The district will take effect the day before dissolution in order to transfer equipment, etc.

Mr. Hafner explained that a fire district is the smallest municipality in NYS and is run by a Board of Fire Commissioners. Annual elections for the Board of Fire Commissioner's are held in December and consist of five year, staggered terms; commissioners are elected officials. The position of District Treasurer is an appointed one and done so by the Board of Fire Commissioners. Mr. Hafner indicated that the Village will select three of the five initial commissioners, suggested as follows; Tom Edwards, Carl Gifaldi and Frank Slycord. The Town will select two, suggested as follows; Dwayne Maye and Steve Pelkey. Erin Gilbo was suggested as the District Treasurer and she will be asked if she is interested in serving. It was agreed that if Ms. Gilbo declines, the Board of Fire Commissioners will then appoint a Treasurer at their first official meeting.

Mr. Hafner indicated that the Notice of Resolution relating to the formation of the Village of Port Henry/Town of Moriah Joint Fire District is subject to a 30 day permissive referendum.

Part 2 consists of establishing a fire corporation, including its officers, to run and handle the operations of the fire district. The draft Certificate of Incorporation must have Board consent after the required public hearing is held.

Supervisor Scozzafava asked if petitioned as a result of the 30 day permissive referendum; would that stop the incorporation. Mr. Hafner indicated that both Boards have made it clear that fire protection services are necessary therefore if petitioned the Town would contract with the fire corporation to provide fire protection services.

The Town Supervisor and Village Deputy Mayor opened the Public Hearing at 7:22 pm.

Sandra Lovell commented that she had concerns with regard to the new Fire District and expenses. Deputy Mayor Brassard indicated that the fire districts budget and any major expense items would be voted on. Ms. Lovell asked if once the district is set up; could it be relocated. Supervisor Scozzafava indicated that the building the fire district is housed in will belong to the Town and the fire district will lease the space however he is confident that the Town will receive funding for a new firehouse.

Tom Edwards asked if the permissive referendum results in a vote not to incorporate the fire department what would become of such. Supervisor Scozzafava indicated that the Town would then contract with the fire company to provide fire protection services. Bob Hafner indicated that such is consistent with the Dissolution Plan.

Phil Smith asked how the Village Board came up with the proposed fire commissioners. Trustee Davenport indicated that it was voted on electronically. Mr. Smith expressed his concern with the fire chief submitting his suggestions for fire commissioners as asked to, and then two other names being thrown into the ring without the public being made aware. Bob Hafner indicated that they are proposed selections; the Board will actually vote on the matter later this evening. Mr. Smith indicated that the three fire commissioners were not announced or discussed in a public meeting and will ultimately have control over taxes, etc. Deputy Mayor Brassard indicated that the suggested commissioners were discussed in a joint public meeting on October 27, 2016.

Tom Edwards commented that the matter could have been handled better. The Village Board had three proposed fire commissioners then two additional names were suggested unbeknownst to the public. Supervisor Scozzafava indicated that the fire commissioners will be appointed through December of 2017 after that date the positions become elected ones. Phil Smith commented that the commissioners selected will be in office for nine months and will have a say in the fire district budget. Supervisor indicated that was correct, however there are required public hearings that will need to be held at which time the residents will be provided an opportunity to address concerns, make comments and ask questions pertaining to the proposed budget.

Chief Hughes indicated that this matter has brought about an element of mistrust. The Port Henry Volunteer Fire Department works very hard both day and night to protect its residents and has pursued \$300,000 in grant funding; there seems to be some kind of push behind the scenes to attempt to dismantle these efforts. Chief Hughes indicated that all of the names suggested for appointment as fire commissioners are good people but he agrees with his officers; the way the other two names were chosen was not done above board and he hopes that there are no further hidden agendas.

Further public comment was called for; there was none. The Public Hearing was closed at 7:36 pm and both Boards entered back into regular session.

A Resolution Approving the Establishment of Fire District No. 3; Joint Fire District in the Village of Port Henry and a Portion of the Town of Moriah and Appointing Fire Commissioners; Tom Edwards, Carl Gifaldi Dwayne Maye, Steve Pelkey and Frank Slycord, was adopted by both the Town and Village Boards as follows:

Town Board: Motion to adopt the above listed resolution made by Town Council member Anderson, seconded by Council member Garrison. Vote:

Aye: Supervisor Scozzafava, Council members; Anderson, Carpenter and Garrison.

Nay: None.

Absent: Council member Salerno

Village Board: Motion made by Trustee Smyth, seconded by Trustee Davenport. Vote:

Aye: Deputy Mayor Brassard, Trustees; Curran, Davenport and Smyth.

Nay: None.

Absent: Mayor Guerin

By a vote of four to zero, the above listed resolution was duly adopted by a majority of the Village of Port Henry Board of Trustees on the 15th day of November, 2016.

The Village and Town Boards both viewed the Certificate of Incorporation and adopted a **Resolution Scheduling the Joint Public Hearing on Question of Whether the Port Henry Volunteer Fire Department Should be Incorporated, for December 13, 2016 at the Knights of Columbus located at 4253 Main Street at 7:00 PM** as follows:

Town Board: Motion made by Council member Garrison, seconded by Council member Anderson. Vote:

Aye: Supervisor Scozzafava, Council members; Anderson, Carpenter and Garrison.

Nay: None.

Absent: Council member Salerno

Village Board: Motion made by Trustee Curran, seconded by Trustee Smyth. Vote:

Aye: Deputy Mayor Brassard, Trustees; Curran, Davenport and Smyth.

Nay: None.

Absent: Mayor Guerin.

By a vote of four to zero, the above listed resolution was duly adopted by a majority of the Village of Port Henry Board of Trustees on the November 15, 2016.

There were no further comments from the public and the meeting adjourned at 7:40 pm.

Denise C. Daly, Village Clerk