

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

LOCATION: TOWN OF MORIAH COURTHOUSE
PARK PLACE, PORT HENRY, NY 12974

DATE: OCTOBER 27, 2016

TIME: 7:00 PM

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

ABSENT: Village Mayor; Ernest Guerin, Village Trustee James Curran and Town Council member; Tim Garrison.

ATTENDANCE: Ann Tesar, Janelle Jurkiewicz, Walt Jurkiewicz, Bill Trybendis, Town Attorney; John Silvestri, Village Attorney; Bob Hafner and Port Henry Fire Chief; Jim Hughes.

Supervisor Scozzafava called the joint Board Meeting to order at 7:00 pm, followed by the salute to the flag.

Supervisor Scozzafava read aloud the Town's legal notice advertising that the purpose of the meeting was to consider the establishment of the joint Fire District.

Town Attorney John Silvestri outlined the process for creating the joint Fire District and indicated that a Public Hearing will be scheduled for November 15, 2016 at 7:00 pm.

Supervisor Scozzafava reiterated that there will be no infringements on the other two fire districts located within the Town.

Deputy Mayor Brassard read the proposed resolution aloud. The Village and Town Boards jointly adopted the following resolution:

**RESOLUTION DETERMINING TO MAKE PROPOSAL
AND SCHEDULING JOINT PUBLIC HEARING
TO CONSIDER FORMATION OF JOINT FIRE DISTRICT
OCTOBER 27, 2016**

WHEREAS, the Board of Trustees of the Village of Port Henry and the Town Board of the Town of Moriah, Essex County, New York (the "Boards") met at a joint meeting on October 27, 2016 for the purpose of jointly considering the formation of a joint Fire District pursuant to the provisions of Section 189-a of the Town Law and Section 22-2210 of the Village Law; and

WHEREAS, the object and purposes for which it is proposed that the joint Fire District be created is to maintain fire protection within the areas of the proposed joint Fire District following dissolution of the Village; and

WHEREAS, the Boards have determined by a majority vote of each Board that it is in the public interest to hold a joint Public Hearing on the proposal to establish the Port Henry Fire District, pursuant to Town Law and Village Law, which fire district would encompass the Village of Port Henry and a portion of the Town of Moriah; and

WHEREAS, the Boards intend that such joint Fire District shall be a joint fire district until such time as the Village of Port Henry is dissolved and shall at such

time become a regular fire district under Article II of Town Law (since the Village will no longer exist);

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. It is in the public interest and each Board determines to make the proposal to establish the Village of Port Henry/Town of Moriah Joint Fire District, entitled "Fire District #3".
2. The Board of Trustees of the Village of Port Henry and the Town Board of the Town of Moriah will hold a joint Public Hearing on November 15, 2016 at 7:00 p.m. at the Knights of Columbus located at 4253 Main Street, Port Henry, New York, 12974, to hear all persons interested in the proposed formation of a joint Fire District within the Town of Moriah Fire Protection District and the Village of Port Henry all such territory being contiguous, and for such other and further action on the part of said Boards with relation to the proposed joint Fire District as may be authorized and prescribed by law. The boundaries of such proposed joint Fire District shall encompass the entire bounds of the Village of Port Henry and properties currently located within the Moriah Fire Protection District and detailed in Schedule A attached hereto.
3. The Village Board hereby authorizes and directs the Village Clerk to duly provide notice of the joint Public Hearing as follows:
 - A. Publication of a Notice of the Public Hearing in a newspaper with general circulation in the Village and the Town at least once.
 - B. Posting of the Notice in five (5) conspicuous public places in the Village not less than ten (10) days before the date of the Hearing.
 - C. Service of the Notice on the members of the Village Board of Trustees by mail addressed to their last known post office addresses, at least ten (10) days before the date of the Hearing.
4. The Town Board hereby authorizes and directs the Town Clerk to duly provide notice of the joint Public Hearing as follows:
 - A. Publication of a Notice of the Public Hearing in a newspaper with general circulation in the Village and the Town at least once.
 - B. Posting of the Notice in five (5) conspicuous public places in the Town outside the Village not less than ten (10) days before the date of the Hearing.
 - C. Service of the Notice on the members of the Town Board of Trustees by mail addressed to their last known post office addresses, at least ten (10) days before the date of the Hearing.

BE IT FURTHER RESOLVED, that the Village of Port Henry Board of Trustees and the Moriah Town Board shall each hold a separate public hearing immediately following the joint public hearing on November 15, 2016, at the Knights of Columbus located at 4253 Main Street, Port Henry, NY 12974 for the purpose of considering the incorporation of the Port Henry Fire Department as a not-for-profit fire corporation and the granting of Consent for such incorporation by the Village of Port Henry Board of Trustees and the Moriah Town Board.

BE IT FURTHER RESOLVED, that the Port Henry Village Clerk and Moriah Town Clerk shall be authorized and directed to post and publish notices for such public hearings.

The resolution was duly adopted the 27TH day of October, 2016 by motion from Village Deputy Mayor and Trustee Matthew Brassard, seconded by Town Council member Paul Salerno. Vote:

AYE: Village Deputy Mayor and Trustee Matthew Brassard, Village Trustees Mark Davenport and Linda Smyth, Town Supervisor Thomas Scozzafava, Town Council members Thomas Anderson, Lucille Carpenter and Paul Salerno.

NAY: None.

ABSENT: Mayor Ernest Guerin, Village Trustee James Curran and Town Board Council member Tim Garrison.

CERTIFICATION

I, Denise C. Daly, the duly qualified and acting Clerk of the Village of Port Henry, in Essex County, New York, hereby certifies that the above listed resolution was adopted at the October 27, 2016 joint Board Meeting of the Village of Port Henry Board of Trustees and Town of Moriah Town Board at 7:00 PM and that said resolution is on file of record; has not been altered, amended or revoked and is in full force and effect.

Denise C. Daly, Village Clerk

Chief Hughes asked if there have been any questions from the community. Supervisor Scozzafava and Deputy Mayor Brassard both indicated that they have not received any questions.

Village Attorney Bob Hafner entered the meeting at 7:10 pm and provided an overview of the process of forming the joint Fire District. Attorney Hafner indicated that the formation may occur after the required Public Hearing is held and at that time, the five fire commissioners should also be appointed. The Town Board will appoint two commissioners and the Village Board will appoint three. Next year the fire commissioners will become elected positions.

Mr. Hafner explained that the process on November 15th will consist of two steps:

- 1.) Fire District formation; appointment of the five fire commissioners. The Fire District will also be authorized to receive real and personal property and to transfer equipment.
- 2.) Incorporation of the Fire Department as a not-for-profit fire corporation.

Mr. Hafner indicated that he will provide the Village with the necessary notices, resolutions, certificate and a memo with regard to the filing instructions.

Supervisor Scozzafava indicated that Schedule A should be inserted in the legal notice for the November 15th Public Hearing.

Town Council member Salerno asked how many signatures would be required if a petition is submitted during the permissive referendum period. Mr. Hafner thought that 5% would be required. Supervisor Scozzafava commented that he does not for a petition being submitted however a Plan B would be required if it were to occur because the Town would then become responsible for providing fire protection to the former Village residents, as of April 1, 2017.

Fire Chief Hughes commented that he had provided his recommendations for the three fire commissioners from the Village; Tom Edwards, Chuck Kolodzey and Janelle Jurkiewicz, however it was brought to his attention that Trustee Curran has suggested that Frank Slycord and Carl Gifaldi be considered, as they have also expressed interest in serving. Chief Hughes asked what the Village Board's decision is, so that everyone is on the same page moving forward. A brief discussion ensued and the Village Board decided that they will provide the names of the three fire commissioners to be appointed in the very near future. Attorney Hafner asked the Village Board to please provide him with the names and addresses of the three fire commissioners that they choose to appoint no later

than a week from Friday, so that he may include them in the necessary forms and documents that are required.

Supervisor Scozzafava indicated that the Town has asked Steve Pelkey and Dwayne Maye to serve as fire commissioners as they reside in the south and north end of the current fire protection areas that will be incorporated in to the joint Fire District. Supervisor Scozzafava also indicated that he supports the Village Board's choices for fire commissioners.

The joint Board Meeting was adjourned at 7:35 pm.

Denise C. Daly, Village Clerk