

The Town of Moriah Town Board held a Joint Meeting with the Village of Port Henry on November 15, 2016 at 7:36pm at the Knights of Columbus 4253 Main Street, Port Henry, New York, to discuss the formation of a joint fire district.

Present: Thomas Scozzafava Supervisor
Lucille Carpenter Councilwoman
Thomas Anderson Councilman
Timothy Garrison Councilman

Absent: Paul Salerno Councilman

Village Trustees:

Present: Matt Brassard Trustee
Linda Smyth Trustee
Mark Davenport Trustee
Jim Curran Trustee

Absent: Ernest Guerin Mayor

Others Present: Bill Trybendis, Lohrer McKinstry, Ann Tesar, Chuck Kolodzey, John Silvestri-Attorney for the Town, Robert Hafner-Attorney for the Village, Phil Smith, Sandra Lovell, Charli Lewis-Essex County Real Property, Tom Edwards, Ned Phinney, Ron Nesbitt, Jim Hughes-Chief Port Henry Fire Department, Charlie Bryant, Denise Daly-Village of Port Henry Clerk and Rose French, Town Clerk

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

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

And Also

ON MOTION by Trustee Curran, seconded by Trustee Davenport, the following resolution was

APPROVED	Ayes	Brassard, Curran, Smyth, Davenport
	Nays	0
	Absent	Guerin

RESOLVED to schedule a joint public hearing on question of whether Port Henry Volunteer Fire Department should be incorporated.

WHEREAS, the Village of Port Henry Volunteer Fire Department wishes to form a fire corporation under the New York Not-for-Profit Corporation Law; and

WHEREAS, the Certificate of Incorporation of a fire corporation must have the consent of the municipalities to be served by the fire corporation; and

WHEREAS, a public hearing must be held on the question of whether the Fire Department should be incorporated before the municipality can give its consent; and

WHEREAS, the proposed Port Henry Volunteer Fire Department, Inc. will serve the Village of Port Henry and a portion of the Town of Moriah;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. 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 December 13, 2016 at 7:00 p.m. at the

Knights of Columbus 4253 Main Street, Port Henry, New York to hear all persons interested in the proposed incorporation of the Port Henry Volunteer Fire Department, Inc. and for such other and further action on the part of said Boards with relation to the proposed incorporation as may be authorized and prescribed by law.

2. The Village Board hereby authorizes and directs the Village Clerk to duly provide notice of the Joint Public Hearing by publication of a Notice of Public Hearing in the official newspaper at least once in each week for two successive weeks prior to the date of the Public Hearing.

3. The Town Board hereby authorizes and directs the Town Clerk to duly provide notice of the Joint Public Hearing by publication of a Notice of Public Hearing in the official newspaper at least once in each week for two successive weeks prior to the date of the Public Hearing.

Discussion: Both Boards agree on names that were given for Fire Commissioners. Will add Erin Gilbo as treasurer if she accepts.

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

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

And Also

ON MOTION by Trustee Smyth, seconded by Trustee Curran, the following resolution was

APPROVED	Ayes	Brassard, Curran, Smyth, Davenport
	Nays	0
	Absent	Guerin

RESOLVED to approve establishment of Fire District #3 Joint Fire District in the Village of Port Henry and a portion of the Town of Moriah and appointing initial District Officers.

WHEREAS, the Board of Trustees of the Village of Port Henry (“Village Board”) and the Moriah Town Board (“Town Board”), Essex County, New York (together, the “Boards”) met at a joint meeting on October 27, 2016 for the purpose of jointly considering the formation of a Village of Port Henry/Town of Moriah Joint Fire District, designated “Fire District #3” (the “Joint Fire District”), pursuant to the provisions of Town Law Section 189-a and Village Law Section 22-2210; and

WHEREAS, on October 13, 2016, the Town Board adopted a Resolution to alter the boundaries of the Moriah Fire Protection District pursuant to the provisions of General Municipal Law Article 17-A to exclude the properties described in Appendix “A” attached hereto and made a part hereof, which shall become effective upon the effective date of the Joint Fire District; and

WHEREAS, the Joint Fire District as it is proposed to be established shall encompass the entire Village of Port Henry together with the properties to be excluded from the Moriah Fire Protection District as described in Appendix “A” attached hereto and made a part hereof; and

WHEREAS, all of the territory in the proposed Joint Fire District is contiguous; and

WHEREAS, a joint Resolution was duly adopted by the Boards on October 27, 2016, setting the time and place where the Boards would meet for the purpose of holding a joint Public Hearing to consider establishment of the Joint Fire District; and

WHEREAS, Notice of the joint Public Hearing was duly published and posted in the manner and within the time prescribed by the applicable sections of law, and proof of publication and posting has been duly presented to the Boards; and

WHEREAS, notice of the aforesaid joint Public Hearing was served by the Village Clerk upon the members of the Village Board and by the Town Clerk upon the Town Board by hand delivery to each such member at least ten (10) days before the joint Public Hearing; and

WHEREAS, the joint Public Hearing was duly held at the time and place set forth in said Resolution and Notice, at which time all interested persons who desired to be heard were duly heard; and

WHEREAS, the Village Board and the Town Board have each duly considered the evidence presented at the joint Public Hearing and have duly deliberated;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Upon the evidence given at the joint Public Hearing, it is hereby found and determined that it is in the public interest to establish, and the Board hereby approves the establishment of, the Joint Fire District effective March 31, 2017, which shall encompass the entire Village of Port Henry together with the properties currently located within the Moriah Fire Protection District and described in Appendix "A" attached hereto and made a part hereof.

2. The Joint Fire District shall be a joint fire district until such time as the Village of Port Henry is dissolved and at that time shall become a regular fire district under Town Law Article 11.

3. The Joint Fire District shall have all the powers enumerated in Town Law Article 11 not inconsistent with Town Law Article 11-A.

4. Subject to the provisions of Town Law Section 189-e, the property and affairs of the Joint Fire District shall be under the management and control of an elected board of five (5) fire commissioners, elected each year by the voters of the District.

5. The following individuals are hereby appointed to serve as the initial Board of Fire Commissioners for the Joint Fire District for the terms of office stated. Five Fire Commissioners shall be elected at the First Fire District election to take effect upon expiration of an initial term of office, with the top vote getter having a five (5) year initial term, the next vote getter having a four (4) year initial term, the next vote getter having a three (3) year initial term, the next vote getter having a two (2) year initial term and the lowest winning vote getter having a

one (1) year initial term. Thereafter, one Fire Commissioner shall be elected annually for a term of five years from the date of expiration of the term of his or her predecessor.

Mr. Thomas Edwards
12 Greeley Lane
Port Henry, NY 12974

Term ending: December 31, 2017

Mr. Carl Gifaldi
51 South Main Street
Port Henry, NY 12974

Term ending: December 31, 2017

Mr. Frank Slycord
4331 North Main Street
Port Henry, NY 12974

Term ending: December 31, 2017

Dwayne Maye
4745 NYS Route 9N
Port Henry, NY 12974

Term ending: December 31, 2017

Steve Pelkey
4009 NYS Route 9N
Port Henry, NY 12974

Term ending: December 31, 2017

6. Erin Gilbo, of 18 Sherman Park, Port Henry, NY 12974, is hereby appointed to serve as Treasurer of the Joint Fire District through December 31, 2017.

7. The Joint Fire District Board of Fire Commissioners shall hold its first organizational meeting on such date and at such location within the Joint Fire District as determined by the Board of Fire Commissioners, at which meeting the Board of Fire Commissioners shall select a Chairperson.

8. It is further determined to be in the public interest, that the Village transfer to the Joint Fire District, effective March 31, 2017, or upon such other date as may be required, any and all firefighting apparatus and equipment and fire radio equipment owned by the Village and in its possession, including any rights of the Village as purchaser under contract for firefighting apparatus and equipment, without consideration, except for the satisfaction of any debt existing on such apparatus or equipment at the time of transfer, all in accordance with Town Law, and the Board approves such action as may be necessary and appropriate to accomplish such transfer.

9. This Resolution is adopted subject to permissive referendum, and the Town Clerk is hereby authorized and directed to publish a Notice within ten (10) days hereof setting forth the

date of the adoption of this Resolution, containing an abstract concisely stating the purpose and effect thereof and specifying that this Resolution is subject to permissive referendum.

10. This Resolution is also subject to the Village Board of the Village of Port Henry adopting a similar Resolution establishing the Joint Fire District, which Resolution is also subject to permissive referendum.

11. The Town Clerk is further authorized and directed to cause a certified copy of this Resolution including the determination to establish the Joint Fire District to be filed in the State Department of Audit and Control at Albany, New York, and cause a certified copy of this Resolution to be recorded in the Office of the Essex County Clerk, as provided in Town Law Section 189-d, within ten (10) days after the effective date of this Resolution.

The above is a true and accurate transcript of the meeting, the resolution and vote thereon.

Floor open to the public:

N/A

The hearing closed at 7:40pm.

Town Clerk

