

The Town of Moriah Town Board held their Regular Town Board Meeting on Thursday, November 10, 2022 at 6:00pm at the Town of Moriah Court House, 42 Park Place, Port Henry, NY.

|          |                   |            |
|----------|-------------------|------------|
| Present: | Thomas Scozzafava | Supervisor |
|          | Paul Salerno      | Councilman |
|          | Tom Anderson      | Councilman |
|          | Matt Brassard     | Councilman |
|          | Nathan Gilbo      | Councilman |

Others Present: Bill Trybendis, Robert Stevenson, Diana Stevenson, Jamie Wilson, David & Sandra Killary, Rick Carpenter, Brian Venne and Rose French-Town Clerk

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

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** that the Town of Moriah Town Board approve the minutes from the previous meeting.

**Floor Open to the Public:**

Sandra Killary thanked the Town for putting a pet waste container at the Pier.

David Killary asked if the Board had any more information on adding cats to the local law. The Supervisor stated the Town Clerk did extensive research; no Town in Essex County has a cat law; impossible to enforce due to the feral population. The Supervisor stated we have a lot of laws on the books now that are hard to enforce. Mr. Killary stated the cat was on his property and his dog went after it and the Court held him liable. Mr. Killary gave the Board a hand out of what he would like to see the local say; "No property owner shall be held liable for damage, injury or death of a trespassing animal (including cats), via altercation of a licensed animal that resides on said trespassed property". The Supervisor stated he feels this is beyond the Board's authority. If the Board wants the Supervisor to talk to the Town Attorney, he will. The Supervisor stated he has dealt with cows, goats, gerbils, etc., anything you can think of. Mr. Killary stated he wants the law to be specific regarding liability. The Supervisor stated he will look in to it; not sure the Board has the power. Sandra Killary stated they have rights to. The Supervisor stated Town Government cannot solve all problems; the Killary's beef is with the Court; they should ask for an appeal and/or get an attorney. Mr. Killary stated they are making an effort. The Supervisor stated he respects that but he is being brutally honest. Mr. Killary stated this law would be specific if someone is held liable. He stated they don't have the same rights as the cat owner. The Supervisor stated the Court has to be responsible for their decision. The Supervisor stated he will look in to it. Councilman Anderson stated they should get a lawyer; the right place is at Court. The Supervisor stated town law can't do everything; go see the court. Councilman Brassard stated we can run it by the Town Attorney. The Supervisor asked Councilman Brassard if he supported it and Councilman Brassard said yes. Sandra Killary stated the problem is the cat was not listed as an animal. The Supervisor stated the Town Clerk sent the Ag & Markets law to the Killary's, very vague: he agrees with the Killary's and they should appeal. Sandra Killary stated the Judge said to go to the Board and the Board is telling them to go to the Judge. The Supervisor stated he will look in to it. The Killary's said thank you.

**Department Head/Town Board Reports:**

Councilman Salerno asked if you have a camper on a 1/2 acre lot are you assessed on just the property because the camper has wheels and the Supervisor said yes. Councilman Salerno asked if you have wheels on an Amish shed would that be assessed or no and the Supervisor stated that is a question for the Real Property tax office.

Councilman Salerno stated that the Bridge Harbor Marina charges \$250 for camper storage; what is our rate. The Supervisor was not sure. Councilman Salerno would like to see our rate raised.

The Supervisor stated we have a lower rate because the campers are here all season; doing a service.

Councilman Salerno stated the Water & Sewer Department has had a lot of breaks. The Supervisor stated if there is more than one unit on a lateral it is the Town's responsibility. The Supervisor stated they had a bad break on Lewald Street; just paved it. Water line was right on top of the sewer line.

Councilman Brassard stated the campsites are closed for the season. The work on the bath house on the hill at Bulwagga Bay has stopped for the winter; will resume in the Spring or if there are a few nice days this winter. He stated there are no issues at the Transfer Station.

Councilman Gilbo stated he is getting prices for public security cameras. He thanked the Highway Garage for clearing the area around the water tower on Spring Street so the new fencing could be put up.

Councilman Anderson stated that sign up for the ski team will be November 13<sup>th</sup> and November 16<sup>th</sup> in the Moriah Central School Elementary Cafeteria. You must be 8 – 18 years of age. Bring a check; \$140 for lift ticket and lessons; \$180 for lift tickets, lessons and rentals. Ski dates are 1/22, 1/29, 2/5, 2/12, 3/5, 3/12, 3/19.

Jamie Wilson stated they finished the winter sand pile; they are getting equipment ready for plowing. All docks are pulled and stored. Road projects for the year are complete. The basketball court at the new field is done. Sidewalks for the year are done. He received a quote from Over Head Door for a new motor in the amount of \$3,000; this includes installation.

**162. ON MOTION** by Councilman Anderson, seconded by Councilman Brassard, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to accept proposal from Overhead Door to furnish & install one motor for the overhead door at the Highway Garage.

Jamie Wilson would like to go out to bid for a new truck; regular cab; one-ton pickup, the one we are running right now has a cracked frame. The Supervisor stated a BAN will be paid off in January; if we buy a new truck in January the first payment wouldn't be due until 2024. This is something we have planned for. Councilman Gilbo asked if the Highway Garage would scrap the old one and the Supervisor stated it has been repaired; it would be good to use at the campsites.

**163. ON MOTION** by Councilman Brassard, seconded by Councilman Anderson, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to go to bid for a new regular cab one-ton pickup truck.

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

The Supervisor reported that Phoenix Tailings is test boring for rare earths. The Department of Defense has been there and a representative from Elise Stefanik's office has been there also. It is very exciting; there is huge interest in the pile. Jamie Wilson asked if this was on Barton Hill and the Supervisor said yes. Sandra Killary asked what he was talking about and the Supervisor explained the iron ore process and the tailings pile. Councilman Anderson asked what they were looking for and the Supervisor said he couldn't pronounce it; stuff to make the chips for vehicles.

The Supervisor reported that Councilman Gilbo is working on getting quotes from a firm on security cameras; he will get something written up. The Town of Ticonderoga has them; they are a deterrent to crime; have had 2-3 felony arrests because of the them.

The Supervisor stated he has had numerous conversations with Fred Perea regarding his driveway and the water run-off from Edgemont Road. Culverts were installed by the Town. Mr.

Pereau states there was an agreement between his Grandfather and the Town years ago that the Town would maintain his driveway because of it. The Supervisor stated the Town is not denying we have culverts on his property to divert the water, but the Town cannot go on private property with Town equipment and nobody can find an agreement. Essex County Soil & Water came down and looked at it, the Supervisor is waiting for the report.

The Supervisor stated the Town was awarded a NYS Water Infrastructure Improvement grant a few years ago in the amount of \$2.5 million to replace old infrastructure in Sewer district #1; we now need to accept the grant.

**164. ON MOTION** by Councilman Anderson, seconded by Councilman Salerno, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to accept the NYS EFC Clean Water State Revolving Fund Grant for Sewer Collection System upgrades in the amount not to exceed \$3,577,469.

Discussion: Councilman Salerno asked if this money had to be used by a certain date and the Supervisor stated he wasn't sure, the money is just starting to come in. Councilman Brassard stated we have \$3.8 million left to borrow.

The Supervisor stated he and the Board met with the Commissioners of Fire District #3. The Town wants to get rid of the building the fire department is in. He heard back from a couple of the commissioners and they are interested in taking the building over.

The Town Offices will be closed Thursday, November 24<sup>th</sup> and Friday November 25<sup>th</sup> for Thanksgiving.

The Transfer Station will be closed Friday November 11, 2022 for Veterans Day.

The Holiday Train will be here Monday, November 28, 2022 at 4:30pm; this is their only stop this year. Councilman Brassard stated we will be collecting food for the food pantry that night.

The Wastewater Treatment Plant had an inspection on October 12, 2022 and it was satisfactory; always in great condition.

In doing an audit on vacant properties in Port Henry it was discovered they are not being charged water or sewer debt. We will work on that to start billing in April 2023.

The Supervisor met with the NYS Department of Health last week regarding a state mandate on lead pipes in curb stops and laterals to homes; EPA requirement; will take 2 years to complete. The Essex County Board of Supervisors was in agreement with this; the Supervisor stated this is a legit issue.

The Port Henry Water District Plant had a few deficiencies-minor. The concrete reservoir needs to be looked at. Councilman Salerno asked if we would need a structural engineer to look at it. The Supervisor thinks it should have gunnite. Councilman Brassard stated it was looked at before the Village of Port Henry dissolved. The Supervisor stated the Department of Health looks at it first.

#### **Resolutions:**

**165. ON MOTION** by Councilman Anderson, seconded by Councilman Brassard, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to refund Justin Drake for Water District #3 debt service and Sewer District #2 debt service in the amount of \$287.00.

Discussion: The Supervisor stated he assumed the Village was charging debt service for vacant properties; however, they were not.

- 166. ON MOTION** by Councilman Salerno, seconded by Councilman Brassard, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to refund Mark Davenport for Water District #3 and Sewer District #2; operation and maintenance in the amount of \$134.00 (house torn down).

Discussion: The Supervisor stated Mr. Davenport bought the house at the tax sale and it is gone now.

- 167. ON MOTION** by Councilman Brassard, seconded by Councilman Salerno, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to go to bid for Sodium Hypochlorite Solution for 2023; bids to be opened at Regular Town Board meeting on Thursday, December 8, 2022.

- 168. ON MOTION** by Councilman Gilbo, seconded by Councilman Brassard, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to accept proposal from Willie Grant for new Court House/Police Station sign; \$1,200.00.

Discussion: The Supervisor stated it will be similar to the one at the Town Hall.

- 169. ON MOTION** by Councilman Brassard, seconded by Councilman Anderson, the following resolution was

|          |        |  |
|----------|--------|--|
| APPROVED | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** a resolution to reappoint Buck Beebe to the Board of Assessment & Review; effective 10/1/2022-9/30/2027.

Fred Perea and Cheryl Tromblee arrived late.

The Supervisor stated Fred Perea just arrived to discuss his driveway. The Supervisor informed Mr. Perea we are waiting for the report from Essex County Soil & Water. Mr. Perea stated he spoke to Chip Perry, he always maintained the driveway because the Highway Superintendent before him did. The Supervisor stated yes if it was flooded, to groom it, no. Mr. Perea stated milk trucks is not the only reason the Town maintained it. It has never been an issue. Chip Perry never saw an agreement. Mr. Perea stated he only wants what he has been getting for the past 80 years. He asked Jamie Wilson how many loads he has brought from the black top to the first culvert and Mr. Wilson said 2 or 3. The Supervisor stated he has discussed this numerous times with Mr. Perea; he considers them friends but it is private property; the Town cannot put Town equipment on private property; it is no different than Healds' or End of the Road Association-private roads. Mr. Perea stated the Town has 2 culverts on his property. The Supervisor stated the Town has always repaired a washout, but repair is different than maintain.

Brian Venne stated when he was a board member 20 years ago he remembers Chip Perry working on it and he asked him why and Chip Perry said Ross Baker told him Perea had an agreement. The Supervisor stated it is an issue now because somebody questioned it. The Supervisor asked the Board what they wanted to do about it. Councilman Anderson asked when the last time was that the Highway Department fixed it and Jamie Wilson said last year. Mr. Wilson stated it is not the Town's job to maintain the driveway from the culverts to the house; maintenance is the homeowner's responsibility.

A heated discussion ensued.

Mr. Perea stated when we have heavy rain it is an issue and it is all ledge right there. Mr. Wilson stated it is not a Town issue. The Supervisor stated if there is an event that causes damage the Town will fix it; maintaining and grooming he will never support. The Supervisor wants to wait for the report. Councilman Salerno suggested waiting for the report and maybe talking to Bill Tansey, Town Attorney. The Supervisor stated if we can't find the agreement it is up to the Town Board. Councilman Salerno stated we don't have enough information. Councilman Gilbo asked Mr. Wilson what Soil & Water was going to do and Mr. Wilson said give the Town some advice on what to do.

Mr. Perea asked what changed. Councilman Salerno stated we should send Mr. Perea a letter and the Supervisor stated we did. Councilman Salerno apologized; he hasn't had time to read it. Councilman Anderson stated we have the report coming. Mr. Wilson stated we will get their opinion; they have been doing it. Supervisor Scozzafava asked if there was an issue with doing it and Mr. Wilson stated he could get in trouble for doing it and the Supervisor said yes, it is against the law to go on private property with Town equipment. The Supervisor stated the right thing to do would be to shock rock it like Tarbell Hill. The Supervisor stated again we should wait for the report from Essex County Soil & Water; he encouraged the Board to go look at it so they knew what was being talked about. Councilman Anderson stated he will come up and look at it, read the report and get some advice from Jamie Wilson before he makes a decision; Councilman Gilbo was in agreement with this. Mr. Perea asked Jamie Wilson to fix the road before the report came out and Mr. Wilson said no, he is going to wait for the report.

The Supervisor stated we will take a 5-minute recess and when we come back we will go in to Executive Session to discuss a personnel related matter.

David Killary asked how far the right of way is off the road and the Supervisor thought it was 20-25 feet.

At 7:25pm the Board went in to Executive Session.

At 7:55pm the Board came out of Executive Session.

The Supervisor stated Executive Session was to discuss an employee's wages.

**170. ON MOTION** by Councilman Brassard, seconded by Councilman Salerno, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to change Preliminary Budget to \$24,000 for adjustments in Health Insurance.

**171. ON MOTION** by Councilman Brassard, seconded by Councilman Salerno, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to adjust Senior Citizen Bus Driver by \$356.00 for minimum wages.

**172. ON MOTION** by Councilman Anderson, seconded by Councilman Brassard, the following resolution

|               |        |                            |
|---------------|--------|----------------------------|
| <b>FAILED</b> | Ayes   | Anderson, Brassard         |
|               | Nays   | Gilbo, Scozzafava, Salerno |
|               | Absent | 0                          |

**RESOLVED** to raise both Clerks to \$16.49 per hour for 2023.

**173. ON MOTION** by Councilman Brassard, seconded by Councilman Gilbo, the following resolution

|          |      |  |
|----------|------|--|
| Approved | Ayes | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays | 0  |

Absent 0

**RESOLVED** to increase fund balance to offset above changes.

**174. ON MOTION** by Councilman Brassard, seconded by Councilman Gilbo, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to adjust sewer district #2 debt back to \$184.00 for 2023.

**175. ON MOTION** by Councilman Brassard, seconded by Councilman Salerno, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** to adopt 2023 Budget.

**176. ON MOTION** by Councilman Brassard, seconded by Councilman Anderson, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** approval to do transfers in budget as needed.

**177. ON MOTION** by Councilman Brassard, seconded by Councilman Anderson, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** approval to do adjustments in water and sewer as needed.

**178. ON MOTION** by Councilman Brassard, seconded by Councilman Salerno, the following resolution

|          |        |  |
|----------|--------|--|
| Approved | Ayes   | Scozzafava, Salerno, Anderson, Brassard, Gilbo |
|          | Nays   | 0  |
|          | Absent | 0  |

**RESOLVED** approval of payment of end of month and monthly warrants.

**Floor open to the public:**

The meeting adjourned at 7:58pm.

**Abstract Distributions:**

**Claim Numbers:**

October 26, 2022

|          |            |
|----------|------------|
| General  | \$6,145.45 |
| Highway  | \$4,830.71 |
| Water #1 | \$98.00    |
| Water #2 | \$68.43    |
| Water #3 | \$114.28   |
| Water #4 | \$9.84     |
| Sewer #1 | \$143.93   |
| Sewer #2 | \$77.15    |

2022/1607-1622

November 10, 2022

|          |             |
|----------|-------------|
| General  | \$38,355.31 |
| Highway  | \$29,444.68 |
| Water #1 | \$8,518.91  |
| Water #2 | \$5,582.80  |
| Water #3 | \$6,856.85  |
| Water #4 | \$318.44    |
| Sewer #1 | \$7,604.67  |
| Sewer #2 | \$3,593.93  |

2022/1623-1778

**Stimulus:**

|                   |           |            |     |
|-------------------|-----------|------------|-----|
| Upstone Materials | Sidewalks | \$1,349.67 | #21 |
| Peckham Materials | Sidewalks | \$1,334.55 | #22 |

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Town Clerk