

TOWN OF ESSEX
PO Box 355
2313 Main Street
Essex, New York 12936
SEPTEMBER 10, 2015

Public Hearing on Local Law #2 of 2015

In attendance: Board Claire LaPine, Bryan Garvey, Mark Wrisley, Edward Gardner **Public:** O. Alexander, Sharon Boisen, Bradley French, Jay White, Gretel Schueller
Supervisor Gardner opened the hearing at 6:30 and led with the Pledge of Allegiance. The notice of meeting was read. He then offered the floor for comments. Supervisor Gardner stated that being there were no comments, closed the hearing at 6:35.

Public Hearing on Local Law #3 of 2015

In attendance: Board Claire LaPine, Bryan Garvey, Mark Wrisley, Edward Gardner **Public:** O. Alexander, Sharon Boisen, Bradley French, Jay White, Gretel Schueller
Supervisor Gardner opened the hearing at 6:45. The notice of meeting was read and he offered the floor for comment. Sharon Boisen asked who the current Deputy Town Clerk. Town Clerk responded that Dorothy Renadette was. Having no other comments, Supervisor closed the hearing at 6:49.

Town Board Meeting

Supervisor Gardner opened the regular board meeting at 7:00 pm.

Roll Call: Present: Claire LaPine, Bryan Garvey, James LaForest, Mark Wrisley, Edward Gardner

Supervisor Gardner asked for a motion to accept minutes from August 13, 2015. Motion was made by Claire LaPine, and seconded by Mark Wrisley. All in favor, no nays.

Supervisor Gardner offered the floor to Teresa Sayward, Former NYS Assembly Member. Teresa thanked the board for allowing her to speak as a representative of St. Johns Vestry. There have been a couple of falls in from of the church because the sidewalk is in such disrepair. With winter coming, we would hate to see a more serious fall occur. She asked the board to consider this request and to respond to St. Johns with a copy of the minutes with the board's decision. Supervisor offered Bradley French to respond. Bradley told all that this was already in the works, planning next week for the start. It was brought up that the major cause of the breaking up of the sidewalk is overuse of salt. Teresa responded that she would pass that on and asked for any suggestions on a replacement to use.

Supervisor Gardner offered the floor to the audience with no response.

Resolution 81-2015 Local Law 2 of 2015
Override the Tax Limit established in GM Law 3-c

Resolution 81-2015 is being offered by Bryan Garvey and seconded by Mark Wrisley, who move its adoption.

WHEREAS, the Town Board has opted to use the override tax limit established in General Municipal Law 3-c for the budget year 2016; and

WHEREAS, the Town Board held a Public Hearing on September 10, 2015 at 6:30; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Essex:

1. That the Town Board hereby adopts Local Law 2 of 2015 entitled Override the Tax Levy Limit Established in General Municipal Law 3-c;
2. The Town Board directs the Town Clerk to publish Local Law 2 of 2015 once in the newspaper and to file Local Law 2-2015 with the New York Secretary of the State.
3. Local Law 2 of 2015 shall become effective ten (10) days after the publication reference above and upon its filing with the New York Secretary of the State.

The foregoing Resolution is duly adopted by the Town Board at its regular meeting held on September 10, 2015 by a vote of its members as follows:

	Yea	Nay
Mark Wrisley	X	
Claire LaPine	X	
Bryan Garvey	X	
James LaForest	X	
Edward Gardner, Supervisor	X	

Resolution 82-2015 Local Law 3 of 2015

Resolution 82-2015 is being offered by Bryan Garvey and seconded by Claire LaPine, who move its adoption.

WHEREAS, the Town Board in 2013 adopted the Local Law 1 of 2013; and

WHEREAS, the Town Board held a Public Hearing on September 10, 2015 at 6:45; and

WHEREAS, the Town Board has since deemed it unnecessary and rescinds it;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Essex

1. The Town Board directs the Town Clerk to publish Local Law 3 of 2015 once in the newspaper and to file Local Law 3-2015 with the New York Secretary of the State.
2. Local Law 3 of 2015 shall become effective ten (10) days after the publication reference above and upon its filing with the New York Secretary of the State.

The foregoing Resolution is duly adopted by the Town Board at its regular meeting held on September 10, 2015 by a vote of its members as follows:

	Yea	Nay
Mark Wrisley	x	
Claire LaPine	x	
Bryan Garvey	x	
James LaForest	x	
Edward Gardner, Supervisor	x	

This resolution was passed with corrections made at the board meeting.

RESOLUTION 83 of 2015 OF THE TOWN BOARD OF THE TOWN OF ESSEX
ADOPTED September 10, 2015

Made by James LaForest
Seconded by Bryan Garvey

A RESOLUTION SEEKING STATE ASSISTANCE WITH THE NEW YORK TAX CAP

Whereas, in 2011, New York Governor Andrew Cuomo and the New York State Legislature adopted what is commonly referred to and known as New York State's Property Tax Cap to address New York's ever increasing property taxes; and

Whereas, the Property Tax Cap set in place a cap on the growth of property taxes in New York whereby real property taxes are capped at two percent per year or the rate of inflation, whichever is less; and

Whereas, the focus of the tax cap has been on the laudable goal of driving down costs of government services through cuts and consolidation in services and heightened economic development aimed at alleviating the pressure of the tax cap; and

Whereas, while increasing economic development everywhere in New York State is an important and laudable goal, New York's towns and counties within the Blue Line of the Adirondack Park face particular hardships when seeking development projects due to additional government regulation and hurdles; and

Whereas, such government regulation significantly curtails the amount of available acreage within the Blue Line for economic development and imposes additional regulatory hurdles for beneficial development within the Adirondack Park; and

Whereas, recent studies, including a the 2009 Adirondack Park Regional Assessment Project sponsored by the Adirondack Association of Towns and Villages and the Adirondack North Country Association notes the aging population of the Adirondack Park and the significant decrease in viable economic opportunities for residents within the Adirondack Park; and

Whereas, in addition, the 2009 Adirondack Park Regional Assessment Project also noted that from 1980 to 2006, real property tax as a portion of total revenue within the Park actually decreased in the average Adirondack community; and

Whereas, many communities in the Adirondack Park also have aging water and/or sewer systems which combined with ever increasing regulatory controls from the New York State Department of Environmental Conservation, New York State Department of Health, and United States Environmental Protection Agency, have actually resulted in increased employee hours and financial obligations simply to keep those systems within permit guidelines and limits; and

Whereas, communities within the Adirondack Park find themselves at a significant crossroads: higher regulatory and financial obligations for aging infrastructure versus compliance with the tax cap; and

Whereas, most communities within the Adirondack Park have already taken significant steps aimed at cost savings within their communities including significant reductions in highway and DPW staff, and other staffing cuts; and

Whereas, most communities within the Adirondack Park now find themselves understaffed to the point where essential public services including road maintenance and the ability to monitor and maintain their water and/or sewer systems simply cannot be performed within the available employee hours given such reductions; and

Whereas, much of the land in the Adirondack Park, with more being purchased every year, is owned by the State of New York and non-profits aimed at curtailing development within the Adirondack Park which only increases the burden imposed on local taxpayers; and

Whereas, the year round residents and taxpayers of the Adirondack Park are at a breaking point with the need for meaningful services and roads and the ever decreasing revenue with which to supply such services and roads; and

Whereas, the communities within the Adirondack Park hereby ask Governor Andrew Cuomo and members of the New York State Legislature to help the residents and taxpayers of the Adirondack Park with regulatory relief and financial assistance to help our communities comply with the Tax Cap.

NOW THEREFORE BE IT:

RESOLVED, that the Town Board of the Town of Essex, asks Governor Andrew Cuomo and members of the New York State Legislature to help the residents and taxpayers of the Adirondack Park with regulatory relief and financial assistance to help our communities comply with the Tax Cap; and be it further

RESOLVED, that the Town Board of the Town of Essex, asks Governor Andrew Cuomo and members of the New York State Legislature to provide funding assistance for the communities within the Blue Line of the Adirondack Park for water, sewer and road infrastructure to help offset the loss of revenues imposed by New York's Tax Cap, which loss is grossly exceeding the costs of supplying such services, particularly within the Blue Line of the Adirondack Park; and be it further

RESOLVED, that the Town Board of the Town of Essex, asks Governor Andrew Cuomo and the members of the New York State Legislature to provide meaningful regulatory relief to communities within the Blue Line of the Adirondack Park so that actual economic development can take place; and be it further

RESOLVED, that this resolution take effect immediately.

The foregoing Resolution is duly adopted by the Town Board at its regular meeting held on September 10, 2015 by a vote of its members as follows:

	Yea	Nay
Mark Wrisley	x	
Claire LaPine	x	
Bryan Garvey	x	
James LaForest	x	
Edward Gardner, Supervisor	x	

Resolution 84-2015

In Support of Completion of the Boquet River Watershed Management Plan
By the Boquet River Association (BRASS)
September 10, 2015

Whereas, over the last two years, the Boquet River Association (BRASS) completed a very intensive watershed-wide environmental assessment. And;

Whereas, BRASS has expended about \$40,000 in the past two years on empirical fieldwork and mixed methods of research, data collection, developing a GIS atlas and pulling it all together into a 200+ page phase 1 report with appendices;

Whereas, BRASS wants to share the results with watershed local governments, and other key stakeholders, include local codes, highway, planning and town boards and invite them to participate in the development of recommendations for implementation, and;

Whereas, the Lake Champlain Basin Program has noted the BRASS has a really nice project and could define some specific next steps as a grant proposal to complete the plan in consultation with the watershed local governments.

Now, Therefore Be IT Resolved:

That the Town Board of Essex supports the efforts of BRASS to submit and receive funding from the Lake Champlain Basin Program to complete the watershed management plan which includes public and government input, recommendations and printing of the document.

The Town Board further resolves to communicate and cooperate with BRASS on the completion of the plan.

Motion Made By: Mark Wrisley

Seconded By: James LaForest

	Yea	No
Supervisor Gardner	x	
Councilperson LaPine	x	
Councilperson Wrisley	x	
Councilperson Garvey	x	
Councilman LaForest	x	

Resolution 85-2015

Resolution 85-2015, a resolution of condolence to Kevin DeLaughter, with the passing of his mother. This is being offered by the Town Board, who moved its adoption.

Motion Made By: James LaForest

Seconded By: A Unanimous Second by:

Supervisor Gardner
Councilperson LaPine
Councilperson Wrisley
Councilperson Garvey
Councilman LaForest

Resolution 86 was read and Supervisor Gardner explained that this was to hold a public hearing and that it was previously declared no longer useful. The reasoning for the price is that Mr. Dalton owns the steps that go to the back and if we sold it to another buyer there could be a legal fight over it. An audience member asked if there was a public hearing on this, and could anyone else come in and buy this property and does the public know it is for sale? The supervisor responded not yet and that the property in 2012 was declared surplus and to be sold. He also said that legal council and the Associations of Towns have said that we can sell this to whomever we choose, put it in a realtors hands or by auction.

Questions arose over who the town lawyer was and he responded Reginald Bedell. Another question was could you sell it as is to which it was responded that it would be fought in court over the steps. The lack of ECHO, who did the grant work on this property, to get a deeded right for the steps to go instead of using adverse possession has made it a legal issue. Another questions arose that, is it not in the publics best interest to go out to the highest bidder, to which Bryan responded that the legal fees to get this straightened out would eat that up. Our lawyer advised that this issue would have to be cleared up before you could sell it to another person. James LaForest stated that we are having a public hearing and this is a notice of intent and these issues can be brought up then along with anything else that may come forward. Mark Wrisley asked if we have to list the buyer's name. The association of towns said that the name has to be on the notice and if this board want to change it afterwards then you would need another resolution and public hearing. A date was established of September 29th.

Resolution 86-2015

Resolution 86-2015, is being offered to sell the Old Stone Church to Herbert Dalton with a selling price of \$90,000.00 subject to a public referendum.

Resolution 85-2012, Resolution Declaring the Old Stone Church Building No Longer Useful to the Town of Essex, on a motion by Councilman LaForest, Seconded by Coucilwoman LaPine. The resolution was adopted by a vote of 4 yes and 0 no on May 17, 2012.

The Town Board hired the firm of Armstrong Appraiser, who appraised the building at \$86,000.00.

The Town Board will hold a public hearing on the sale of the Old Stone Church Building to John Dalton, September 29, 2015 at 8pm in meeting room.

Motion Made By: Bryan Garvey

Seconded By: Claire LaPine

All in Favor

	Yea	No
Supervisor Gardner	x	
Councilperson LaPine	x	
Councilperson Wrisley	x	
Councilperson Garvey	x	
Councilman LaForest	x	

Sharon Boisen asked if the resolution was to sell the building to Dalton and was told no. She asked if there was another resolution to sell and was told we have one resolution to have a public hearing which requires the name to be told. She asked that the resolution be reread so she could clearly understand it to which the clerk did.

A motion to set the Tentative Budget Hearing was made by Claire LaPine and seconded by Bryan Garvey to be held on October 1, 2015, in the town meeting room. All in favor, no nays.

Resolution 87-2015

Resolution 87-2015, is being offered to acknowledge the audit done in January for the offices of:

Chief Fiscal Officers
Zoning and Code Officer
Justice Court

The Town Clerk and Tax Collector accounts could not be completed because of insufficient information and the State Comptroller Auditor was investigating it.

This Audit was completed by Claire LaPine and Mark Wrisley.

Motion Made By: Bryan Garvey

Seconded By: James LaForest

	Yea	No
Supervisor Gardner	x	
Councilperson LaPine	x	
Councilperson Wrisley	x	
Councilperson Garvey	x	
Councilman LaForest	x	

Sharon Boisen asked what the total debt of this including long term financing. The board answered \$226,022. She then asked what it was added to. Response was that this \$7,083 along with the \$26,250.00 Bond payment equals the \$33,333 that was establish for repayment. We asked the state how to pay this off and they told us to come up with a plan. When we offered this solution to pay back, they agreed to it. James said that if this had been paid when it was due we would not be in this mess. Sharon asked if this was what was planned. Edward responded that this was not the plan, because when you and the board borrowed that money from the general fund it was to be paid back within a year, which went on for five years until now. There is no increase in the debt service and the state is satisfied and so are we. It was against the law for that district to run in the red and now we are out of it because of the increased sewer rates. An audience member said that they were at the sewer meeting and wondered why the town did not disclose the rates and categories are, to which Edward. Responded that all you had to do was ask the water/sewer clerk for them, they are not being disclosed from the public. She wanted to know why they were not on the town's web site to which it was responded that we do not have a web site. I just think it is wrong to not disclose this and in the video when I asked for them then you told me there was not enough time to get them now but to come back tomorrow. Bryan stated that there is nothing being hidden and at that meeting we clearing up numerous billing errors only and that she should come in tomorrow to get the rates.

TOWN OF ESSEX

Resolution No. 88-2015 September 10, 2015 Regular Board Meeting

RESOLUTION REIMBURSING THE TOWN OF ESSEX GENERAL FUND THE SUM OF \$226,022.00 FROM THE TOWN OF ESSEX SEWER DISTRICT CAPITAL PROJECT IN THE AMOUNT OF \$7,083.00 PER ANNUM OVER A 30 YEAR TERM WITH THE BALANCE TO BE PAID AT MATURITY OF THE TERM

The following Resolution was authorized by Councilperson Bryan Garvey who moved its adoption.

WHEREAS, from 2002 through 2010, the Town of Essex Sewer District borrowed the aggregate amount of \$226,022.00 from the Town of Essex General Fund; and

WHEREAS, to date, these monies have not been repaid by the Town of Essex Sewer District to the General Fund and accommodation for this payment must be made; and

WHEREAS, the Town of Essex is desirous of reimbursing the Town of Essex General Fund the sum of \$226,022.00 in yearly installments of no less than \$7,083.00 per year for the 30 year term with final payment to be made at the conclusion of the term.

BE IT RESOLVED, that the Town of Essex Town Board hereby authorizes the repayment of the sum of \$226,022.00 to the Town of Essex General Fund from the Town of Essex Sewer District Capital Project which reimbursement shall be in the amount of \$7,083.00 per annum, or at such additional and increased amount as determined by this Town Board, for a term of 30 years with the balance due to be paid at the conclusion of the 30 year term; and

BE IT FURTHER RESOLVED, that these payments shall run concurrently with the existing long-term debt of the Town of Essex Sewer District for the increase and improvement of its existing facilities which is currently \$26,250.00 per year, and

BE IT FURTHER RESOLVED, that the repayment of the \$226,022.00 by the Town of Essex Sewer District in the existing amount of \$7,083.00, or as increased in the future, shall be noted in the bond book so that future Town Boards will be aware of this debt; and

BE IT FURTHER RESOLVED, that this Board hereby authorizes the Supervisor of the Town of Essex to execute any and all additional documents incident and necessary to comply with this Resolution.

This Resolution was duly seconded by Councilperson Mark Wrisley, and adopted upon a roll call vote as follows:

Councilperson Bryan Garvey	___x__
Councilperson Claire LaPine	___x__
Councilperson Mark Wrisley	___x__
Councilperson James LaForest	___x__
Supervisor Edward Gardner	___x__

Dated: September 10, 2015

Supervisor Gardner said that he talked to Susan Kennedy this morning and that because Wayne Ryan did not come back with specifics, she suggested that we go forward with the drilling in Willsboro with the costs provided by Cedarwood using Aztech to perform the triangular test drilling. Mark said he was concerned that because we have a contract with AES and having them come back because we did not use them. Ed suggested that we set up another meeting with them all to and sit down at the table to get this out in the open. He feels that Todd understands our predicament and we no longer want Wayne. Mark also questioned if the drilling in Willsboro occurs, will Willsboro want to drill there also. Ed said that the testing would show if there is enough to cover all. This needs to occur before December so that we may possibly get an extension. Sharon asked who would be paying for these wells in Willsboro and Ed responded we will. She asked if you would have a contract with that well driller and Jim responded no that this is not needed. Ed will make arrangement to hold a special water source meeting with the board.

Beggs Point Rules - James asked if rule nine should be changed concerning dogs. All agreed that it needed to stay. We need to add about the toys, pack in pack out. According to the insurance company we need to post these. The sign that was there with the rules is now missing. The changes suggested are: 2. Remove the first sentence and add after the second "Only handicapped parking near the dock." 14. Pack in Pack Out. No toys allowed on the dock. The following is the rules in total.

Town of Essex
Rules for the Use of Beggs Park

The Town Board welcomes residents and public groups
in the use of Beggs Park for recreation purposes.

Effective September 10, 2015, the following rules for the use of Beggs Park shall apply:

1. Hours of Operation: The Park is open to the public from 6:00 a.m. to 10:00 p.m. daily.
2. Parking shall be in the lot above the Park. Only Handicapped parking near the dock.
3. Alcoholic beverages are prohibited under all circumstances.
4. You are responsible for removing all trash from the Park. Do not leave empty cans and bottles in the Park.
5. No picnic fires or bonfires shall be allowed in the Park.

6. Use of the children's playground is at your own risk. Children under 12 must be accompanied by an adult at all times.
7. There shall be no trespassing on the rock ledge surrounding the Park.
8. No swimming is allowed at the public beach.
9. No dogs are allowed on the beach area.
10. All dogs in the Park shall be restrained on a leash. Owners shall be responsible for cleaning up after their dogs.
11. Boats up to 20 feet long are allowed to moor at the Town Dock for up to two hours. No overnight moorings are allowed. No boats over 20 feet long are allowed.
12. A Fee of \$50.00 will be charged for weddings, and other organized group events. Permission is required from the Town Board prior to any public events being scheduled.
13. No stone throwing in the Park.
14. Pack in Pack Out, all toys. No toys allowed on the dock.

**Thank you for your cooperation.
We hope to keep the Park a safe and enjoyable site for all to enjoy.**

Motion to adopt the rules with the changes was made by Bryan Garvey and seconded by Mark Wrisley.

Yea	No
Supervisor Gardner	x
Councilperson LaPine	x
Councilperson Wrisley	x
Councilperson Garvey	x
Councilman LaForest	x

Supervisor Gardner asked the board if they read the correspondence with Sojourn. He said this came about when he was down hanging no swim signs and they had the parking lot filled with their truck and trailer, and tables set up. He asked them if they had a permit from the town clerk to which they gave the company number. James said that they have been good about using the park and that they are looking for an annual rate. After much discussion it was decided that we would cut their rate in half or \$25 per visit. It was decided that the board has agreed to give Sojourn a reduced rate of \$25 per visit with the stipulation that if a private party rents Beggs Park, that Sojourn may use the lawn in the back of the Town Hall. If accepted the board will then pass a motion to allow this change.

Supervisor Gardner wanted to bring forth the letter from Mary Ann Schultz asking the town to eliminate all fees related to the sewer/water rents for low income families. The board unanimously agreed that this cannot be done and that were other avenues for these to be handled.

Motion made by Bryan Gardner and seconded by Mark Wrisley to pay the Abstract # 2015-9.

Yea	No
Supervisor Gardner	x
Councilperson LaPine	x
Councilperson Wrisley	x
Councilperson Garvey	x
Councilman LaForest	x

Motion made by Bryan Garvey and seconded by Claire LaPine to accept the Clerk Report.

Yea	No
Supervisor Gardner	x
Councilperson LaPine	x

Councilperson Wrisley	x
Councilperson Garvey	x
Councilman LaForest	x

Motion made by Mark Wrisley and seconded by James LaForest to accept the Supervisor Report.

	Yea	No
Supervisor Gardner	x	
Councilperson LaPine	x	
Councilperson Wrisley	x	
Councilperson Garvey	x	
Councilman LaForest	x	

Motion made by Bryan Garvey and seconded by Mark Wrisley to adjourn.
All in favor no nays

Respectfully Submitted
Patricia Gardner
Town Clerk