

## Resolution 52-56

**TOWN OF ESSEX**

PO Box 355  
2313 Main Street  
Essex, New York 12936

Edward Gardner  
**Supervisor**

Patricia Gardner  
**Town Clerk**

**TOWN COUNCIL:**

Claire LaPine  
Bryan Garvey  
James LaForest  
Gretel Schueller

September 14, 2017

**Town Board Meeting**

Supervisor Gardner opened the meeting at 6:30 pm leading the Pledge of Allegiance.

## Roll Call:

Councilperson LaPine	X
Councilperson Garvey	X
Councilperson LaForest	X
Councilperson Schueller	X
Supervisor Gardner	X

Supervisor Gardner offered the floor to David Sayre, Chairman of the Assessors. David asked if the board had they had received the letter the Assessors had signed. All had the letter. He emphasizes the highlights of the letter, asking that the board allow Anita Shapiro to do one more training this year at a cost of \$1,101, which will cost more next year. Councilperson Garvey asked if the other assessors have taken this course, to which they replied yes. Councilperson Schueller asked if the other two assessors are qualified? The assessors feel that having Anita do this training that she could ask the instructor about the exemptions that are coming up and how they would handle it. Councilperson LaPine stated that she felt they had multiple resources available at the county and state levels to answer their concerns.

Supervisor Gardner offered the floor to those in attendance.

Ken Hughes, Essex Initiatives stated that the annual meeting will be held September 28<sup>th</sup> at 6:30 and all were invited and that the final newsletter will be out shortly.

Tom Stransky stated that he has asked before why the Town does not go after grants. It upsets him that other communities have just been awarded all this money but not Essex. He feels this is a disservice to the town that this is free money. Councilperson LaPine asked what the grants were for? Supervisor Gardner replied that the grant monies awarded were for downtown studies and we do not qualify for them because it is based on the average income to which we do not qualify for. Mr. Stransky again replied that as elected representatives that the board should be looking at all grant opportunities for free money.

A motion made by Claire LaPine and seconded by James LaForest to accept the minutes of the Regular August 10, 2017 meeting.

## Roll Call:

Councilperson LaPine	X
Councilperson Garvey	X
Councilperson LaForest	X
Councilperson Schueller	X

A motion made by James LaForest and seconded by Gretel Schueller to accept the Special Bid Opening Meeting of August 24, 2017.

## Roll Call:

Councilperson LaPine	X
Councilperson Garvey	X
Councilperson LaForest	X
Councilperson Schueller	X

Supervisor Gardner reported that Helen Coste had passed.

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**Resolution 52-2017**  
September 14, 2017

Resolution 52-2017, a resolution of condolence to the family of Helen Mae Sharrow Coste, is being offered by James LaForest, who moved its adoption.

WHEREAS, Helen Mae Sharrow Coste of Essex, NY passed away at the age of 71 on August 15, 2017 and

WHEREAS, Helen Mae Sharrow Coste was born on April 3, 1976, the daughter of the late Leon and Ada (Coonrod) Sharrow; and

WHEREAS, Helen Mae Sharrow Coste attended Willsboro Central School, Albany Business College and North Country Community College; and

WHEREAS, Helen Mae Sharrow Coste, was employed by Essex County for over 23 years, retiring as Fiscal Manager of the Planning Office; and

WHEREAS, Helen Mae Sharrow Coste, along with her parents and daughter operated "Leon's Flowerpot" for more than 20 years in Whallonsburg; and

BE IT RESOLVED, that the Town Board of Essex express their deepest sympathy and condolences to the family of Helen Mae Sharrow Coste; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board, with a suitably embossed copy thereof to be forwarded to the family.

Seconded By: Gretel Schueller

All In Favor: Councilperson LaPine  
Councilperson Garvey  
Councilperson LaForest  
Councilman Schueller  
Supervisor Gardner

Supervisor Gardner also reported that Grace Drummond had also passed.

**Resolution 53-2017**, a resolution of condolence to the family of Grace Irene Drummond, is being offered by James LaForest, who moved its adoption.

WHEREAS, Grace Irene Drummond formerly of Essex, NY passed away at the age of 90 on August 30, 2017 and

WHEREAS, Grace Irene Drummond was born on February 2, 1927, the daughter of the late Moss Kirby and Celia (Pelky) Hammond; and

WHEREAS, Grace Irene Drummond was married to former Town Supervisor Frederick "Bill" Drummond for 45 years; and

WHEREAS, Grace Irene Drummond, was the former Secretary to the Essex Town Planning Board; and

WHEREAS, Grace Irene Drummond, served on the Zoning Board of Appeals for the Essex Town Planning Board; and

WHEREAS, Grace Irene Drummond, served as Tax Collector – Town Clerk of the Town of Essex for 6 years; and

WHEREAS, Grace Irene Drummond, served as an Assessor for the Town of Essex for 10 years; and

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BE IT RESOLVED, that the Town Board of Essex express their deepest sympathy and condolences to the family of Grace Irene Drummond; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board.

Seconded By: Gretel Schueller

All in Favor: Supervisor Gardner  
 Councilperson LaPine  
 Councilperson Garvey  
 Councilperson LaForest  
 Councilperson Schueller

It has been known that Lou Comeau does the garden program but he has spent many hours clearing and cleaning up the town property here.

**Resolution 54-2016 is being offered in appreciation to Louis P. Comeau**

WHEREAS: Louis P. "Lou" Comeau has dedicated his time and effort in creating and maintain our community garden; and

WHEREAS: Louis P. "Lou" Comeau has taken on the unofficial role of "Town of Essex Gardener"; and

WHEREAS: Louis P. "Lou" Comeau, has consistently shown the town his commitment and talent in keeping all our gardens neat and clean; and

BE IT RESOLVED, that Town Board of the Town of Essex by this resolution does hereby thank Louis P. "Lou" Comeau for his steadfast service to the Town of Essex through his love of the gardens.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board, with a suitably embossed copy thereof to be forwarded Louis P. "Lou" Comeau.

Motion Made By: James LaForest

Second: Bryan Garvey

All in Favor: Councilperson LaPine  
 Councilperson Garvey  
 Councilperson LaForest  
 Councilperson Schueller  
 Supervisor Gardner

Supervisor Gardner reminded the board it was the time of year that we should do a tax cap and have a public hearing. On a motion by Bryan Garvey, seconded by Claire LaPine to set the tax cap override hearing for October 12, 2017 at 6:15pm.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

**Resolution No. 55-2017**

*September 14, 2017*

**RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 1 OF 2017 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C"**

The following resolution was offered by James LaForest, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

**BE IT RESOLVED** that the Town of Essex Town Board hereby introduces proposed Local Law No. 1 of 2017 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c," reading and provided as follows:

**"TOWN OF ESSEX LOCAL LAW No. 1 OF 2017"**

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A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c.

**BE IT ENACTED**, by the Town of Essex Town Board as follows:

### **Section 1. Legislative Intent.**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Essex pursuant to General Municipal Law §3-c, and to allow the Town of Essex to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law §3-c.

### **Section 2. Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

### **Section 3. Tax Levy Limit Override - Budget Authorization.**

The Town Board of the Town of Essex hereby overrides the tax levy limit for the Town of Essex for 2018 and authorizes the Town of Essex, after completing all required procedures for the adoption of a budget, to adopt a budget for 2018 that requires a tax levy that is greater than the tax levy limit calculated for 2017 pursuant to §3-c of the General Municipal Law.

### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

### **Section 5. Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Essex shall hold and conduct a public hearing on the foregoing proposed local law on the 12th day of October 2017, at 6:15 p.m., to hear any and all persons concerning the same; and

**BE IT FURTHER RESOLVED** that the Clerk of the Town of Essex will publish a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

This resolution was duly seconded by Claire LaPine, and adopted upon a roll call vote as follows:

<b>Councilperson LaPine</b>	<b>Yes</b>
<b>Councilperson Garvey</b>	<b>Yes</b>
<b>Councilperson LaForest</b>	<b>Yes</b>
<b>Councilperson Schueller</b>	<b>Yes</b>
<b>Supervisor Gardner</b>	<b>Yes</b>

Supervisor Gardner asked the board what dates would work for the upcoming budget workshops. On a motion made by Gretel Schueller and seconded by Bryan Garvey, to establish Budget Workshops for October 17, 2017 and October 19<sup>th</sup>, both starting at 6:30.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

Supervisor Gardner informed the board that Catherine DeWolff's mother passed.

Resolution 56-2017, a resolution of condolence to the family of Lucy Ferretti Cox, mother of Catherine DeWolff is being offered by Bryan Garvey, who moved its adoption.

WHEREAS, Lucy Ferretti Cox mother of Catherine DeWolff, passed away at the age of 84 on September 13, 2017 at her home in Oakridge, New Jersey and

WHEREAS, Catherine has devoted the last three plus month to her mother, taking a medical leave of absence, and

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BE IT RESOLVED, that the Town Board of Essex express their deepest sympathy and condolences to the family of Lucy Ferretti Cox, mother of Catherine DeWolff; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Town Board.

Seconded By: Claire LaPine

All in Favor: Supervisor Gardner  
 Councilperson LaPine  
 Councilperson Garvey  
 Councilperson LaForest  
 Councilperson Schueller

On a motion made by James LaForest and seconded by Bryan Garvey to appoint Cheryl Sprang, Planning Board Secretary to expire December 31, 2017.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

Supervisor Gardner asked the board to approve Cheryl Sprang as his secretary. On a motion made by Bryan Garvey and seconded by Gretel Schueller, to appoint Cheryl Sprang as Secretary to the Supervisor to expire December 31, 2017.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

The Harassment Prevention Policies and Procedures as been retyped, using the format provided at the last meeting, adding in Town of Essex where needed. On a motion made by Bryan Garvey and seconded by Gretel Schueller, The Harassment Prevention Policies and Procedures is adopted by the Town Board of Essex.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

The Town Clerk informed the board that she received a letter from the Grange at the last minute. They are looking to have the board allow the Supervisor to sign a letter stating that Ledge Hill Brewery is permitted to sell wine and beer at a function. The board felt that this was in the Alcohol Policy that is provided to the Grange. Town Clerk replied that she had no further explanation for the request. Mary Bachman spoke saying that Kate Ritter had researched the law and said this was needed because the Town is the owner. A Motion made by Bryan Garvey and seconded by Gretel Schueller to allow the supervisor to sign a letter allowing Ledge Hill Brewery permission to serve beer and wine on October 1, 2017 at a private function.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

The Town Clerk read a statement from Debbie Schrod of the Pink Pig. She would like to have an Octoberfest on October 15<sup>th</sup>. She has talked to the county Public Works Department and they suggested that instead of blocking

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the road, set it up within the white parking lines. The fest will be in front of the Essex Inn, who will be providing a pig roast and German food. She is hoping to get some vendors to sell wares and will take care of any permits needed. A motion by Gretel Schueller and seconded by Claire LaPine, to allow an Oktoberfest to happen in front of the Essex Inn without blocking traffic on October 15, 2017.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

A motion was made by Bryan Garvey and Seconded by Claire LaPine to pay Abstract 2017-9.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

A motion by James LaForest and seconded by Bryan Garvey to accept the Town Clerks Report.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

A motion made by Bryan Garvey and seconded by Claire LaPine to accept the Supervisors Report.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

Supervisor Gardner stated he needed to discuss a personnel matter. At 7:10 Bryan Garvey made a motion to enter executive session. Motion seconded by Gretel Schueller.

At 7:25 Bryan made a motion to exit the executive session, seconded by Claire LaPine.

Councilperson LaPine asked if we should decide concerning the additional training for Anita Shapiro. The Town Clerk handed the board the current training schedule and what Anita has taken so far. The concern of the board is the lack of foresight of the assessors to include all training in their budget requests. A motion made by Claire LaPine and seconded by James LaForest to not allow more training for the year 2017 because of funding.

Roll Call:

Councilperson LaPine	Yes
Councilperson Garvey	Yes
Councilperson LaForest	Yes
Councilperson Schueller	Yes
Supervisor Gardner	Yes

James LaForest made the motion to adjourn, seconded by all.

Respectfully Submitted  
Patricia Gardner  
Town Clerk