

## Town of Essex

Town Board Meeting  
August 13, 2015

Supervisor Gardner called the meeting to order 7:00pm.

Pledge of Allegiance lead by Supervisor Gardner.

Roll Call: In Attendance

Supervisor Edward Gardner  
Councilperson Claire LaPine  
Councilperson Brian Garvey  
Councilperson Mark Wrisley  
Councilperson James LaForest

Motion by Claire LaPine, seconded by James LaForest to accept the Regular Town Board Minutes of 7/9/2015.

Roll Call Vote:

Councilperson Garvey	Yes	Councilperson LaPine	Yes	Councilperson LaForest	Yes
Council Person Wrisley	Yes	Supervisor Gardner	Yes		

Motion by Mark Wrisley, seconded by Claire LaPine to accept the Public Information Minutes of 8/6/2015

Councilperson Garvey	Abstain	Councilperson LaPine	Yes	Councilperson LaForest	Yes
Council Person Wrisley	Yes	Supervisor Gardner	Yes		

Supervisor Gardner offered the floor to John Doyle. John explained that he has been having problems with his sewer freezing up for the past three year winters. Last year his tenant had to close up for three months because it was frozen and he lost rental money and the tenant lost money not being able to run their business. This he stated that the grinder pump and line leaving his basement was below the bottom on of the sewer manhole and it froze because water sits in the top of the pipe and freezes. He contacted the town and they had AES come and look at it. They insulated and covered the pipe coming out of the building. The next year they came and he watched them and their solution was to move the pipe where it leaves the building and this did not work. Again this past winter it froze. He feels the engineering was shoddy, the town signed off on the project and that having only one clerk of the works employed by AES was like "leaving the fox in the hen house". He is requesting the town to rectify the situation because he has paid his sewer taxes. Bryan felt something had to be done to fix it. Supervisor Gardner said that he has discussed this with the town attorney. He feels that because the town did sign off and the town law states that the customer is responsible for leaks and repairs off the main sewer, John your only option is to fix it, hire a lawyer and go after AES and Sheehan for the cost. John stated that he did not want to have the expense of hiring a lawyer but if he did it would be to sue the town and not the engineers or the contractors. Jim asked him about the time frame and Mark asked if he has contacted AES. Mark asked if Wayne had been contacted again and Ed said yes. Claire asked what if they did what they told you to do. John asked that the board reconsider and go after AES. An audience member asked if other were having problems and Ed stated that yes and that they are suing AES, Sheehan and the town. Bryan asked if a phone call could be made to AES to see if they will rectify this and Ed said he would.

Supervisor Gardner offered the floor to the public.

Bonnie Monoski asked what was happening with the mooring situation. Ed responded that he has been in contact with the DEC and they are taking it up with the legal department.

Tom Stransky said he heard rumors of the town looking into a boat launch. Ed replied that it was a brainstorm idea and was talking to the county because of the road. Tom asked if there was money in the budget for this and is this something the board is looking into. Ed replied no because it was just an idea and if it does go further that there are grant monies available for this type of project through. Tom then said he heard a restaurant in town was shut down because of a malfunction of the sewer system. Both Ed and Tina said there is nothing wrong with our system and that it more likely a problem with their grease trap. Tina said she had asked the Code Officer to check it out last year and does not know it that happened. Tom then stated that he heard Port Kent was recently granted the right to draw lake water and is that being considered. Ed stated that that was several years ago they were granted this and the water plant and system they have cost over 7 million dollars. The state will not allow us to go above a certain limit to burden the taxpayer. Ed suggested that he attend the Water Committee meeting on the 18<sup>th</sup> at 10 am to hear all the options.

Sharon Boisen asked if the town was planning on requesting an extension of the funding package. Ed responded yes. When does that need to be done. Ed responded in December he and Susan Kennedy will work on it.

The town clerk presented to the board the Audit done by the State Comptroller Office. Ed stated that this is available for the public on line, can be viewed or a copy can be made for a fee at the town clerk office. Jim asked if anything had been added since the exit interview and was told no.

The Zoning Board of Appeals met with Claire and Mark to which the ZBA has decided that they had no recommendation for a new member and feel that they can go the rest of the year under status quo.

A letter from the Codes Officer requesting that a permit fee of \$50 be refunded because the permit holder had asked to cancel it but the town had already deposited. Bryan Garvey made a motion to deny the refund because the permit process had already been completed and James LaForest seconded the motion. All in favor no opposed.

**Resolution 74-2015** is being offered to accept "Transfer Station Tickets and Cash Receipts Policy" which outlines specific steps in the handling of all tickets and cash. (Jim asked if this was a corrective action from the Audit and was told yes.)

Motion Made By: James LaForest                      Seconded By: Claire LaPine

	Yea	No
Councilperson LaPine	X	
Councilperson Wrisley	X	
Councilperson Garvey	X	
Councilperson LaForest	X	
Supervisor Gardner	X	

**Resolution 75-2015** is being offered to establish a Petty Cash Fund for the Town Justice of \$50.00, to use for postage and other incidentals that may arise.

Motion Made By: Mark Wrisley                      Seconded By: James LaForest

	Yea	No
Councilperson LaPine	X	
Councilperson Wrisley	X	
Councilperson Garvey	X	
Councilperson LaForest	X	
Supervisor Gardner	X	

**Resolution 76-2015** is being offered for a budget transfer from Town Board CE account #1010.4 to Town Clerk CE Account #1410.4, to cover the unanticipated expense for the Town Board Appointed Deputy Town Clerk position for the period of January 1 through June 26, 2015 in the amount of \$410.67.

Motion Made By: Claire LaPine

Seconded By: Bryan Garvey

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

**Resolution 77-2015**, a resolution of condolence to the family of Lisa M (Pulsifer) Cumm, is being offered by the Town Board, who moved its adoption.

WHEREAS, Lisa M Cumm of Essex, NY passed away at the age of 43 on July 22, 2015; and

WHEREAS, Lisa M Cumm was born on January 7, 1972, the daughter of William and June (Hance) Pulsifer; and

WHEREAS, Lisa M Cumm was married to Calvin Cumm and has two sons Chad and Jacob; one daughter Renee; and one grandson Gavin; and

WHEREAS, Lisa M Cumm, worked for the Essex County Department of Health for many years; and

WHEREAS, Lisa M Cumm, touched many lives and enjoyed joking with others, no matter what their age; and

BE IT RESOLVED, that the Town Board of Essex express their deepest sympathy and condolences to the family of Lisa M Cumm; and

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 Cumm family.

Motion Made By: Bryan Garvey                      Seconded By: Claire LaPine

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

Councilperson LaForest commented that he thought recognizing community members was a wonderful thing.

**Resolution 78-2015**, a resolution of congratulations to the Neighborhood Nest; owners Barbara Page and Jillian Piper, whose shop is located on Main Street, in Essex; for 20 years of successful operation of their business.

Motion Made By: James LaForest                      Seconded By: Claire LaPine

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

**Resolution 79-2015** is being made to establish Local Law #2 of 2015, Tax Cut Override, holding a public hearing on September 10, 2015 at 6:45 in the Meeting Room at the Town Hall, 2313 Main St, Essex, NY 12936

Motion Made By: James LaForest                      Seconded By: Mark Wrisley

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

Town of Essex Local Law 2 of 2015

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

Be It Enacted, by the Town Board of Essex, NY 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 2016 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 of Essex to override the tax levy limit by the Adoption of a local law approved by sixty percent of the Board.

Section 3 Tax Levy Limit Override – Budget Authorization.

The Town Board of Essex, NY hereby overrides the tax levy limit for the Town of Essex for 2012 and authorizes the Essex Town Board, after completing all required procedures for the adoption of a budget, to adopt a budget for 2012 that requires a tax levy that is greater than the tax levy limit calculated for 2016 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 circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 judgment or order shall be rendered.

Section 5 Effective date.

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

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

Budget will be tough this year because of insurance cost going up 4 percent. Essex and Willsboro will get efficiency checks because of the shared services. The EMS is a new district and that will not count towards our budget because it

is a new district. It was suggested a card be sent to Ronald Jackson, our Water Committee Chair. He has been quite ill and has a long recovery.

**Resolution 80-2015** is being offered by Bryan Garvey and seconded by Claire LaPine, who move its adoption.

Be it resolved that the Town Board of the Town of Essex introduces Local Law 3 of 2015 to rescind Local Law #1 of 2013.

The following is the Local Law 1 of 2013 in its entirety: Local Law 1 of 2013 to supersede incompatibility of the positions of Deputy Town Clerk and Bookkeeper due to lack of people in Town with the skill sets, the willingness and availability necessary for the position of Deputy Town Clerk.

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

We will have the public hearings for these items at 6:30 before the regular board meeting on September 10, 2015.

Motion to accept the resignation of Dorothy Renadette as the appointed Deputy Town Clerk was made by Bryan Garvey and seconded by Mark Wrisley.

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

Supervisor Gardner brought up to the board the Local Government Conference being held in Potsdam on October 13, 2015. He suggested that all board members and local officials attend this training. If enough are interested he will look into getting a bus. The cost before Sept. 30 is \$40 per person.

Jonathan Pribble asked to have the sewer O&M removed from his property with the garage because he has no bathrooms located there and is not hooked into the system. Lauren Murphy did inspect the garage and found no restrooms. A motion made by Claire to adjust his sewer O&M for the quarters shown. Second by Bryan Garvey. All in favor, no nays

There is a program called PayGOC.US that neighboring towns are using. This allows the various offices to accept debit/credit card payment at no cost to the town in office, over the phone and online. The company provides the card scanners and there is no longtime commitment where if we feel it is not worth it we can cancel. Motion made by Mark Wrisley and seconded by Bryan to sign on and use the PayGOV.US.

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

Motion made by Bryan Garvey and seconded by Claire LaPine to pay the Abstract #2015-8.

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

Motion made by James LaForest and seconded by Bryan Garvey to accept the Town Clerk’s Report.

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

Motion Made by James LaForest and seconded by Bryan Garvey to accept the Supervisor’s Report.

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

Tom Stransky asked if could ask one more question. He wanted to know if the stone church was still going up for auction. Supervisor Gardner stated that the Senior Nutrition Program is still using the building and we are committed to not sell the building until they are located in another spot. It will be sold at that point.

Motion made by Claire LaPine and seconded by Bryan Garvey to enter into executive session to discuss a personnel matter. All in favor no nays.

Motion made by Mark Wrisley and seconded by Claire LaPine to exit executive session.

No action is being brought forth to the meeting.

Motion made Supervisor Gardner to adjourn.

Respectfully Submitted

Patricia Gardner