

DATE: December 14, 2015 **KIND OF MEETING:** Regular Town Board Meeting

WHERE HELD: Chazy Town Hall **PRESIDING OFFICER:** Mark Henry Supervisor

	MEMBERS PRESENT	MEMBERS ABSENT
Supervisor - Mark Henry	x	
Councilor - Daniel Vesco	x	
Councilor - Jerry Deno	x	
Councilor - Cathy Devins	x	
Councilor - Willie Giroux	x	
Clerk - Philip Beauharnois	x	
Attorney - William Favreau	x	
Hwy. Supt. - Timothy Lamica	x	

OTHERS PRESENT: S. Patnode & Sam Dyer – Clinton Co. Legislator

Supervisor Mark Henry opened the meeting with the Pledge Alliance to the Flag, followed by the below Public Hearing.

PUBLIC HEARING – THE ADOPTION OF LOCAL LAW #4 OF THE YEAR 2015

A legal notice was placed in the official newspaper on Monday, November 30, 2015 as follows:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Chazy on Monday December 14, 2015 at 7:00 P.M. at the Town Offices located at 9631 Route 9, Chazy, New York regarding the adoption of Local Law #4 of the Town of Chazy for the year 2015. A Local Law entitled “Repeal and Set Aside Local Law #3” for the Town of Chazy – Clinton County. PLEASE TAKE FURTHER NOTICE that a copy of said proposed Local Law is available for review at the Offices of the Town Clerk of the Town of Chazy.

By order of the Town Board, of the Town of Chazy, dated November 5, 2015
Philip Beauharnois
Philip Beauharnois
Town Clerk

Proof of notice having been furnished, Supervisor Mark Henry called the public hearing on adoption of Local Law No. 4, to order at 7:03 PM.

Supervisor Mark Henry presented Local Law No. 4, A local law Entitled “Repeal and Set Aside Local Law #3” for the Town of Chazy. He requested any questions or comments.

No questions or comments received.

Supervisor Mark Henry closed the public hearing at 7:04 PM.

CALL MEETING TO ORDER

Supervisor Mark Henry called the 12/14/2015 Regular Town Board meeting to order at 7:08 PM.

MINUTES

Councilor Jerry Deno made a motion that the minutes of the 11/5/2015 Regular Town Board be approved as submitted by the Town Clerk, seconded by Councilor Cathy Devins

5 ayes, 0 noes. Motion carried. Ayes – Councilor Willie Giroux, Councilor Jerry Deno, Councilor Cathy Devins, Councilor Daniel Vesco and Supervisor Mark Henry.

REPORTS

The Supervisor and Town Clerk November monthly reports submitted to Board for review and filed.

PUBLIC COMMENT

No-one from the public wished to address the Town Board.

ATTORNEY FOR THE TOWN REPORT**Attorney William Favreau reports:**

- Discussed the Sciota Recreation Park property regarding reverter clause to return said property to Catherine Mayo
- Discussed proposed Noise Ordinance #1 of the year 2015

HIGHWAY SUPERINTENDENT REPORT**Highway Supt. Timothy Lamica reports:**

- As we haven't had any snow the Highway workers have been working on getting equipment ready for spring.

TOWN COUNCIL ITEMS**Councilor Cathy Devins Discussed The Following With The Board:**

- Had nothing to report.

Councilor Jerry Deno Discussed The Following With The Board:

- Commented on how good the Christmas decorations looked.
- Asked if there was any news regarding the Dollar General Store. Supervisor Henry noted that we have received plans, however, other than that nothing else is happening.

Councilor Willie Giroux Discussed The Following With The Board:

- Discussed the Town Hall's new furnace and propane provided.

Councilor Daniel Vesco Discussed The Following With The Board:

- Had nothing to report.

SUPERVISOR ITEMS**Supervisor Mark Henry reports:**

- Discussed Fire Districts and Fire Protection for both Chazy and West Chazy.
- Discussed phosphorus levels at the Waste Water Treatment Plant. He noted that Tom Burdo has made various adjustments which have lowered phosphorus levels at the plant. He further noted that for the past couple of months are readings are well below the DEC allowable limits.

- Discussed the upcoming change to the Town’s Accounting and Payroll Software and the consolidation of various banking accounts. Supervisor Henry noted that Susan Patnode, Secretary to the Supervisor and Philip Beauharnois, Town Clerk have been working hard to be ready for the conversion which will take effect January 1, 2016.
- Discussed the West Chazy Town Hall concerning cleaning and scheduling.
- Informed the Town Board that Tom Burdo and John Patnode have done a lot of work on the Town Shed behind the Town Hall including a new door and lighting.
- Asked Councilor Dan Vesco if he would be able to take a look at some lighting issues at the Waste Water Treatment Plant. Councilor Vesco will meet with Supervisor Henry on Tuesday, December 15, 2016 at the plant.

CLINTON COUNTY LEGISLATOR REPORT

Clinton Co. Leg. Sam Dyer reports:

- Reported on the Clinton County Airport improvements, noting everything looks great and working well.
- Noted the Clinton County Budget for 2016 is under the Tax Cap and there is a drop of .07 cents per 1000 in the tax rate.
- Reported that Sales Tax revenue is going to be tight, however, they will make everyone (taxing jurisdictions) whole based on figures provided by the Legislator.

LOCAL LAW NO. 4 OF THE YEAR 2015 A LOCAL LAW TO “TO REPEAL AND SET ASIDE LOCAL LAW #3 FOR THE TOWN OF CHAZY

Resolution: 15-145 12/14/2015

Motion by: Councilor Jerry Deno

WHEREAS, Local Law No. 4 of the year 2015 entitled:

A LOCAL LAW ENTITLED “REPEAL AND SET ASIDE LOCAL LAW #3” FOR THE TOWN OF CHAZY

was introduced by the Town Board, and

WHEREAS, a public hearing, was held on said proposed Town of Chazy Local Law No. 4 of the year 2015, on December 14, 2015, at 7:00 p.m. prevailing time, at the Town Hall, Town of Chazy, Clinton County, New York, and

NOW, THEREFORE BE IT RESOLVED that the Chazy Town Board does hereby authorize the adoption of Local Law No. 4 of the year 2015, and prompt filing of said law as adopted with the Department of State of the State of New York in order for said Local Law to become effective at the earliest possible date; and it is hereby further

RESOLVED, that proposed Local Law No. 4 of the year 2015 as afore mentioned, be, and the same hereby is, adopted as Local Law No. 4 of the year 2015, and it is further

RESOLVED, that the Town Attorney, acting for the Town Clerk, be, and he hereby is, directed to cause said Local Law No. 4 of the year 2015 to be duly filed with the Department of State of the State of New York.

Seconded by: Councilor Daniel Vesco

Discussion: Yes

	<u>Yes</u>	<u>No</u>
Roll Call: Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

**Local Law No 4 of the year 2015
Town of Chazy, County of Clinton**

A Local Law entitled “Repeal and Set Aside Local Law #3” for the Town of Chazy

Be it enacted by the Town Board of the Town of Chazy as follows:

Section 1. Legislative Intent

The Town Board of the Town Chazy previously adopted Local Law #3 of the year 2015 by Resolution dated October 13, 2015, all in accordance with the law to allow the Town Board to override the limit on the amount of real property taxes that may be levied by the Town of Chazy pursuant to General Municipal Law § 3-c, which law intended and allowed the Town of Chaz to adopt a budget for fiscal year 2016 that would require a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c. It has now been determined based on the preliminary budget and proposed final budget for the Town of Chazy that the Town of Chazy will not, in fact, exceed the “Tax Levy Limit” as defined by General Municipal Law § 3-c and that the budget for fiscal year 2016 of the Town will remain within the Tax Limits established in General Municipal Law § 3-c.

Section 2. Authority

The Town of Chazy for fiscal year 2016, the Town Board of the Town of Chazy does hereby repeal and set aside, in its entirety, Local Law #3 of the Year 2015, which Local Law was entitle Local Law To Override The Tax Levy Limit Established in General Municipal Law § 3-c.

Based upon the above, Local Law #3 of the year 2015 is hereby repealed in its entirety and same is declared null and void and that said Local Law #3 of the year 2015 shall have no further force and effect.

Section 3. 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 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, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date.

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

PLANNING BOARD RE-APPOINTMENT/GINA FAORO GRATTON

Resolution: 15-146 12/14/2015

Motion by: Councilor Jerry Deno

WHEREAS, the term of Planning Board member **Gina Faoro Gratton** expires on 12/31/15 and

WHEREAS, **Gina Faoro Gratton** has agreed to another five year term;

NOW, THEREFORE, BE IT RESOLVED that the Chazy Town Board does hereby re-appoint **Gina Faoro Gratton, 216 Fiske Road, West Chazy, NY** to the Town of Chazy Planning Board, term ending on December 31, 2020.

Seconded by: Councilor Cathy Devins

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

APPOINTMENT OF GINA FAORO GRATTON AS CHAIRPERSON OF TOWN OF CHAZY PLANNING BOARD

Resolution: **15-147** **12/14/2015**

Motion by: Councilor Cathy Devins

WHEREAS, Gina Faoro Gratton will accept the appointment as Chairperson of the Town of Chazy Planning Board;

NOW, THEREFORE, BE IT RESOLVED that the Chazy Town Board does hereby appoint Gina Faoro Gratton as Chairperson of the Town of Chazy Planning effective January 1, 2016.

Seconded by: Councilor Daniel Vesco

Discussion: No

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

ANNUAL MAINTENANCE PERMITS FOR UTILITY INSTALLATIONS WITHIN COUNTY R.O.W.

Resolution: **15-148** **12/14/2015**

Motion by: Councilor Jerry Deno

WHEREAS, Clinton County Highway Department requires the Town of Chazy to acquire an annual maintenance permit for activities that the Town conducts with water and sewer lines installed within the right-of-way along County roads within the Town of Chazy;

NOW, THEREFORE, BE IT RESOLVED, that the Chazy Town Board does hereby authorize the Supervisor to file, with the Clinton County Highway Department, an annual application for a maintenance permit, required for maintenance activities that the Town conducts with water and sewer lines within the County roads right-of-ways,

Seconded by: Councilor Cathy Devins

Discussion: No

Roll Call:	<u>Yes</u>	<u>No</u>
Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

RESOLUTION AUTHORIZING THE REVERSION OF TITLE OF PROPERTY TO CATHERINE MAYO SUBJECT TO PERMISSIVE REFERENDUM

Resolution: 15-149 12/14/2015

Motion by: Councilor Jerry Deno

WHEREAS, the Town Board of the Town of Chazy previously acquired a property from Raymond and Catherine Mayo located in the hamlet of Sciota, within the Town of Chazy for use as a Town recreational facility by deed dated June 26, 1970, recorded in the office of the Clinton County Clerk on November 13, 1970 in Liber 534 of Deeds at page 265; and

WHEREAS, pursuant to a reverter clause contained in the Deed, the title to the property was to revert to the grantors, in the event the property was no longer used for recreational purposes; and

WHEREAS, the Town has received a letter dated November 11, 2015 from Alan Mayo, acting on behalf of Raymond Mayo (now deceased) and Catherine Mayo that the Town recognize the reverter contained in the 1970 deed and that title be returned to the Mayo family; and

NOW THEREFORE BE IT RESOLVED, after due deliberation the Town Board has determined that it is in the best interest of the Town that the Town formally acknowledge and release title to Catherine Mayo as the survivor of Raymond and Catherine Mayo, tenants by the entirety of the grant,

FURTHER RESOLVED, the Town Board of the Town of Chazy does hereby acknowledge that the lands consisting of approximately 25 acres formerly known as "The Sciota Recreation Park" located on 34 Gonyo Road in the Town of Chazy are no longer used by the Town for recreation purposes and, be it further

BE IT RESOLVED, the Town Board of the Town of Chazy does hereby authorize Mark Henry as Town Supervisor to execute any and all documents necessary to formally acknowledge that title has reverted to Catherine Mayo as the survivor of the Raymond and Catherine Mayo tenancy and that the Town Supervisor is authorized to execute a Quit Claim Deed and related transfer documents as grantor to Catherine Mayo as grantee for purposes of recording same in the Office of the Clinton County Clerk to acknowledge reversion of title based on the discontinued use of the property by the Town of Chazy.

BE IT RESOLVED, that the above resolution is subject to Permissive Referendum and shall be effective 30 days from the date of its adoption unless a petition is received within said time.

BE IT FURTHER RESOLVED, that the Chazy Town Clerk is directed to advertise and publish, in the Press-Republican a notice of adoption of resolution subject to permissive referendum which would authorize the return of the Sciota Recreation Park property at 34 Gonyo Road, in the Town of Chazy to Catherine Mayo.

Seconded by: Councilor Cathy Devins

Discussion: Yes

Roll Call:		<u>Yes</u>	<u>No</u>
Willie Giroux		x	
Jerry Deno		x	
Cathy Devins		x	
Daniel Vesco		x	
Mark Henry		x	

Carried: YES

CONSOLIDATION OF TOWN OF CHAZY TD BANK ACCOUNTS

Resolution: 15-150 12/14/2015

Motion by: Councilor Cathy Devins

WHEREAS, the Town of Chazy will be implementing a new Accounting and Payroll software system effective January 1, 2016; and

WHEREAS, the new systems are fully integrated which will allow greater and easier tracking of financial transactions among the Town’s numerous bank accounts, the following bank accounts will be renamed and consolidated as follows:

General Account #6251466083 will be renamed the following:

**TOWN OF CHAZY
CONSOLIDATION ACCOUNT**

This account will be the Town’s working checking account to pay all bills and payroll. The account number will remain the same.

General Court Account #6251465655 will be renamed the following:

**TOWN OF CHAZY
CONSOLIDATION SAVINGS ACCOUNT**

This account will be the Town’s ‘holding/savings’ account for the follow bank accounts:

General Court	#6251465655
General	#6251466083
Highway Fund	#6251466075
Trust & Agency	#6251466067
Lighting Fund	#6251465952
Water District	#6251465960
Wastewater District	#6251465978

The above listed accounts will be closed and merged into one monetary account (#6251465655). The accounting BAS-IMF and payroll BAS-MPS programs will completely separate the funding balances at all times.

As the Town of Chazy ‘Consolidation Account’ is a pass-thru account for the Chazy Fire District, West Chazy Fire District, Fire Protection and Dodge Library, when money is received into the Trust & Agency Account (T/A #200), the new appropriation accounts for expensing these funds will be as follows:

All Fire District & Protection money will be thru sub-account T/A74

The Dodge Library money will be thru sub-account T/A85

Town of Chazy bank accounts are accessed via the TD Bank website for transfers of funds as necessary.

The following accounts are being added to our Town of Chazy – TD Bank website:

Consolidation Savings Account	#6251465655
General Building Type Capital Reserve	#6251466091
General Equipment Type Capital Reserve	#6251466059
Highway Equipment Type Capital Reserve	#6251465944

WHEREAS, the elimination of several TD Bank accounts will reduce TD Bank service fees and provide greater control of the Town of Chazy’s financial records

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Chazy Town Board does hereby approve said consolidation and elimination of accounts.

Seconded by: Councilor Daniel Vesco

Discussion: Yes

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

RESOLUTION SETTING PUBLIC HEARING REGARDING PROPOSED NOISE ORDINANCE

Resolution: **15-151** **12/14/2015**

Motion by: Councilor Jerry Deno

WHEREAS, the Town Board of The Town of Chazy has introduced Town of Chazy Ordinance No. 1 of the year 2016 entitled "Noise Ordinance"; and

WHEREAS, the Town Board is interested in receiving public input and comments on the Proposed Noise Ordinance.

NOW THEREFORE, it is hereby **RESOLVED**, that a public hearing will be held on said proposed Town of Chazy Ordinance No. 1 of the Year 2016 on January 11, 2016 at 7:00 o'clock p.m. at the Chazy Town Hall, 9631 Route 9, Town of Chazy, Clinton County, New York; and it is hereby further

RESOLVED, that the Town Clerk is hereby authorized, and directed to publish and post a Public Hearing Notice to be published in the *Press-Republican* and on the sign board of the Town maintained pursuant to Town Law, the publication thereof, and said posting to be not less than ten (10) days, nor more than twenty (20) days, before the date set for such Public Hearing.

Seconded by: Councilor Cathy Devins

Discussion: Yes

		<u>Yes</u>	<u>No</u>
Roll Call:	Willie Giroux	x	
	Jerry Deno	x	
	Cathy Devins	x	
	Daniel Vesco	x	
	Mark Henry	x	

Carried: YES

2015 BUDGET TRANSFERS

Resolution: **15-152** **12/14/2015**

Motion by: Councilor Cathy Devins

RESOLVED, that the Chazy Town Board does hereby authorize the following 2015 budget transfers:

From:	Amount:	To
-------	---------	----

1990.01.004.00	Contingent	\$213.00	3620.01.001.14	Off. Assn't.
1355.01.004.22	Mileage	\$117.83	1355.01.004.21	Misc. Supp.
1990.01.004.00	Contingent	\$115.68	7140.01.004.40	W.C. Rec.Pk.
1990.01.004.00	Contingent	\$1043.87	1620.01.004.56	Repair/Maint.
5680.01.004.00	Small Truck	\$689.67	1620.01.004.56	Repair/Maint.
5132.01.004.19	Telephone	\$22.54	1670.01.004.19	Fax/Phone
5132.01.004.19	Telephone	\$17.88	1110.01.004.19	Telephone
5130.03.004.56	Maint. Repair	\$218.34	5140.03.002.00	Brush Equip.
1990.01.004.00	Contingent	\$62.97	3620.01.004.21	Supplies
7510.01.004.26	School	\$210.07	1355.01.002.00	Equipment
1990.01.004.00	Contingent	\$139.93	1620.01.004.21	Supplies
1990.01.004.00	Contingent	\$8.83	7510.01.004.21	Supplies
7140.01.004.39	Chazy Rec.Pk.	\$105.00	7310.01.001.00	Youth Per.Ser.
7140.01.004.39	Chazy Rec.Pk.	\$6.00	7140.01.001.40	W.C. Per.Ser.
1110.01.001.07	Court Clerk	\$111.00	3620.01.001.14	Off. Assn't.
5680.01.004.00	Small Truck	\$22.32	1355.01.004.21	Misc. Supplies

Seconded by: Councilor Daniel Vesco

Discussion: No

Roll Call:	<u>Yes</u>	<u>No</u>
Willie Giroux	x	
Jerry Deno	x	
Cathy Devins	x	
Daniel Vesco	x	
Mark Henry	x	

Carried: YES

PAYMENT OF CLAIMS

Resolution: 15-153 12/14/2015

Motion by: Councilor Cathy Devins

RESOLVED, that the Chazy Town Board does hereby authorize payment of the following claims:

General Fund claims #282-318 and 2479, 24172, 24173, 24175, 24177, 24180-24182	in the amount of	\$ 38,779.52
Highway Fund claims #204-227 and 2479,24176, 24180-24182	in the amount of	\$46,001.04
Sewer District claims #100-110 and 24178	in the amount of	\$5,048.13
Water District claims #71-78	in the amount of	\$1,637.30
Light District claims #8 & 24174	in the amount of	\$5,704.85
T & A claims #12872-12873, 12912-12913, 12929-12936	in the amount of	\$5,972.68
	TOTAL:	\$103,143.52

Seconded by: Councilor Willie Giroux

Discussion: No

Roll Call:	<u>Yes</u>	<u>No</u>
Willie Giroux	x	
Jerry Deno	x	

Cathy Devins	x
Daniel Vesco	x
Mark Henry	x

Carried: YES

Supervisor Henry reminded the board that there will be a Special Year End meeting on December 29, 2015 at the Chazy Town Hall at 4:30 PM. The purpose of this meeting is to pay year end bills and any other business that may come before the Town Board. He also reminded the board that the Town's Organizational Meeting will be held on January 11, 2016 at 7 PM prior to our Regular Town Board Meeting that day.

ADJOURNMENT

Town Supervisor Mark Henry asked for a motion to adjourn.

Councilor Cathy Devins made a motion, seconded by Councilor Willie Giroux to adjourn the 12/14/2015 Regular Town Board meeting at 8:10 PM. Motion Carried.

Respectfully yours,

Philip F. Beauharnois
Clerk of the Board