

**DATE: May 11, 2015      KIND OF MEETING: Regular Town Board Meeting**

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

	<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>
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, M. Tetreault, S. Stone, V. Podd, K. Lamberton, W. Bixler and S. Dyer

Town Supervisor Mark Henry opened the meeting with the Pledge Alliance to the Flag.

**CALL MEETING TO ORDER**

Town Supervisor Mark Henry called the 05/11/2015 Regular Town Board meeting to order at 7 PM.

**MINUTES**

Councilor Cathy Devins made a motion that the minutes of the 04/13/2015 Regular Town Board Meeting be approved as submitted by the Town Clerk, seconded by Councilor Daniel Vesco

Ayes - Councilor Vesco, Councilor Devins, Councilor Deno, Councilor Giroux and Supervisor Henry.

Noes - 0

**REPORTS**

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

**PUBLIC COMMENT**

Warren Bixler, a resident of the Town commented that there was an old mattress on the Miner Farm Rd., he wanted to thank the Highway Dept. for picking it up.

**ATTORNEY FOR THE TOWN REPORT**

**Attorney William Favreau reports:**

- Had nothing to report

**HIGHWAY SUPERINTENDENT REPORT**

**Highway Supt. Timothy Lamica reports:**

- That the sidewalks in Chazy & West Chazy are being washed/swept and overall everything is in good shape.

### **CLINTON COUNTY LEGISLATOR REPORT**

Clinton County Legislator Sam Dyer reports:

- That a Finance Meeting was held last week and that we are \$27,000 above projections for Sales Tax for this year and \$72,000 above where we were last year.

### **TOWN COUNCIL ITEMS**

#### **Councilor Cathy Devins Discussed The Following With The Board:**

- Thanked Tim Lamica and the Highway crew for all their work.

#### **Councilor Willie Giroux Discussed The Following With The Board:**

- Had nothing to report.

#### **Councilor Daniel Vesco Discussed The Following With The Board:**

- Had nothing to report.

#### **Councilor Jerry Deno Discussed The Following With The Board:**

- Asked about the playground equipment in West Chazy. He noted people have asked him if the Town had plans to install the equipment. Tim Lamica, Highway Superintendent said when they are done spring work they will go to West Chazy and look the area over.

### **TOWN SUPERVISOR ITEMS**

#### **Town Supervisor Mark Henry reports:**

- The Town is getting the Recreation Parks ready for the summer and will be turning the water on in the near future.
- Informed the Town Board that a fire hydrant near True Value had been hit by a truck. The cost for the new hydrant is \$1300 and installation cost of another \$200.00. The cost will be paid by the owner of the vehicles insurance.
- Discussed the West Chazy Town Hall – noting there are issues with the septic system and the cost of repairs including tearing up of the parking lot to ascertain what the problems are. Other issues to consider include the JCEO operation, voting site and youth camps. Talked about possibly closing the Town Hall down, which he noted would require further investigation and discussion by the Town Council.
- Noted a letter was received from John Ruge, M.D. Chief Executive Officer with Hudson Headwaters Health Network in Queensbury, NY. In his letter Dr. Ruge is seeking the Town of Chazy's support for their project in opening a Health Facility in Champlain, New York and has asked the Town to consider sending a letter of support on Hudson Headwaters Health Network behalf. Supervisor Henry asked the Town Council Members if they would support such action. All Town Council members were in agreement to support Dr. Ruge's request. Supervisor Henry will send a letter.

- Discussed the County and Towns joint participation in working together to work towards savings through, in part, shared service agreements to provide possible tax rebates to Town residents. He thanked M. Zurlo, Clinton County Administrator for his assistance as well as Susan Patnode, Secretary to the Supervisor and Phil Beauharnois, Town Clerk for their work in providing data to Mr. Zurlo's Office for this project.
- Discussed the Chazy Fire District's request to merge the Chazy Fire District with the Fire Protection. Supervisor Henry noted that the Chazy and West Chazy Fire Districts should meet to discuss this issue further and that the ball is in their court.
- Discussed the possibility of obtaining inmates to do some work, such as painting and other miscellaneous tasks throughout the Town.
- Discussed the flower bed in front of the Town Offices. Supervisor Henry said we have budgeted approximately \$250 - \$300 for this project, however, the cost is expected to come in higher, therefore, he is hoping to obtaining donations to help defray the cost to the Town.
- Discussed the Sciota Recreation Park Building and noted that Town Attorney William Favreau has drafted a resolution wherein the Town is seeking to demolish this building. Mr. Favreau noted that the Town is required to seek a Permissive Referendum before this action may take place. This resolution is part of this evenings meeting.
- Discussion was held about our Grant application for Engineering Studies for our Waste Water Treatment Plant. Mr. Favreau, Town Attorney noted that the maximum amount of the grant is \$37,500 of which the Town is responsible for a 20% match. The match can be made up of 'in-kind services' or monetary means.
- Supervisor Henry discussed the proposed Medical Marijuana Facility. Mr. Victor Podd and Ms. Karen Lamberton of Northstar LLC were present. Supervisor Henry asked Mr. Podd if he would care to discuss this venture with the Town Board. Mr. Podd noted that there are several financial considerations which would include increased revenue to the County and Town. He also noted that he would greatly appreciate a resolution of support from the Town to submit with their application to the State.
- Informed the Town Board that a letter from the Hon. Vito C. Caruso, District Administrative Judge of the Fourth Judicial District which notes that the Hon. Christopher Latremore of the Town of Chazy has been assigned to the Champlain Town Court to hear and determine matters pending before the Champlain Town Court for the period of April 22, 2015 to December 31, 2015, unless sooner terminated by Administrative Order. This action is due to the death of the Hon. John A. Favreau from the Town of Champlain.
- Reminded the Town Board that the Memorial Day Parade sponsored by the Russell B. Childs Post 769, American Legion is being held on Sunday, May 24, 2015 at noon.

**RESOLUTION AUTHORIZING TOWN ASSESSOR PATRICIA AYER TO ATTEND A COURSE TITLED "VALUATION OF MARINAS" IN LAKE PLACID, NEW YORK**

**Resolution: 15-58**                      **05/11/2015**

Motion by:    Councilor Jerry Deno

WHEREAS, Patricia Ayer has requested authorization to attend a course titled "Valuation of Marinas" on June 5, 2015 in Lake Placid, NY. Cost of said course is \$110.00 plus mileage cost to Lake Placid, New York.

NOW, THEREFORE, BE IT RESOLVED, that the Chazy Town Board does hereby authorize Patricia Ayer to attend a course titled "Valuation of Marinas" in Lake Placid on June 5, 2015 at a cost of \$110.00 plus mileage expense.

Seconded by: Councilor Daniel Vesco

Discussion: No

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

Carried: YES

**RESOLUTION TO ADVERTISE FOR BIDS ON TOWN HIGHWAY SURPLUS EQUIPMENT/TRACTORS & TRUCKS**

**Resolution: 15-59 05/11/2015**

Motion by: Councilor Jerry Deno

WHEREAS, the Town of Chazy Highway Supt. requests advertisement of surplus equipment for sale;

NOW, THEREFORE, BE IT RESOLVED, that the Chazy Town Board does hereby authorize the Town Clerk to advertise, in Press-Republican, the official newspaper, a request for sealed bids on surplus Highway equipment. A Case 850 B dozer with a minimum bid of \$8,000.00. A Tractor mounted 6 ft. Broom Sweeper. A 6 ft Kaun Mowing Machine. A 7 ft. Kaun Mowing Machine – needs repairs. A1085 Case Drott with a minimum bid of \$5,000.00. A 2000 Chevy Pick-up and plow with a minimum bid of \$1,000.00. A 1986 18 ton Equipment Trailer with Pintle Hitch in good shape with a minimum bid of \$4,500.00. The equipment may be seen at the Town Highway Garage, Town of Chazy, 884 Miner Farm Rd, Chazy, NY during the hours of 7 AM – 3:30 PM, Monday through Thursday. Bids will be opened at the Monthly Chazy Town Board Meeting on Monday, June 8, 2015 at 7 PM.

Seconded by: Councilor Cathy Devins

Discussion: No

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

Carried: YES

**STANDARD WORK DAY AND REPORTING RESOLUTION FOR TOWN HIGHWAY SUPERINTENDENT, DEPUTY HIGHWAY SUPERINTENDENT, COURT CLERK AND ASSESSOR**

**Resolution: 15-60 05/11/2015**

Motion by: Councilor Cathy Devins

BE IT RESOLVED, that the Town of Chazy hereby establishes the following as standard work days for elected Town Highway Superintendent Lamica and appointed Deputy Highway Superintendent Jeffrey Deno, appointed Court Clerk - Jessica Bulriss and appointed Assessor Patricia Ayer; will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body:

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Highway Superintendent	Timothy Lamica	8	01/01/2014 to 12/31/2017	N	31.32
Deputy Highway Superintendent	Jeffrey Deno	8	01/01/2014 to 12/31/2017	Y	28.10
Court Clerk	Jessica Bulriss	6	01/01/2015 to 12/31/2016	Y	9.76
Assessor	Patricia Ayer	6	10/01/2013 to 09/30/2019	Y	12

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

**RESOLUTION AUTHORIZING THE DEMOLITION OF SCIOTA RECREATION PARK BUILDING, CHAZY, NEW YORK**

**Resolution: 15-61 05/11/2015**

Motion by: Councilor Cathy Devins

**WHEREAS**, the Town Board of the Town of Chazy has received letter notification from the Zoning and Code Officer for the Town of Chazy that the Sciota Recreation Park Building located at 34 Gonyea Road within the Town of Chazy is in deplorable condition and is in need of extensive renovations to bring the building into compliance with existing codes; and

**WHEREAS**, the Town Board of the Town of Chazy has determined that it would not be cost effective to expend public monies to repair and renovate the building; and

**WHEREAS**, the Town Board of the Town of Chazy has determined that it is in the best interest of the Town to approve the demolition and removal of the building subject to permissive referendum all in accordance with New York State Town Law Section 220; and

**WHEREAS**, the Town Board of the Town of Chazy, Clinton County, for the purpose of the New York State Environmental Quality Review Act (“SEQRA”), has had the opportunity to review and complete the Short Form Environmental Assessment Form (“EFA”) bearing date of May 11, 2015.

**NOW, THEREFORE** after due deliberation and consideration it is hereby;

**RESOLVED**, that the approval of the demolition of the building located at 34 Gonyea Road, Town of Chazy, would constitute an unlisted action and therefore no coordinated review is required; and be it further

**RESLOVED**, that the demolition of said building will not result in any large or important impact (s), and therefore, is one which will not have a significant impact on the environment under the State Environmental Quality Review Act (“SEQRA”). Accordingly, the Town Board hereby adopts a Negative Declaration with respect to the demolition of the building located at 34 Gonyea Road, Town of Chazy; and be it further

**RESOLVED**, that the Town Board of the Town of Chazy has determined that the building commonly known as the Sciota Recreation Park Building located at 34 Gonyea Road in the Town of Chazy shown and depicted on the Tax Maps for the Town of Chazy as Parcel ID# 76.-2-47 be demolished; and be it further

**RESOLVED** that demolition of the building is hereby approved ant authorized subject to permissive referendum as permitted and required by law; and be it further;

**RESOLVED**; that the Town Supervisor of the Town of Chazy is hereby authorized and directed to execute any and all documents necessary to effectuate the above demolition; and

**RESOLVED**, that this resolution is hereby adopted subject to permissive referendum as permitted by law and that any petition protesting the demolition of said property must be filed within 30 days of adoption of said resolution and that if no sufficient petition is filed within 30 days the demolition of the property may proceed without further action or approval of the Town Board.

Seconded by: Councilor Daniel Vesco

Discussion: Yes – Councilor Devins asked if sports and other events could still be held there. Supervisor Henry noted we are not going to keep the area mowed. Councilor Devins asked if people could mow it on their own. W. Favreau, Town Attorney did not feel this would be advisable due to liability issues.

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

**Carried: YES**

**ZONING BOARD OF APPEALS APPOINTMENT/STEVE STONE**

**Resolution: 15-62 05/11/2015**

Motion by: Councilor Jerry Deno

WHEREAS, **Steve Stone** has agreed to serve on the Town of Chazy Zoning Board of Appeals;

NOW, THEREFORE BE IT RESOLVED, that the Chazy Town Board does hereby appoint **Steve Stone** to a term on the Town of Chazy Zoning Board of Appeals. The term will expire on 12/31/19.

Seconded by: Councilor Daniel Vesco

Discussion: No

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

**Carried: YES**

**2015 BUDGET TRANSFERS**

**Resolution: 15-63                      05/11/2015**

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	\$10.76	7140.01.004.41 Sciota RP Exp.
1990.01.004.00	Contingent	\$468.25	9050.01.008.00 Unemployment
1990.01.004.00	Contingent	\$1,604.00	1220.01.002.00 Equipment
1330.01.004.21	Tax Coll. Supplies	\$436.84	1220.01.004.21 Supplies/Post.

Seconded by: Councilor Willie Giroux

Discussion: No

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

**Carried: YES**

**PAYMENT OF CLAIMS**

**Resolution: 15-64                      05/11/2015**

Motion by: Councilor Jerry Deno

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

General Fund claims #89-113 and                      in the amount of                      \$13,998.75

12496, -23806-23808, 23810-23813 Highway Fund claims #70-90 and 23809-23813	in the amount of	\$28,179.36
Sewer District claims #40-45	in the amount of	\$2,307.74
Water District claims #23-26 and 23805	in the amount of	\$280.47
Light District claims #2	in the amount of	\$2,809.54
T & A claims #12498-12500, 12524-12525 & 12528-12532	in the amount of	\$5,808.52
	<b>TOTAL:</b>	<b>\$53,384.38</b>

Seconded by: Councilor Cathy Devins

Discussion: No

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

Carried: YES

**RESOLUTION MEDICAL MARIJUANA**

**Resolution: 15-65 05/11/2015**

Motion by: Councilor Cathy Devins

**WHEREAS**, on July 5, 2014, Governor Cuomo signed into law the New York Medical Marijuana Law; and

**WHEREAS**, the New York State Department of Health has established specific regulations under which businesses are licensed as Registered Organizations for medical marijuana cultivation, production and sale; and

**WHEREAS**, the American Nurses Association, American Academy of Family Physicians, Lymphoma Foundation of America, American Preventive Medical Association, American Public Health Association, Gray Panthers, and the New England Journal of Medicine have endorsed the medical use of marijuana; and

**WHEREAS**, New York State Licensed Registered Organizations provide skilled and living wage jobs; and

**WHEREAS**, The town of Chazy will receive a portion of Clinton County's 22.5% share of all excise tax collected from the activities of growing medical marijuana; and

**WHEREAS**, the 386,000 square foot Northstar Technology Center, located in the Town of Chazy is ideally situated and equipped for the production of medical marijuana, it's downstream processing and ancillary services and its owners are actively seeking to locate licensed growers at said location of 641 Ridge Road, Chazy, New York; and

**Now therefore, it is hereby RESOLVED**; in accordance with the request therefore, the Chazy Town Board supports New York Assembly Bill 6357 signed into law by Governor Andrew Cuomo on July 5, 2014; and it is further

**RESOLVED**: that the Town of Chazy welcomes and encourages appropriately licensed, registered and regulated medical marijuana businesses, including cultivation, and processing facilities at the Northstar Technology Center, 641 Ridge Road, Chazy, New York; and it is further

**RESOLVED**; that the Town of Chazy's current laws and codes do not prohibit medical marijuana businesses, including cultivation or processing facilities from locating at the Northstar Technology Center.

Seconded by: Councilor Jerry Deno



Discussion: Yes

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

Carried: YES

**EXECUTIVE SESSION**

**Resolution: 15-66      05/11/2015**

Motion by: Councilor Cathy Devins

Moved to adopt a resolution calling an Executive Session pursuant to Section 100(1) (d) of the Public Officers Law to discuss pending litigation and to invite the attendance of Susan Patnode, Secretary to the Supervisor and Michael Tetreault, Codes Enforcement Officer in accordance with Section 105(2) of the Open Meetings Law.

Seconded by: Councilor Jerry Deno

Discussion: No

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

Carried: YES

Board went into Executive Session at 7:45 PM.

Board returned from Executive Session at 8:02PM.

No action taken therefore no minutes.

**RETURN FROM EXECUTIVE SESSION**

**Resolution: 15-67      05/11/2015**

Motion by: Councilor Cathy Devins

RESOLVED, that the Town Board move to come out of executive session.

Seconded by: Councilor Willie Giroux

Discussion: No

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

<b>Daniel Vesco</b>	<b>x</b>
<b>Mark Henry</b>	<b>x</b>

**Carried: YES**

Supervisor Henry asked if there was anything else to come before the Town Board.

Supervisor Henry reminded the board that our next Town Board meeting will be on Monday, June 8, 2015 at the Chazy Town Hall at 7 PM.

**ADJOURNMENT**

Town Supervisor Henry asked for a motion to adjourn.

Councilor Cathy Devins made a motion, seconded by Councilor Daniel Vesco to adjourn the 05/11/2015 Regular Town Board meeting at 8:03 PM. Motion Carried.

Respectfully yours,

Philip F. Beauharnois  
Clerk of the Board