

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

LOCATION: MUNICIPAL BUILDING, 4303 MAIN STREET
PORT HENRY, NY 12974

DATE: APRIL 11, 2011

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz, Clerk Daly, Treasurer Jurkiewicz, Deputy Superintendent of Water and Streets; John Tromblee, Chief Water and Wastewater Operator; Chip Perry and Port Henry Fire Department Chief; Jim Hughes

ATTENDANCE: Sandra Lovell, Linda Smyth, Kelly King, Jackie Viestenz, Walt and Geraldine Mimas, Ann Tesar and John Easter.

The following reports/documents were distributed to the Board for review prior to the meeting: the April 11, 2011 Meeting Agenda, the March 9th, 14th, 21st, and 23rd, 2011 Board Minutes, the March 2011 Treasurer's Report, Campground Profit Report, Perma Claims Experience Member Reports, DPW Report, Water and Wastewater Plant Report and the Fire Chief's Report.

Mayor Guerin called the meeting to order at 7:03 pm, followed by the salute to the flag.

Mayor Guerin thanked everyone for attending the meeting and proceeded to ask for a motion to approve the March 9th, 14th, 21st and 23rd, 2011 Board minutes. A Motion was made by Trustee McDonough, seconded by Trustee Brassard. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

DEPARTMENT HEAD REPORTS

Chip Perry read his written monthly report to the Board as follows:

Water Treatment Plant:

- The mechanical seal in the Broad Street No.1 pump was replaced.
- There have been no equipment breakdowns or failures to report.
- The structural steel and piping are currently being scraped for painting.
- The annual filter cleaning will begin soon and takes approximately one month to complete.
- There have been no consumer complaints and no water quality problems to report in the system.
- Water meter readings will start to be collected in the next couple of weeks.

Waste Water Treatment Plant

- There are no violations, equipment breakdowns or failures to report.
- There has been very high inflow for the past month, over 1 mgd (million gallons a day) on average.
- The solids are being trucked out and will take a while due to the wet weather at the landfill.
- Two quotes have been received for calibration regarding the gas sensors, for the influent gas detection system. One quote has been received for servicing the equipment, from the company that performed the installation of the equipment. There are very few companies out there that perform this type of service.
- Annual updates for safety programs are currently being reviewed. There is a need for confined space training including the DPW crew. Would like to possibly get the surrounding municipalities involved, to train as a group locally.
- The SPDES permit modification was published in the Press Republican on March 24, 2011 as required, for public comment. The permit was modified to reflect a need for additional flow from 0.6 mgd to 0.85 mgd. All other parameters remained the same. A copy is on file in the Village Office for public review.

John Tromblee presented his verbal report to the Board as follows:

- The Village DPW had two call outs for plugged sewers.
- The picnic tables, benches and flower boxes for the park on Main Street have been painted.
- Some of the major potholes have been filled with cold patch as a temporary fix until the asphalt plant opens.
- Approximately one dozen storm drains have been cleaned throughout the Village.
- The equipment is in the process of being serviced for the summer months and the plows and salter's have been cleaned and put away.
- The Village Crew will begin reading and collecting water meter readings in the next few days and this takes approximately two weeks to complete.
- The piping for the water lines at the beach has been ordered.

Mayor Guerin mentioned the fire hydrants that are in need of repair and John indicated that they will be scheduled after the water meter readings are completed and the beach/campground has been opened for the season.

Chief Hughes read his monthly report aloud to the Board as follows:

- The Port Henry Fire Department has responded to 17 calls to date for 2011; four in January, five in February, six in March and two in April.
- OSHA training continues and in March Hand Power Tools, Scene Safety and Hybrid Vehicle Extrication Review were held. OSHA training will continue in April with Self Contained Breathing Apparatus (SCBA) Re-certification for interior fireman.
- Chief Hughes attended the Vermont/New York Joint Water Rescue Meeting held at Vergennes Fire Station on March 22, 2011. Training courses sponsored by the US Coast Guard who were also in attendance at this meeting, will be scheduled in the future.
- A "Try Scuba" class was held on March 26, 2011 in conjunction with the Waterfront Dive Center at the Moriah Central School pool. Four fire fighters have requested to enroll in the NAUI Basic Certification class. The Port Henry Fire Department will work in conjunction with the Waterfront Dive Center in Burlington, VT.
- The Port Henry Fire department participated in a State wide volunteer firemen recruitment drive, sponsored by the Firemen's Association of New York State, by holding an open house on Saturday April 9, 2011 from 10:00 am to 4:00 pm. Spring cleaning was also performed while there, as there was a strong member turnout for this drive.
- There is an AMTRAK Passenger Train Emergency Response Training Course scheduled for Thursday April 21, 2011 from 6:00 pm to 10:00 pm at the Knights of Columbus in Port Henry. This is the first of a two part course. This training is open to all fire departments, EMS, NYS police, local police and DEC agencies. It is anticipated that approximately 50 people will attend this training session.
- Engine 292 (2009 E-One) has been sent to the Essex County DPW for annual routine maintenance; inspection, oil change, etc. Engines 291 and 293 will be scheduled in the near future.
- The fire department has coin drops scheduled for the following dates: May 28th, July 2nd and October 8, 2011 (all Saturdays), from 9:00 am to 1:00 pm.
- Chief Hughes extended a special thanks to the Village Crew for their assistance with the structure fire at 33 Rice Lane on the morning of April 1, 2011.

PUBLIC COMMENT PERIOD

Trustee McDonough informed the Board that she attended a meeting on April 7, 2011 in Addison VT, regarding the Lake Champlain bridge construction. Lohr McKinstry covered the meeting in the Press Republican. The project has been extended by 65 days due to issues with debris in the water. Some of the debris had sunk into the soft sand and was not found until construction of the pillars began. The project is expected to be

completed on October 9, 2011. Additional money has been allocated to accelerate this work. The center span is being assembled at the Velez Marina here in Port Henry and when completed, will be floated by barge to the site for assembly. They will lift it up and over the existing structure and lower it down into place. The whole process is expected to take approximately 12 to 18 hours. Lake access will be limited during this time.

Sandra Lovell suggested that the Board start exploring how to legally extend the Mayor and Board members term limits from two years to four years, in attempt to alleviate a constant turnover in administration, in order for the Village to move forward with plans and projects that have been implemented.

A discussion was held regarding the noise that is coming from the bridge construction at the Velez Marina. Trustee Rich indicated that she has been asked recently by constituents what time at night they will be working until. Mayor Guerin indicated that the work will continue 24 hours a day, seven days per week, until the center arch is assembled. Mayor Guerin is aware of the fact that the noise from this work is keeping some people awake at night. Linda Smyth expressed concern for the campers while this is going on as they will be so close to the construction. Mayor Guerin indicated that the bridge construction is more important then the temporary noise at this time. Trustee McDonough indicated the center arch is expected to be completed by mid June.

Linda Smyth informed the Board that the pH7 Committee is in the process of designing a tee shirt that will read Home of the Arch, Port Henry, NY on Lake Champlain and provided a copy of the graphic, designed by her, as it would appear on the shirts. Ms. Smyth asked for the Boards approval to do so.

Jackie Viestenz addressed the Board regarding the Farmers Market the committee is working on establishing. The market will possibly be held on Wednesday's mornings and they are speaking with Boni Edwards-Salerno regarding holding it on her property out behind Boni's Bistro & Pub. Ms. Viestenz indicated that interest to participate has been expressed by several green houses in nearby communities, including Decker's Flats. The committee plans on joining the Adirondack Farmers Cooperative, in which the vendors pay the cooperative for space at the market and the cooperative pays a percentage for a manager and advertising costs.

The pH7 Committee asked if they could purchase three planters for the park in front of Mac's Market. The treasurer asked how much the planters cost and Ms. Viestenz estimated \$30 for each one. It was determined that the committee will first need to obtain permission from Mac's Market to place the planters there, as the park is owned by them.

Linda Smyth indicated that the mural project made the front page of the Press Republican recently and work on the murals will begin in the near future in an effort to "dress up" Port Henry. Adirondack Life magazine would like to write an article on Port Henry that would be published within the next year.

A discussion ensued regarding the physical appearance and condition of the Catch Penny building. Linda Smyth volunteered to paint a mural on the windows with a toy store theme, in an attempt to help, if of course granted permission to do so.

Walt Mimas addressed the Board regarding the term limits for the Mayor and Board of Trustees. There are pro's and con's to consider before doing so. Mr. Mimas was informed that a Public Hearing would need to be held by the Board of Trustees to allow the public to comment on extending the terms to 4 years. The Board may then change the terms of office by resolution after the Public Hearing is held.

Mr. Mimas also commented on the murals, though a good idea they may distract a driver's attention from the roads causing accidents. Mayor Guerin indicated that the murals may help to slow traffic.

Mayor Guerin indicated that Code Enforcement Officer, Bill Ball will be citing the Catch Penny building owner, Bill Sayers. Mr. Sayers also owns the Aubuchon building and he has been advised there is a Local Law in place that prohibits the conversion of a

commercial space into a residential space on main levels of buildings located on Main and Broad Streets. Mayor Guerin has spoke with Supervisor Scozzafava regarding enforcement of property maintenance issues as well as parking time limits on Main and Broad Streets. It has been stressed that we need to work together and the Town judges need to back up the Village regarding property maintenance and parking enforcement issues. Chief Hughes indicated that he, as the fire chief, will work in conjunction with the Village and Code Enforcement Officer in citing Mr. Sayers for the Catch Penny building, as he sees things being moved into the place, but nothing is ever moved out. The Local Laws are in place to address these matters and now they need to be enforced.

Trustee Rich informed the Board that she has been asked by a constituent what is the Board doing about the yellow house on the hill, on the corner of Broad and Stone Street, as the roof is caving in, the stone wall is falling down and the place seems to be in rough shape. A discussion was held as to if the building is abandoned and it was confirmed that Niels Anderson owns the property and pays the taxes on the property however, no one resides there. Trustee Rich asked if the Village should mark off the property with caution tape, as it poses a danger and safety concern. The Board determined that this is a property maintenance matter that should be brought to the Code Enforcement Officer's attention.

Mayor Guerin read a letter aloud into the minutes, written by Jack Sheldon, as follows:

First, I would like to congratulate the new Trustees. I hope you will continue what the past board has started and I also hope you work as hard as I have in the past.

I would like to say thanks to Ernie, Ruth, Louise and John V. I have had a nice time working with these board members. I would also like to thank John T. and the DPW crew, Chip and Pete for the good working relationship that we had. Also my thanks to Jim Hughes and Bill Ball.

My biggest thanks go to the young ladies in the office, Denise and Janelle. They were of great value to me while I was a trustee.

A word to the wise for the new trustees, do-not go into the office on Monday mornings before 11:00 o'clock. I learned my lesson fast because the ladies in the office threw me out a couple of times.

I will say that I enjoyed being a trustee for 2 years. And I hope that I did help the village move forward in a good direction.

I would also like to say thanks to the pH7 Committee for everything that they are trying to do and will do in the future. If you need any help, please let me know.

Many thanks to everyone that gave me their support.

Jack Sheldon

BOARD DISCUSSION/REPORTS

Recurring Old Business: Trustee Viestenz met with Bob Hafner, of the Miller, Mannix, Schachner and Hafner law firm at 2:00 pm on Wednesday April 6, 2011, to finalize the Water Law and Stone Street Agreement.

Trustee Viestenz indicated that the Stone Street Agreement has been finalized. We are still waiting to finalize a few items on the water law.

The purpose of the Stone Street Agreement is to bill these users as if they were residents of the Village, by providing a formal document and agreement between the Village of Port Henry and these residents as has been discussed in length in the past, as a result of the Water Committee's review and recommendation. The agreement is for residents on Stone Street that are outside of the Village limits that receive Village water from a privately owned line. The agreement states that the Village has no ownership of this

water line and is not responsible for any maintenance related to the line. A copy of said agreement will be sent to each of the fifteen users currently on this water line for their notarized signature(s), along with the Mayor's. Each agreement will state the owners name, address and Tax Map ID No. on the cover page.

The following resolution was read into the minutes and duly adopted:

**RESOLUTION AUTHORIZING
OUT-OF-VILLAGE WATER SUPPLY AGREEMENTS
BETWEEN THE VILLAGE OF PORT HENRY BOARD
OF WATER COMMISSIONERS AND
STONE STREET WATER CUSTOMERS**

WHEREAS, the Village of Port Henry Board of Water Commissioners (the "Board") has a water treatment plant for the treatment of water (the "Facility") which currently has capacity in excess of the needs of Village residents; and

WHEREAS, the Board currently supplies water from the Facility to customers outside the Village on Stone Street via a privately owned line that taps into the Village main near the Facility and bills each customer separately at a flat rate; and

WHEREAS, the Board seeks to formalize the understanding between the parties for this service and transition to metered billing; and

WHEREAS, the Village Board of Trustees also constitutes the Village Board of Water Commissioners and is acting in both capacities in adopting this Resolution; and

WHEREAS, the Board is authorized to enter into an agreement to provide water to customers outside the Village pursuant to New York Village Law Section 11-1120; and

WHEREAS, a proposed form of Out-Of-Village Water Supply Agreement is presented at this meeting in a form approved by the Board and Counsel to the Village and the Board;

NOW, THEREFORE, BE IT RESOLVED, that the Port Henry Village Board of Trustees, acting as the Village Board of Water Commissioners (the "Board"), hereby authorizes the Village Mayor as President of the Board to enter into and sign individual Out-Of-Village Water Supply Agreements to provide a supply of treated water to properties located on Stone Street outside the Village; and be it

FURTHER RESOLVED, that the Board further authorizes the Mayor, the Village Clerk and/or the Village Treasurer to make all necessary arrangements, including collection of any fees, to effectuate the terms of this Resolution.

Duly adopted this 11th day of April 2011, by motion from Trustee Viestenz; seconded by Trustee Brassard.

AYES : Mayor Ernest Guerin, Trustees Matthew Brassard, Ruth McDonough, Staley Rich and John Viestenz

NOES : None

ABSENT : None

Mayor Guerin asked what would happen with this agreement if the Town formed a water district for these users. Trustee Viestenz indicated that if this should happen then the agreement will become null and void.

Notification has been received that Local Law No. 1 of 2011; Establishing a Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, was filed with the New York State Department of State on April 4, 2011.

Old Business: The National Grid Lighting Program/Energy Audit was discussed. It was determined that John Tromblee will be listed as the contact person for all audits regarding the Village. The Board decided to move forward with the audit and recommendations if approved as part of the 2011-2012 fiscal year budget.

New Business: The Accounts Receivable and Trial Balance Report for March 2011, has been presented to the Board for review. There is no monthly Water Adjustment Report for March 2011, as no adjustments have been made.

At the request of the NYS Employee Retirement System, a Standard Workday and Reporting Resolution is needed to approve the Village Clerk and Treasurer's work day as six hours per day. A motion was made by Trustee McDonough, seconded by Trustee Rich to approve and adopt said resolution. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Viestenz, to adopt a resolution approving the re-levy of the unpaid Water and Sewer Billings for 2010, on to the 2011 Village Property Taxes as follows; Water \$ 46,624.82 and Sewer \$54,271.30, for a total of \$100,896.12. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee McDonough, seconded by Trustee Rich to pass Resolutions of Appreciation for past Trustees, Louise Belden and John Sheldon, for their dedication and service to the Village of Port Henry during their tenure on the Village Board. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The Property Maintenance Complaint Form received on March 18, 2011 from Tobey Danforth regarding damage to his vehicle was discussed. Mr. Danforth reported that the Village bucket loader piled snow on top of his vehicle after the February 7, 2011 snow storm. The form states that as a result of the snow being piled on top of his vehicle, the windshield was broken. Other damage has yet to be determined as the car was still buried in snow on the date the complaint was filed. John Tromblee informed the Board that the car was not visible at the time of the storm and appeared to be just a mound of snow. Trustee Viestenz suggested that Mr. Danforth have his insurance company contact our insurance company and go from there. A letter will be written to Mr. Danforth advising him of such.

The Chamber of Commerce submitted their General and Labor Day Fund Balance Sheets for fiscal year January through December of 2010, on March 15, 2011.

The Knights of Columbus has applied for renewal of their liquor license through the New York State Liquor Authority. The Standardized Notice Form for providing 30 days

Advanced Notice to a Municipality, as required by New York State, was received by the Village Clerk, via certified mail, on March 17, 2011.

A motion was made by Trustee Viestenz, seconded by Trustee Brassard to approve the March 28th and April 11, 2011 bills for payment. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Abstract Distributions:

General \$24,921.10

Water \$4,402.16

Sewer \$862.61

Joint Activity \$9,169.22

Capital \$ 1,281.66

A motion was made by Trustee Brassard, seconded by Trustee McDonough to adjourn the regular meeting at 8:15 pm, at which time the Board will enter into Executive Session to review and discuss the Campground Maintenance applications. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

MEETING ADJOURNED

Village Clerk

EXECUTIVE SESSION

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz and Clerk Daly.

Mayor Guerin called the session to order at 8:20 pm

The Board reviewed the applications for the part time temporary campground maintenance position. After discussion, a motion was made by Trustee Viestenz, seconded by Trustee McDonough to hire John Sheldon for this position. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the Executive Session at 8:47 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk