

PUBLIC HEARING ON THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT

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

DATE: APRIL 27, 2011

TIME: 6:00 PM

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

ATTENDANCE: Jackie Viestenz, Geraldine and Walt Mimas, Bob Hafner, Richard Sheffer, Jack Sheldon, Anna Reynolds, Richard Vaughn and John Hamilton.

Mayor Guerin called the Public Hearing to order at 6:01 pm, followed by the salute to the flag.

Mayor Guerin gave a brief overview of the flooding situation; Local State of Emergencies have been declared for Essex County, the Town of Moriah and Village of Port Henry. A Boil Water Notice has been issued by the NYS Department of Health for Dock Lane, Tunnel Avenue and three residents located on North Main Street, until further notice.

Mayor Guerin explained that the purpose of the Public Hearing is to provide information to the public regarding the Community Development Block Grant that the Village is applying for to replace antiquated water lines on Elizabeth Street, the southern end of College Street, First, Second, Third, Oak and Ridge Lanes.

Mayor Guerin introduced Anna Reynolds, from the Essex County Community Development & Planning Office. Ms. Reynolds is helping the Village in applying for the grant and was in attendance to address the public and answer questions regarding the grant process, income survey and application requirements. Ms. Reynolds provided the public with an overview of the grant as well as the application process. The Village is applying for \$600,000 for public infrastructure and the application is due by May 27, 2011.

Public Comment Period: There were no comments or questions from the public. Mayor Guerin thanked Ms. Reynolds for attending the hearing.

A motion was made by Trustee Brassard to adjourn the public hearing at 6:08 pm. The motion was seconded by Trustee McDonough. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 2 OF 2011

Mayor Guerin called the second Public Hearing to order at 6:09 pm. Those present and in attendance for the first public hearing remained, with the exception of Anna Reynolds whom exited at 6:08 pm.

The purpose of this Public Hearing is to give the public the opportunity to ask questions and comment on Local Law No. 2 of 2011; Relating to the use of Village Water in the Village of Port Henry. A copy of the proposed law has been on file in the Village Office as of April 14, 2011 and will remain open for public inspection during regular business hours. Copies were also distributed to those in attendance.

Mayor Guerin introduced Bob Hafner, of the Miller, Mannix, Schachner and Hafner Law Firm who has provided his services in crafting the proposed law.

Trustee Viestenz provided the public with an overview of how the proposed Water Law came about and acknowledged the individuals who served along with him on the Water Committee; Janelle Jurkiewicz, John Tromblee, Chip Perry and Louise Belden. The proposed Local Law No. 2 of 2011 will repeal and replace Local Law No. 1 of 1975. Trustee Viestenz proceeded to review the changes and additions that were made to the current proposed Water Law with the public.

Public Comment Period: It was noted that it is the goal of the Village to have ALL users metered in the future. The Village anticipates purchasing digital meters via grant funds that will be read electronically. One resident commented on the fact that he thought the Village already had such a system in place. Another resident asked if the sewer rates would also be increasing and was informed that no, only the water rate will increase.

A motion was made by Trustee Rich, seconded by Trustee McDonough to adjourn the public hearing at 6:51 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

PUBLIC HEARING ON PROPOSED WATER RATE SCHEDULE

Mayor Guerin called the third Public Hearing to order at 6:52 pm. Those present and in attendance for the second hearing remained.

The purpose of this Public Hearing is to provide the public with the opportunity to ask questions and comment on the proposed Water Rate Schedule. Copies of the proposed schedule were also distributed to the public. Three versions were presented for consideration. Trustee Viestenz reviewed the three versions with the Board and public.

Chip Perry commented that he strongly supported version number one of the proposed schedule. Trustee Viestenz indicated that the restructuring is aimed for total fairness across the board for users and also supports version number one.

Public Comment Period: One resident commented on the fact that he is tired of paying for others usage, version one will eliminate that.

The Board unanimously agreed to use version number one of the proposed schedule. This version will eliminate all quantity discounts and all water will be billed at the same rate. A copy of the water rate schedule will be attached to the Water Law.

A motion was made by Trustee Rich, seconded by Trustee McDonough to adjourn the Public Hearing at 7:21 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

SPECIAL MEETING OF THE VILLAGE OF PORT HENRY BOARD OF TRUSTEES

Mayor Guerin called the Special Meeting to order at 7:22 pm. Those present and in attendance for the third public hearing remained.

Mr. Hafner reviewed The SEQRA form pertaining to the proposed Water Law and with the Board's approval, Mayor Guerin executed the form.

The Board noted the following minor changes to be made to Local Law No. 2 of 2011 prior to its adoption:

In Section 15 (a), in the second paragraph following the two bullet points:

DELETE: The estimated usage will be based on actual metered usage from the prior period within the last two billing cycles for the same period of the year (i.e. May to October or November to April), if available, provided that water service was provided for the entire previous period.

REPLACE WITH: The estimated usage will be based on actual metered usage from the same period (May to October, or November to April), within the last two billing cycles, if available, or if not available, from any full period within the prior two billing cycles, provided that water service was provided for the entire period.

and delete the last paragraph of Section 15 (a) and replace it with:

If no such actual usage is available, the account will be billed the "No Meter Reading Available" rate, and the \$100 fee described above will then be added to the water bill. The customer will be billed the "No Meter Reading Available" rate until the meter has been read by the Board two (2) consecutive times. The \$100 fee described above for no meter reading available will not be applied to the account when readings are available; the "No Meter Reading Available" rate will continue to be applied until the second consecutive meter reading is available. Fees associated with missing readings will not be refunded or offset.

A motion was made by Trustee Brassard, seconded by Trustee McDonough to pass a resolution adopting Local Law No. 2 of 2011; The Village of Port Henry Water Law, to include the minor changes as noted above in Article 15(a). as follows:

VILLAGE OF PORT HENRY BOARD OF TRUSTEES

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2011
REPEALING EXISTING VILLAGE OF PORT HENRY WATER LAW
AND REPLACING IT WITH NEW WATER LAW**

WHEREAS, the Board of Trustees of the Village of Port Henry (the "Board") established and appointed members to a committee (the "Water Committee") to review the Village of Port Henry Water Law (the "Water Law"); and

WHEREAS, the Water Committee drafted comprehensive revisions to the Water Law; and

WHEREAS, the Board has caused the draft revisions to be put into the form of proposed Local Law No.2 of 2011, which repeals the previously existing Water Law; No. 1 of 1975 and replaces it with this Water Law; and

WHEREAS, the Board duly held a Public Hearing on the proposed new Water Law on Wednesday, April 27, 2011 and heard all interested persons;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT HENRY, ESSEX COUNTY, NEW YORK, AS FOLLOWS:

1. SEQRA Determination – The Board hereby determines that adoption of Local Law No. 2 of 2011 will not have a significant adverse impact on the environment, adopts a Negative Declaration under SEQRA and authorizes the filing of a SEQRA Negative Declaration – Notice of Determination of Non-Significance.

2. Adoption of Local Law – The Board hereby adopts Local Law No. 2 of 2011 repealing the current Village of Port Henry Water Law; No. 1 of 1975 and replacing it with a new Village of Port Henry Water Law as presented at this meeting.

3. Filing; Effective Date – The Board hereby authorizes and directs the Village Clerk to file the Local Law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing with the Secretary of State.

Duly adopted this 27th day of April, 2011, by the following vote:

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

NOES: None

ABSENT:None

By a vote of five to zero, the resolution was declared duly adopted by the Board.

A motion was made by Trustee Brassard, seconded by Trustee McDonough to pass the following resolution:

VILLAGE OF PORT HENRY BOARD OF TRUSTEES

**RESOLUTION ADOPTING REVISED
VILLAGE OF PORT HENRY WATER RATE SCHEDULE**

WHEREAS, under the Village of Port Henry Water Law the rates per 1,000 gallons of metered water usage and flat rates for water service that is not metered and other pertinent charges are set forth in the Water Consumption Charges and Rates Schedule (the “Rate Schedule”) adopted by the Board of Trustees of the Village of Port Henry acting as the Board of Water Commissioners (the “Board”); and

WHEREAS, the Board wishes to revise the current Rate Schedule; and

WHEREAS, the Board duly held a public hearing on the proposed revised Rate Schedule on Wednesday, April 27, 2011, at 6:00 p.m. and heard all interested persons;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT HENRY, ESSEX COUNTY, NEW YORK, ACTING AS THE BOARD OF WATER COMMISSIONERS, AS FOLLOWS:

1. Adoption of Revised Rate Schedule – The Board hereby adopts the revised Village of Port Henry Water Consumption Charges and Rates Schedule, as presented at this meeting in Version One (1).

3. Effective Date – The revised Rate Schedule shall take effect May 1, 2011.

Duly adopted this 27th day of April, 2011, by the following vote:

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

NOES: None

ABSENT: None

By a vote of five to zero, this resolution was declared duly adopted by the Board.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the Special Meeting at 7:31 pm, at which time the Board will enter into Executive Session to discuss a personnel matter. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

EXECUTIVE SESSION

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

Mayor Guerin called the Executive Session to order at 7:40 pM

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to adjourn the Executive Session at 7:55 pm and to enter back into regular session to discuss the campground opening date. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

REGULAR SESSION

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

ATTENDANCE: Jack Sheldon

The Board discussed the flooding at the campground. As a result of the April 27, 2011 storm the campground is currently under water. The opening date is scheduled for May

6, 2011. The Board does not anticipate that the water will recede before this date to allow time to make the necessary repairs and preparations to the campground. The Board unanimously agreed to postpone the Champ RV Park/Campground opening date until May 20, 2011. The campground manager, Marge Seguin, will contact the seasonal campers to notify them of the postponed opening date. The Board also agreed to extend the opening date a couple of weeks past the scheduled closing date of October 3, 2011 due to the delay in opening.

It was noted that Bob Leveille, an engineer for Essex County confirmed that the bridge on Dock Lane is passable.

A motion was made by Trustee McDonough, seconded by Trustee Brassard to adjourn the regular session at 8:14 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk