

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 3 OF 2011;
REQUIRING CERTIFICATE OF OCCUPANCY

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

DATE: AUGUST 8, 2011

TIME: 6:30 PM

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

ABSENT: Trustee Rich.

ATTENDANCE: Walt and Geraldine Mimas, Linda Smyth, Jackie Viestenz and Phyllis Rounds.

Mayor Guerin called the hearing to order at 6:30 pm, followed by the salute to the flag.

The purpose of this Public Hearing is to present proposed Local law No. 3 of 2011, "Requiring Certificate of Occupancy", to the public for review and to provide the public with the opportunity to comment on the proposed local law.

Copies of the proposed law have been distributed to the public in attendance for review and a copy will remain on file in the Office of the Village Clerk for public inspection during normal office hours. Mayor Guerin provided an overview of the proposed law; no building, residential or commercial, shall be used or occupied in whole or in part, until a Certificate of Occupancy has been issued by the Code Enforcement Officer.

PUBLIC COMMENT PERIOD

Walt Mimas indicated that this law has been long overdue. Trustees Brassard informed the public that this pertains to all residential dwellings, not just apartments. Mayor Guerin indicated that it helps protect all residents of the Village.

John Easter entered the hearing at 6:35 pm.

Mayor Guerin called for further comment from the public; there was none.

A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to adjourn the Public Hearing at 6:36 pm. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried

ADJOURNED

PUBLIC HEARING ON A REVISION TO THE WATER CONSUMPTION
CHARGES AND RATE SCHEDULE

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

DATE: AUGUST 8, 2011

TIME: 6:45 PM

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

ABSENT: Trustee Rich.

ATTENDANCE: Walt and Geraldine Mimas, Linda Smyth, Jackie Viestenz, Phyllis Rounds, John Easter and Mr. and Mrs. Hoyenski.

Mayor Guerin called the Public Hearing to order at 6:45 pm.

The purpose of this Public Hearing is to present the proposed revision to the current "Water Consumption Charges and Rate Schedule", to the public for review and to provide the public with the opportunity to comment on the revision.

An information packet regarding the proposed revision has been distributed to the public in attendance and a copy of the proposed schedule is on file in the office of the Village Clerk, where it will remain open for public inspection during regular office hours.

Trustee Viestenz provided an overview of the revision to the public; the proposed revision consists of a minor technical change to the schedule that was adopted in April that could impact those users who consume over 62,000 gallons, per six month billing period.

PUBLIC COMMENT PERIOD

John Easter asked whose responsibility it is to have a leaking water meter replaced. Trustee Viestenz indicated that if the meter fails or quits working, it will be replaced by the Village. The consumer would be responsible for replacement due to negligence caused by damage, freezing, etc.

Mr. Hoyenski asked questions in regard to his recent Water and Sewer bill and a brief discussion ensued regarding billing matters in general.

Jack Sheldon entered the hearing at 6:52 pm. Louise Belden and Bernadette Trow entered the hearing at 6:54 pm followed by Chip Perry and John Tromblee who entered at 6:56 pm.

Mr. & Mrs. Hoyenski exited the hearing at 6:58 pm.

Mayor Guerin called for further comment from the public; there was none.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to adjourn the second public hearing at 6:58 pm. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

ADJOURNED

REGULAR MEETING OF THE VILLAGE OF PORT HENRY BOARD OF TRUSTEES

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

DATE: AUGUST 8, 2011

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz, Clerk Daly, Treasurer Jurkiewicz, Chief Water and Wastewater Plant Operator, Chip Perry and Deputy Superintendent of Water and Streets, John Tromblee.

ABSENT: Trustee Rich.

ATTENDANCE: Walt and Geraldine Mimas, Linda Smyth, Jackie Viestenz, Phyllis Rounds, John Easter, Louise Belden, Bernadette Trow and Jack Sheldon.

A correction has been made to the Board minutes for July 11, 2011. On page five, the fourth paragraph from the top, regarding pro-rated seasonal pump outs; the second sentence should read: "The pro-rated amount is based on the following calculation: \$170 divided by five months, (May, June, July, August and September) and then multiplied by two (May and June) equals \$102 for the season." A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the June 21, July 11 and July 25, 2011 Board minutes, to include the above listed correction. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

DEPARTMENT HEAD REPORTS

John Tromblee read his monthly report aloud as follows:

- The dock was installed at the pier.
- Pump outs are done twice a week at the campground.
- Brush has been cut and mowing done, currently on second mowing cycle for the month.
- 110 feet of sidewalk has been poured on Greeley Lane to alleviate water issues.
- The entrance to the Post Office has been repaired with new concrete per complaints of tripping hazards.
- The Town did about three days of welding on the Village's loader bucket and made new stairs for the loader.
- Mr. Tromblee replaced the radiator in the loader; the cost was \$1500 for parts.
- There was a sewer plug on 9N between Jackson and Tobey Streets. The sewer jetter was used to remove a large clump of rags from the main.
- New water and sewer hookups were installed for Tom Edwards on Greeley Lane.
- Approximately six curb stop boxes that were damaged or broken have been repaired.
- 112 man hours were spent on garbage and recycling for the month of July.
- 52 man hours have been spent on pump outs at the campground since the last Board meeting.

Mayor Guerin asked Mr. Tromblee when the Spring Street fire hydrant will be repaired and was informed that it hopefully will be repaired on Thursday August 11, 2011.

Mayor Guerin asked if power will be run out to the new traffic circle. Mr. Tromblee indicated that the old one will be demolished and then the power will be run to the location.

Chip Perry read his monthly report aloud as follows:

North End Pump Station

- Very brief inspection with FEMA.
- Working with Aqualogics to have damaged equipment replaced.

Water Treatment Plant

- Filtration plant is running well.
- No complaints to report; have had a few consumers ask about rate changes and the possibility of new meters.
- Repaired water meter at the Sagan building; minor seal gaskets; also replaced two residential water meters on Bridge Street.
- Will be taking Lb/Cu samples and the third round of THM's and HAA samples this month.

Wastewater Treatment Plant

- The solids mixer was serviced; a couple more minor repairs and the mixer will be ready to return to the Ticonderoga WWTP.

- Experienced some false alarms due to voltage drops during the hot weather; looking into a means of monitoring the electrical usage/delivery.
- Received violations from PESH, violations will be taken care of prior to the abatement date in October: Serious-Eye Wash Station, Non-Serious-MSD Sheet Locations.
- Treatment plant is running well and meeting all permit limits.

Mr. Perry as always, encouraged the Board of Trustees as well as the public, to visit both treatment facilities to take a tour and see how each are operated.

Mayor Guerin announced that the Town of Moriah was recently awarded \$1.3 million dollars for Water District # 4. The Village should be able to shut down the raw water line upon completion of this project.

Mayor Guerin indicated that Trustee Viestenz has helped in preparing the FEMA paperwork for the fire department. It is estimated that the fire department will be reimbursed for \$1182.02. The fire department will not be reimbursed for volunteer man hours; reimbursement will be limited to equipment use and time spent on each call.

Phyllis Rounds was in attendance on behalf of Marge Seguin, Champ RV Park/Campground manager. Ms. Rounds asked if the Village could provide the new electric rates for the campground. The Treasurer indicated that the new rates were placed in the manager's mail box, as we just received the first electric bills today.

Ms. Rounds submitted a letter to Trustee McDonough, on behalf of Marge Seguin. After review, Trustee McDonough announced Ms. Seguin's resignation as campground manager, effective October 7, 2011. Ms. Seguin suggested in her letter that the Village retain Ms. Rounds as second in command at the campground for next season.

Chief Hughes was excused from the meeting, however prepared a monthly report as follows:

- PHFD has responded to fifty-four (54) calls to date for 2011: (4) for January; (5) for February, and (6) for March, (15) for April, (11) for May, (4) for June and (9) for July.
- Investigated and answered concerns/complaints in regards to 1)Walt's Propane, 2) Outdoor fireplaces on Elizabeth and Spring Streets, 3) open burning issues at the end of the terminal dock.
- OSHA Training scheduled – August – Pump Operator / Driver Training.
- Firefighters Peter Cutting and Mark McLaughlin are currently enrolled in NAUI Basic SCUBA Diver class as taught by Waterfront Dive Center of Burlington, Vt.
- Engine 293 – 1946 LaFrance – sent last month to Essex County DPW for annual maintenance / inspection. Issues remain. Unable to restart once turned off. Investigation/troubleshooting continues.
- Requested and obtained 2nd quote for replacement of large overhead door from Adirondack Overhead Door Company, Queensbury, NY: (\$6,694.00). 1st Quote of (\$3,750) was provided by Overhead Door Company of Plattsburgh, NY. Request Mayor/Board examine each quote carefully and render a decision.
- On 8/4/2011 attended special meeting of Essex County Emergency Services and all Fire Chiefs with protection areas along Lake Champlain to plan and discuss Emergency Evacuation Procedures for campgrounds and residences east of CP Railway. More information to follow.
- Requested date with Century Fire Apparatus, Inc. (Randy Preston) to perform our Annual Fire Pump testing. Still waiting on a response.
- DEC Grant – Received \$1000 Grant towards the purchase of Large Diameter Hose Gate Valves

PUBLIC COMMENT PERIOD

Jack Sheldon informed the Board that while the lifeguards are on duty, they have no phone access for one hour each day when the office is closed for lunch. Ms. Rounds

explained that they used to have a phone with two portable handsets on it and would give one of the handsets to the lifeguards while the office was closed. It was determined that those phones were utilized at the water plant, in an emergency situation. Mr. Perry agreed to swap out phones with water plant and the campground the next day to alleviate the issue.

Phyllis Rounds exited the meeting at 7:20 pm.

The pH7 Committee is seeking approval to adopt the Visitor's Booth to use as a Welcome Center. The committee would take on the responsibility of maintaining the booth and volunteers will man it. After a brief discussion, the Board decided to table granting approval due to the fact that this item has been declared surplus and the Board is currently accepting bids on it through September 9, 2011. It was agreed that the committee may man the booth over the Labor Day weekend.

BOARD DISCUSSION AND REPORTS

Recurring Old Business: On July 18, 2011 Trustees McDonough, Viestenz and John Tromblee attended a meeting with FEMA at the Essex County DPW building. To date, a FEMA Project Worksheet has been submitted including data pertaining to the fire department. Trustee Viestenz met with FEMA officials on June 21, 2011 at the Village hall to discuss administrative issues and John Tromblee and Chip Perry met with and escorted the FEMA representatives to the areas and work site locations in the Village that sustained damages as a result of the flooding. Treasurer Jurkiewicz is currently completing the Labor and Materials Report for FEMA.

Old Business: A letter was received from Scott Cambell, Director of Friend's of the North Country regarding the Essex County Multi Jurisdictional Hazard Mitigation Plan which received "Approval Pending Adoption" from FEMA. All jurisdictions were supplied with the appropriate resolution for adoption as soon as possible. Once FEMA receives the adopted resolutions, all jurisdictions will then be eligible for hazard mitigation assistance if they choose to apply. A copy of this letter and the resolution were distributed to the Board on August 2, 2011 for review. Upon discussion, the Board decided to table this matter until more information was obtained regarding the plan itself and the resolution the Board was being asked to adopt.

The Board scheduled a Special Meeting for Monday August 15, 2011 at 6:00 pm to review and discuss the Hazard Mitigation Resolution and the Campground for the 2012 season.

Trustee Viestenz provided an overview on the Main Street Grant. Alan Hipps has applied for a \$15,000 architectural design plan for his building on Main Street. Sharon Reynolds of PRIDE will coordinate with Alan Hipps and then begin contacting the landlords within the Village to explain the grant program and what it has to offer. Ms. Reynolds will offer suggestions and guidance to the Village as well as write and administer the grant. Ms. Reynolds will be paid for her services through administration fees provided in the grant therefore, there will be no cost to the Village in moving forward as all grant funds are matched by the landlords/building owners. Trustee Viestenz motioned to grant authorization to proceed to Sharon Reynolds to begin contacting the Village landlords and building owners regarding this program/project. The motion was seconded by Trustee Brassard. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

Jack Woods entered the meeting at 7:40 pm.

Records Retention continues; much progress has been made and there are numerous documents that need to be shredded or destroyed. Mayor Guerin indicated that he would contact the commercial shredding company in Schroon Lake to take a look at the job.

The resolution and minutes pertaining to the authorization of the application for the NYS Parks & Recreation Grant have been submitted to Matt McNamara of Essex County Community Resources and Planning. The next step would be to have the old high school

property appraised. The professional appraisal must accompany the grant application and the deadline to submit the application is September 1, 2011. The estimated cost is \$500. A motion was made by Trustee Brassard, seconded by Trustee McDonough to pass a resolution authorizing the hiring of a professional appraiser to complete the appraisal and the cost associated with it.

Ayes: Mayor Guerin, Trustees Brassard, McDonough and Viestenz.

Nays: None.

Absent: Trustee Rich.

By a vote of four to zero, the above resolution was adopted on this date.

The Board discussed the renewal of the Bond Anticipation Note (BAN), for the Manhole #13 Re-construction Project. The Board unanimously decided to renew the BAN through Glens Falls National Bank and Trust Company in the amount of \$52,000.00 and agreed to have attorney Soloski prepare the paperwork.

Chief Hughes provided the Board with two quotes for a large overhead door for the firehouse. The Treasurer informed the Board that there is \$3,800.00 left in the reserve for this item. The first quote was from Overhead door Company of Plattsburgh for \$3,750.00. The second quote was from Adirondack Overhead Door Company, Inc. for \$6,694.00. A motion was made by Trustee McDonough, seconded by Trustee Brassard to accept the quote from Overhead Door Company of Plattsburgh for \$3,750.00. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

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

A motion was offered by Trustee Brassard to pass a resolution to adopt Local Law No. 3 of 2011; Requiring Certificate of Occupancy. The motion was seconded by Trustee McDonough.

Ayes: Mayor Guerin, Trustees Brassard, McDonough and Viestenz.

Nays: None.

Absent: Trustee Rich

By a vote of four to zero the above resolution was adopted on this date.

A motion was offered by Trustee Viestenz to pass a resolution to adopt the revised Village of Port Henry Water Consumption Charges and Rate Schedule, as presented at this evening's Public Hearing, with an effective date of May 1, 2011. The motion was seconded by Trustee Brassard.

Ayes: Mayor Guerin, Trustees Brassard, McDonough and Viestenz.

Nays: None.

Absent: Trustee Rich

By a vote of four to zero, the above resolution was adopted on this date.

The 2011-2012 Fuel Oil Bid will be printed as a public notice in the legal ad section of the Times of Ti and Press Republican. The price shall be a fixed rate per gallon and the contract shall run from October 1, 2011 through May 31, 2012. A letter and bid package regarding such has been mailed to seven surrounding oil companies and is on file in the Village office. Bids will be received up to 4:00 pm on Friday September 9, 2011 and will be publicly opened and read aloud at the September 12, 2011 Board meeting.

Trustee Brassard is requesting \$100 from the fire department's budget to have an energy audit performed on the firehouse by NYSERDA. This audit is different from the prior audit that was performed as it will allow the Village to obtain possible funding for doors, windows, etc. A Motion to approve this audit and the expense associated with it was

made by Trustee Viestenz and seconded by Trustee Brassard. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

A refund request was received from Jerry and Peggy Rivers on July 19, 2011, copies of such including the calculations of the refund in the amount of \$757.17 were distributed to the Board. A motion to approve the refund request was made by Trustee McDonough and seconded by Trustee Viestenz. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

The Board discussed the capitol reserve fund and revenues regarding the campground for the 2011 season. The \$20,000 reserve is almost depleted as all repair costs associated with the spring flooding have been paid from this reserve. The Board passed a resolution in February of 2011 to raise the site fees for the 2011 season and place \$75.00 from each seasonal site fee into a capitol reserve fund for future improvements to the campground. Treasurer Jurkiewicz asked the Board if they still intend on doing so in light of the current financial situation. Currently, the \$68,000 in revenue for the campground reflects the \$4,500.00 in site fees that would be moved to the capitol reserve fund for improvements. Mayor Guerin asked if the Village would receive reimbursement from FEMA and the Treasurer indicated that it will be submitted to FEMA and if the Village receives the funds it will be put back into the revenue from Federal and State aid. To date \$34,500 has been issued in the form of refunds for the 2011 season and if the Village does receive reimbursement from FEMA, the Village is still responsible for 12.5% of the repair costs that FEMA does not cover. The Board agreed that the Treasurer will take the \$75.00 per site and move it to the reserve fund as originally agreed. The Board will discuss using 50% of the site reserve fees in the future if need be.

Chip Perry commented that the campground looks amazing, better than it has in 20 years.

Chief Hughes entered the meeting at 8:15 pm.

The Board agreed to advertise the campground manager's position for the 2012 season as soon as possible.

The Board was presented with information and a rate sheet from Denton Publications on July 13, 2011 regarding a commemorative magazine for the bridge reopening in October 2011. The magazine will be distributed at the October event and will also be for sale during the summer of 2012 for travelers. An ad can be designed to represent the Village. The Board authorized such by motion from Trustees Viestenz, seconded by Trustee McDonough to split the cost of a quarter page ad, totaling \$279.00, with the Town. The Village's half amounts to \$139.50. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

A Development Review Application was received from Michael Miller on August 1, 2011 regarding a gym he would like to open. Mr. Miller hopes to initially rent an existing and currently vacant building in the Port Henry area. Copies were distributed to the Board for review. The Board concurred that it supports Mr. Miller's attempt to start this business in the Village. The only item that will fall under review would be the signage for this business provided all permits and certificates are properly obtained as reflected in Local Law No. 3 of 2011; Requiring Certificate of Occupancy.

A written request was received from Kelly Cross on behalf of the Moriah Central High School Chorus on July 22, 2011 and distributed to the Board for review. After submitting an audition tape as part of a national contest, the chorus has been granted the honor of performing for two nights at Disney in Florida in March of 2012. A major fundraising effort is underway in an attempt to raise enough funds so that each child may attend. The Chorus is seeking approval/permission to hold a Coin Drop on Saturday October 22, 2011 from 10 am to 2pm on Main Street in front of the bank. There will be adult supervision with a shift of four to five children per hour. The Board unanimously approved this request by motion from Trustee Brassard, seconded by Trustee McDonough. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried. A letter will be sent to Kelly Cross informing her of the Boards decision.

Jack Woods, President of the Chamber of Commerce has requested permission from the Village Board for the following regarding the annual Labor Day Celebration in the Village of Port Henry: Fireworks at the pier for which a Certificate of Insurance will be presented to the Village; to have a band perform at the beach the evening of the fireworks, Saturday September 3, 2011; to have concessions at the beach the evening of the fireworks and the closing off and use of Church Street from the firehouse to Main Street on Saturday September 3rd and Sunday September 4, 2011. A motion to approve the above listed requests was made by Trustee Brassard and seconded by Trustee McDonough. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

The Board discussed parking at the pier/beach for the Labor Day fireworks. It was decided that a letter would be sent to the Town of Moriah Police Department requesting their assistance in preventing parking of vehicles along both sides of the road from the pier to the campground, due to public safety concerns; if an emergency vehicle needed to obtain access to the campground with cars parked along side the road, it becomes to congested, narrow and impassable.

The October 10, 2011 meeting of the Board of Trustees falls on Columbus Day, an observed holiday. Motion was made by Trustee Brassard, seconded by Trustee Viestenz to re-schedule the Board meeting for Monday October 17, 2011 at 7:00 pm at the Village Hall. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

Jack Sheldon inquired as to who owns Star Way. It was determined the road is privately owned.

Mr. Sheldon indicated that the lane behind the Aubuchon building should be deemed a "Fire lane", as it once was.

Mr. Sheldon thanked the pH7 Committee for their efforts in dressing up the community.

Mr. Sheldon commented positively on the granite bench placed at the beach in memory of Jerry Johnson, by his family.

Chief Hughes informed the Board and public present that the Mac Memorial fire truck from Boston will be at the Labor Day parade again this year. The Port Henry firemen are currently collecting donations to have Beverly Pratt's name engraved on a brass plate and placed on the Mac Memorial fire truck. Mr. Beverly Pratt, a Port Henry Fireman, died in the line of duty in May of 1956.

It was noted that the annual Champ Day/ Johnny Podres Day, held on Saturday August 6, 2011 received a lot of positive press on News Channel 9 and in the Press Republican.

A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to approve the July 25th and August 8, 2011 bills for payment. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

Abstract Distributions:

General \$39,765.66

Water \$5,514.15

Sewer \$3,719.26

Joint Activity \$11,798.43

A motion was made by Trustee Viestenz, seconded by Trustee McDonough, to adjourn the meeting at 8:31 pm. Yes; Trustees Brassard, McDonough and Viestenz. No; none. Absent; Trustee Rich, motion carried.

ADJOURNED

Village Clerk

