

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: DECEMBER 12, 2011

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough and Rich, Clerk Daly, Treasurer Jurkiewicz, Deputy Superintendent of Water and Streets; John Tromblee, Code Enforcement Officer; Bill Ball and Port Henry Fire Department Chief; Jim Hughes.

ABSENT: Trustee Viestenz and Chief Water and Wastewater Operator; Chip Perry

ATTENDANCE: Walt and Geraldine Mimas, Kelly King, Sandra Lovell, Jackie Viestenz and Pat Tom.

The following Reports/Documents were distributed to the Board for review prior to the meeting: the December 12, 2011 Meeting Agenda, the November 14th and 22, 2011 Board Minutes, the November 2011 Treasurer's Report, Perma Claims Experience Member Reports, Campground Profit Report and the Fire Chief's Report. A list of other documentation distributed to the Board prior to the meeting, is listed in the December 12, 2011 Board Meeting file in the office of the Village Clerk.

Mayor Guerin called the meeting to order at 7:00 pm, followed by the salute to the flag.

Mayor Guerin thanked everyone for attending and indicated that Trustee Viestenz and Chip Perry both provided advance notice that they would not be present for this evening's meeting.

DEPARTMENT HEAD REPORTS

Mayor Guerin indicated that Mr. Perry informed him there is not much to report this month, everything is operating well.

Chief Hughes read the November 2011 Fire Chief's Report aloud to the Mayor and Board as follows:

- PHFD has responded to One-Hundred (100) calls to date for 2011: (4) for January; (5) for February, (6) for March, (15) for April, (11) for May, (4) for June, (9) for July, (29) for August, (9) for September, (3) for October, and (5) for November.
- PHFD provided Fire Police and participated in Annual Canadian Pacific Holiday Train on Monday, 11/28/2011.
- PHFD participated in Town of Moriah Area Chamber of Commerce Holiday Celebration on Saturday, December 3rd. Free Fire Truck rides offered to children.
- PHFD participated and provided Fire Police to United States Marine Corp Toys for Tots Program on Sunday, December 4th.
- Annual Santa Claus Run held on Sunday December 11th – Candy delivered to all children within village.
- State of Emergency – Life Safety Data Sheet (created by Essex County Emergency Services) – distributed door to door to village residents by Firemen on 12/11.
- Held OSHA Training on November 29th – Blood borne Pathogens – presentation by Patti Bashaw. Members of Town of Moriah Ambulance Squad also attended.
- Installed new coax and antenna to GE Receiver – results will improve siren alarm activation from Belfry Mountain.
- Station housekeeping items status: Thermostat(s) replacement; Modine Heater repair; Front window and Door replacement.

Chief Hughes informed the Board that the fire department has received many compliments from the public regarding their help and assistance to residents during the Hurricane Irene disaster. An Officer's assessment was conducted after the two disasters and it was suggested that a Rescue One Boat, (also known as a John boat) and four-wheeler (ATV), would have been useful equipment to have on hand during both events. Chief Hughes has obtained quotes for both and has submitted both as line items totaling \$39,000 to Senator Little and Assembly woman Sayward. Chief Hughes has some other paperwork to submit, but there is the possibility that the fire department may receive some help with funding with regard to these two pieces of rescue equipment.

Chief Hughes has asked Bryant's Lumber for quotes on a window and front door replacement at the firehouse.

Chief Hughes informed the Board that he has been working behind the scenes with the Essex County Hazmat Director with regard to Federal Grants that are available for Dive Teams in the area that are in need of help. The thought is; if a regional or county dive team was formed, then it might be possible to capture some of this federal assistance. More information will follow on this matter.

Mayor Guerin thanked Chief Hughes for the fire departments participation in community events and indicated that the firehouse decorations look very nice.

John Tromblee provided a verbal report for November 2011 to the Board as follows:

- 15 mph speed limit signs were placed on Greeley Lane
- The Christmas lights have been strung in the Village
- "Posted" signs have been erected at the campground
- The playground equipment at the campground has been put away and the guard rails pulled, in preparation of construction
- A portion of sidewalk was repaired on Broad Street where National Grid placed a new pole
- A few more trees were removed from the brook at the campground
- A sewer main on Henry Street was backing up; it has been dug up and repaired
- A two inch curb shutoff was dug up and replaced on Cedar Street
- The new Dodge 4500 was delivered on November 30th and is in service
- Mr. Tromblee completed a four hour storm water training course sponsored by the DEC through Warren County Soil and Conservation, in Lake George, NY on December 6, 2011

Bill Ball provided a verbal report for November 2011 as follows:

- Not much done, Mr. Ball was sick for three weeks
- A couple of apartment inspections were done
- Has spent majority of his time at the Aubuchon building

Mr. Ball suggested asking the attorney for advice while he was present regarding the properties on Rice Street that the Village would like to have cleaned up. Attorney Hafner indicated that his firm would be happy to work with Mr. Ball to resolve these issues. Mr. Hafner informed the Mayor and Board that they will need to decide if they are going to take aggressive action regarding getting these properties cleaned up. Mayor Guerin indicated that the Board is in full agreement and is willing to take the action necessary in order to expedite this process. Mr. Hafner will be expecting a call from Mr. Ball in order to discuss these matters further.

PUBLIC COMMENT PERIOD

Walt Mimas asked for an update on the 28 Rice Lane property; he was under the assumption that it was going to be torn down. Bill Ball indicated that it is currently up for sale. Mayor Guerin informed Mr. Mimas that is why the Board is pursuing the next avenue with regard to both the 28 and 30 Rice Lane properties.

Mr. Mimas asked what the reason was for the storage shed units/business pulling out, was it the flooding? Mayor Guerin indicated that yes, it was. Bill Ball commented that the business/storage sheds were flooded out twice and confirmed that the units were not built above the 100 year FEMA flood zone. Mr. Mimas indicated that it is a shame to lose another business in the Village, the Mayor and Board agreed.

Chief Hughes asked Bill Ball what the status of the Aubuchon building is. Bill Ball indicated that the ground floor front of the building will be used as commercial space, with perhaps an apartment in the back. The chiropractor and Reiki/Yoga business have expressed interest in occupying the space. Attorney Hafner asked if the plans have been submitted in order to issue permits. Mr. Ball indicated that floor plans have been submitted.

A discussion ensued regarding the Catch Penny Thrift Shop on Main Street. Chief Hughes commented that there are significant fire loads on the first and second floors. Mr. Ball indicated that he has spoke to the State Building and Fire Codes regarding this matter and there is not much the Village can do. Sandra Lovell indicated that the building is indeed a fire hazard and Kelly King fears the porch may collapse from the load that is on it. Mr. Ball indicated that he will discuss property maintenance issues further with the attorneys.

Chief Hughes mentioned the building behind the Fashion Corner and was informed that it is private property. Chief Hughes informed Bill Ball that the hallway leading up to the apartments in the Gilbo building is completely dark. Bill Ball asked Chief Hughes to contact him when issues such as this arise.

Sandra Lovell commented on how beautiful the Christmas tree looks in the traffic circle, all decorated with lights and ornaments. The Ph7 Committee will continue this tradition annually and will continue to invite the public to help decorate the tree by placing ornaments on it. The children that showed with their ornaments to help decorate the tree were very happy and excited to be a part of it.

Ms. Lovell asked if the Village could install a mail slot in the information booth that will be used as a comment/suggestion box.

Trustee Brassard suggested the Village send a letter of thanks to Benjamin Winters for donating the Christmas tree this year from his property and informed the Board that he plans on donating a Christmas tree annually to the Village.

Sandra Lovell asked Mayor Guerin when he will officially dedicate the oval (traffic circle) and the Mayor indicated that he will discuss the matter further with Trustee McDonough.

BOARD DISCUSSION / REPORTS

Recurring Old Business: Mayor Guerin called for a motion to approve the November 14th and 22nd, 2011 Board minutes. Motion was made by Trustee Rich, seconded by Trustee McDonough. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

Main Street Grant - Trustee Viestenz informed the Mayor and Board via an e-mail on December 5, 2011 that Sharon Reynolds' has mailed the letters and surveys to the commercial building owners/landlords on Main and Broad Streets last week. Two responses have been received so far indicating some interest as well as a phone call requesting more information. Mayor Guerin indicated that per Alan Hipps, the Village may receive news with regard to the grant this month.

The Consultant Agreement between the Village of Port Henry and Greenman-Pedersen, Inc. (GPI) regarding the Campground Restoration Project has been executed by both Mayor Guerin and GPI; the signed agreement has been distributed to the Mayor and Board and is on file in the Village office.

Trustee Brassard provided the Mayor and Board with a preliminary schedule with estimated dates from GPI with regard to the Campground Restoration Project. The Village is currently waiting on a permit from the Army Corps of Engineers. John Tromblee asked if the electrical repairs at the campground would be sublet, as they are not currently included in the preliminary engineering report. It was determined that Trustee Brassard would contact GPI via e-mail to have the electrical work included in with the bid package they are preparing.

Reimbursement funds were received from FEMA on December 8, 2011 as follows:

- \$977.92 for debris removal by the Village DPW from the campground and Village streets as a result of the April/May flood disaster
- \$1,034.27 for man hours assisting the Village and use of equipment by the Port Henry Fire Department as a result of the April/May flood disaster.

These were the first two items submitted; the Treasurer indicated that there are six projects in total for the Village with regard to FEMA reimbursement funding for the spring floods. The Village is currently waiting on reimbursement for the remaining four projects. Nothing has been submitted to FEMA to date regarding Hurricane Irene as the Village and FEMA are still collecting data with regard to the second disaster.

The revised "Memorandum of Understanding" was received from the Teamster's Local 294 regarding vacation benefit accrual for employees reaching an anniversary milestone. The corrected Example No. 1 of vacation accruals and dates has been inserted and copies were distributed to the Board. Example No. 2 was omitted. A motion to approve the revised Understanding and authorizing Mayor Guerin to execute the document was made by Trustee McDonough, seconded by Trustee Rich. Yes; Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

Old Business: Trustee Rich informed the Board that the Zoning Committee will be working on the Property Maintenance Law with regard to levying fines and fees onto Village property taxes. The committee will have more information and move forward after Mr. Ball, who serves on the Zoning Committee as well, speaks to the attorney's with regard to property maintenance.

To date, nine out of fifteen "Out of Village Water Agreements" have been received and are on file in the Village office. As requested, Mayor Guerin was provided with a list of the property owners that the Village has not received signed agreements from. The list has been updated to include phone numbers for the property owners as well. Mayor Guerin indicated that he will place calls to these residents.

New Business: The November 2011 Accounts Receivable, Trial Balance and Water Adjustment Reports have been presented to the Board for review.

The Board requested Attorney Bob Hafner's attendance this evening to review the two proposed Resolutions he has prepared on behalf of the Village as requested, pending adoption. Attorney Hafner's reviewed the proposed Deficiency Note and Budget Note Resolutions with the Mayor, Board, and public present. Mr. Hafner explained the purpose of each and the necessity of two separate notes in order for the Village to deal with expenses incurred as a result of the storm that could not have been anticipated.

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to adopt the Deficiency Note Resolution, Authorizing the Issuance of up to \$62,361 in Deficiency Notes of The Village of Port Henry for the Purpose of Financing a Fund Deficiency caused by Campground Fees Shortfall. Vote:

Aye: Mayor Guerin, Trustees Brassard, McDonough and Rich

Nay: None

Absent: Trustee Viestenz

By a vote of four to zero, this Resolution was duly adopted by The Village of Port Henry Board of Trustees on this 12th day of December, 2011.

A motion was made by Trustee Brassard, seconded by Trustee McDonough to adopt the Budget Note Resolution, Authorizing the Issuance of up to \$65,000 in Budget Notes of The Village of Port Henry for the Purpose of Providing Funds to Pay for Costs of Storm Damage. Vote:

Aye: Mayor Guerin, Trustees Brassard, McDonough, and Rich

Nay: None

Absent: Trustee Viestenz

By a vote of four to zero, this Resolution was duly adopted by the Village of Port Henry Board of Trustees on this 12th day of December, 2011.

Treasurer Jurkiewicz indicated that reimbursement monies received from FEMA will be used to pay off the \$65,000 note.

Trustee Rich informed the Board that she sits on the Sherman Free Library Board along with Mayor Guerin and Supervisor Scozzafava. The library has been experiencing a drainage problem. Water has been seeping into basement due to the 90 degree angle of the roof. Matt Scoresome was contacted to dig around the library and lay drainage pipe. Mr. Scoresome has reached out to John Tromblee and the Mayor regarding pumping the excess water into the storm drain at the corner of Route 9N and Church Street, near the bank. Trustee Rich informed the Board that Supervisor Scozzafava has suggested that the Town and Village work together to resolve this issue and help the library. John Tromblee indicated that it will require removing the sidewalk and laying pipe to drain from the property to a holding tank that will discharge into the storm drain. Mr. Tromblee further indicated that the work will need to be done in the spring or summer. Treasurer Jurkiewicz informed the Board that the costs incurred will need to come out of next years budget. John Tromblee suggested that the library fundraise for the costs of the materials (stone, drainage pipe, etc.) that would cost approximately \$1500. It was agreed that the Town and Village would split the costs associated with labor and equipment. Trustee Rich indicated that the library will then contact the Town and Village in May of 2012 to set up a meeting between Supervisor Scozzafava, Mayor Guerin, John Tromblee and Jamie Wilson to further discuss the project.

A letter was received today from Dale Schweyer and Gwen Hulse requesting a refund in the amount of \$160 of the fees they paid for camping at the Champ RV Park / Campground from August 6th through the 12th, 2011. The two had to cut their reserved stay short due to receiving news of the critical illness (and eventual passing) of Gwen's mother during their reserved stay. The Board decided that the language in the camping agreement supports their decision regarding this matter. A motion was made by Trustee Brassard, seconded by Trustee McDonough to deny the refund request. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

The 2012 Health Insurance Options provided by Burnham Benefit Advisors, were distributed to the Board on November 17, 2011. After reviewing the options a motion was made by Trustee McDonough, seconded by Trustee Brassard, to provide Health Insurance Option No. 2 to Village employees for 2012. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

A motion was made by Trustee McDonough, seconded by Trustee Rich to approve the November 28th and December 12, 2011 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

Abstract Distributions:

General \$37,923.28

Water \$4,050.36

Sewer \$26,559.44

Joint Activity \$8,045.68

The next regularly scheduled meeting of the Board of Trustees will be held on Monday January 9, 2011 at 7:00 pm at the Village Hall.

A motion was made by Trustee Brassard, seconded by Trustee Rich to adjourn the regular meeting at 8:11 pm, at which time the Board will enter into Executive Session to discuss personnel matters pertaining to benefits. Yes; Mayor Guerin, Trustee Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

ADJOURNED

Village Clerk

EXECUTIVE SESSION

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

ABSENT: Trustee Viestenz.

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

A motion was made by Trustee Brassard, seconded by Trustee Rich to adjourn the Executive Session at 8:30 pm, at which time the Board will enter back into regular session. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried

ADJOURNED

Village Clerk

REGULAR SESSION

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

ABSENT: Trustee Viestenz

ATTENDANCE: None

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

A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the additional accrual of 10 hours of vacation time for Paul Kinslow, as a result of his two year anniversary milestone on September 2, 2011. The accrual will take effect when the Memorandum of Understanding is executed by both the Teamster's Union representative and Mayor Guerin, and the agreement is officially filed. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent: Trustee Viestenz, motion carried.

After further review of the Village Employee Policy, the Board unanimously decided to amend the policy to reflect the language recently added to the Teamster's Agreement, with regard to vacation time accrual when reaching an anniversary milestone, by motion from Trustee McDonough, seconded by Trustee Brassard. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent: Trustee Viestenz, motion carried.

A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the additional accrual of 30 hours of vacation time for Janelle Jurkiewicz as a result of her three year anniversary milestone on October 3, 2011. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent: Trustee Viestenz, motion carried.

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to adjourn at 8:40 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. Absent; Trustee Viestenz, motion carried.

ADJOURNED

Village Clerk

