

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: FEBRUARY 14, 2011

TIME: 7:00 PM

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

Absent: Trustee Belden

ATTENDANCE: Dori Michener, Staley Rich, Jackie Viestenz, Sandra Lovell, Linda Symth, Kelly King, Walt and Geraldine Mimas, Tina Martin, Ron Nesbitt, Jr., Ann Tesar, John Easter, Frank Gilbo and Frank Slycord.

The following copies were distributed to the Board for review prior to the meeting: The February 14, 2011 Meeting Agenda, the January 10, 2011 Board Minutes, the January 2011 Treasurer's Report, the January 2011 Perma Claims Experience Member Reports, the Campground Profit Report for January 2011, the January 2011 Fire Chief's Report, a letter to Supervisor Scozzafava with the Bay Street Agreement, a cover letter and the Legal Services Agreement sent to Miller, Mannix, Hafner and Schachner, LLC, the final recommendations from NYCOM's Mayoral Task Force, APA Approval of the Velez Marina, a letter from Time Warner Cable regarding program changes, the January 17, 2011 Water District No. 4 meeting minutes from AES regarding the design, the Port Henry Fact Finder Volume 1, Issues 13 & 14, the Perma Loss Control Evaluation, a letter from Griffith Energy regarding a change in the business name, the draft copy of a Local Law pertaining to a moratorium on Main Street first floor residential development, a letter from the Essex County Office of Community Resources regarding a resolution in order to proceed with the Smart Growth Grant application, The sewer lateral report from AES for the Velez Marina, a memo from the Treasurer requesting input /requests from all department heads in regard to the 2011-2012 budget, a memo from Essex County declaring a snow emergency on February 4, 2011, a letter from Jackie Anderson pertaining to an issue with a Village employee, the Village of Port Henry Workplace Violence Prevention Policy, a letter of resignation from James Gilbo, a memo from Ann Heidenreich; regarding the Environmental Protection Agency Community Building Blocks Program and a letter to Michael Mascarenas of Essex County, from the Town of Moriah and a copy of the Town resolution regarding the Smart Growth Grant.

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

Mayor Guerin called for a motion to approve the January 10, 2011 Board Minutes. A motion was made by Trustee McDonough and seconded by Trustee Viestenz. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

There is a correction to be made to the December 13, 2010 Board Minutes; seasonal non-lakefront sites were increased by \$175.00 therefore, the amount should read \$1,405 in place of \$1,400. A motion was made by Trustee Sheldon and seconded by Trustee Viestenz to approve this correction. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

## DEPARTMENT HEAD REPORTS

Mr. Perry read his written report to the Board as follows: regarding the water treatment plant; first quarter samples have been collected for the Department of Health for testing. The Annual Water Quality Report has been submitted to the New York State Department of Health and will be published by May 31, 2011, as required. The Annual Water Withdraw Report has been completed and e-mailed to the state. The annual SPDES Report has been completed and mailed to the Department of Environmental Conservation. One complaint was received from a resident on upper Broad Street regarding chlorine residual. Mr. Perry performed a residual test and explained to the resident that they had been easing the level down during the past week and a half; everything checked out fine at this residence. Mr. Perry attended a meeting with the Town of Moriah, Essex County and AES, Northeast regarding Water District No. 4. The project continues to move forward and it is anticipated that the residents will be hooked up to the new line at this time next year. Some manual maintenance was performed on the air compressor at the water filtration plant. Attempts have been made to visit the residents on Stone Street with little success; this will continue to be worked on as time permits. Mr. Perry is currently working on the water treatment plant budget for 2011-2012 fiscal year.

Wastewater treatment plant; The No. 1 influent pump and the No. 3 waste sludge pump were recently repaired with new seals and bearings. The auto dialer for the alarm system has been replaced. The influent room door was aligned by Over Head Door Company. Mr. Perry is currently working with the Department of Environmental Conservation regarding the new SPDES permit. Supervisor Scozzafava has been in contact with all parties involved in trying to get high speed internet across the railroad tracks for approximately a year now. High speed internet service will become a necessity due to the number of reports that are to be submitted electronically and dial up service is very slow and time consuming. The state is beginning to utilize electronic correspondence in place of postal mail as it is a quicker and more cost effective means of communication.

North End Pump Station; K&L Plumbing has replaced the No. 1 check valve. Mr. Perry has met with Corey Trombley of Tracey Trombley Construction to finalize the "as-builts" for final payment. Everything seems to be running well at this time.

Chip Perry asked if the Board or public had any questions regarding his report, there were no questions asked. Mr. Perry encouraged the candidates running for Village Office to visit and tour both the water and wastewater plants to familiarize themselves with the operation and process of each plant and anything that goes on in or around them, by contacting him directly or the Village office.

John Tromblee read his written report to the Board as follows: The DPW has been busy with snow plowing and snow removal. The water breaks on Tobey and Meacham Street were recently repaired. The water was shut off at the old Stillwork's building next to the Lee House on Main Street due to a frozen service line that flooded the basement and was leaking into an apartment in the Lee House. There were two plugged sewer lines at the bottom of Convent Hill that have been taken care of. The F-550 was recently in the shop for repairs. The rear window on the loader has been replaced. The Steiner has a broken axle and is being sent to Taylor Rental for repair. Multiple repairs have been made to the snow blower on the Bobcat and assorted repairs have been made to the plows. Morris Goolidge from Rural Water came to help with the water break on Grove Street, however he could not get the correlator to correlate therefore he showed Mr. Tromblee where he believes the water break is located. The DPW will attempt to finish the repair on Tuesday or Wednesday of this week. The prisoners will also be here on Tuesday or Wednesday to dig out and clear the Village fire hydrants of snow.

Mayor Guerin commended the DPW crew for their diligent efforts in clearing the roads and removing snow while being short staffed due to one person resigning and while experiencing numerous equipment failures. Trustee Viestenz also commended the crew on the condition of Village Streets and roads during snow events in comparison to surrounding communities. The Mayor indicated that the Town also sent down a truck to help with the snow removal and that it is very much appreciated.

Chief Hughes read his written report aloud to the Board as follows: the Port Henry Fire Department responded to a total of 64 calls in 2010. The department responded to four calls in January and three in February for a total of seven calls to date for 2011. The 2010 PESH Report is as follows: Training, 925 man hours; Calls, 562 man hours; Meetings, 386 man hours; for a total of 1,873 man hours for 2010. Chief Hughes attended a 3.5 hour Hazmat meeting in Lewis, NY on January 12, 2011 regarding response evaluation pertaining to the Willsboro propane leak. The chief attended the new bridge construction meeting on February 8, 2011 and a tour will be scheduled in the near future for the fire department. Training continues; ice rescue training is scheduled for February 19, 2011 from 8:00 am to 1:00 pm at the Van Slooten Marina. Chief Hughes has requested assistance from the Moriah Shock Camp to assist the Village with snow removal around the fire hydrants. The Chief thanked Mayor Guerin and John Tromblee for their assistance in obtaining the prisoners and has also called on the firemen to help keep the hydrants clear in their neighborhoods. Chief Hughes thanked the Village Crew for keeping our streets and fire department clear during the past several snow storms. Chief Hughes asked John Tromblee if someone could use the front end loader to clean out a section at Van Slooten's Marina for parking during the ice rescue training and Mr. Tromblee agreed to help.

#### PUBLIC COMMENT PERIOD

Mayor Guerin opened the floor for public comment. Jackie Viestenz, Sherman Free Library Director, presented the Board with the library's Annual Report as well as the March Newsletter. There were no other comments from the public during this time.

#### BOARD DISCUSSION/REPORTS

**Recurring Old Business:** on behalf of the pH7 Committee, Linda Smyth presented the Board with a verbal report/update as follows: the pH7 Committee will be hosting a "Meet the Candidates" night to be held on Monday February 28, 2011 at 7:00 pm at the Port Henry Firehouse. This event will be videotaped and aired on Channel 17. The candidates have all been contacted via mail and provided with several questions that they will be asked to answer publicly at the forum. The candidates have also been asked the following question; "Why are you interested in running for public office for the Village of Port Henry?" Their answers will be published in the next edition of the Port Henry Fact Finder.

The committee met with Town Councilman, Tim Garrison, who is on a committee called Edge, regarding economic development. The meeting went very well and Councilman Garrison invited the pH7 committee to attend their next meeting on Wednesday February 16, 2011. The two committees will work together by reaching out to Moriah and Port Henry landlords and business owners, in an attempt to establish a dialogue regarding improving and promoting tourism.

The committee also met with Alan Hipps and Mayor Guerin regarding starting a grant process to renovate his building on Main Street.

The committee has added hearts to the tree in the traffic circle along with the footballs. The tree is decorated and there in an attempt to boost everyone's spirits. The pH7 committee wishes everyone a Happy Valentines Day.

Dori Michener informed the Board that she is the one who has arranged to have the Candidate Forum videotaped and aired on Channel 17. She contacted Supervisor Scozzafava and asked to borrow the Town's recording equipment and he approved. John Easter has agreed to video tape the forum Ms. Michener also informed the Board that she is paying for this. Ms. Michener indicated that she is also arranging for the Village Board meetings to be video taped and aired on Channel 17 so that everyone is informed on what is happening and will hopefully show an interest in what is going on in this Village. Mayor Guerin thanked Ms. Michener and indicated that they should get together to discuss the Village possibly picking up the costs of the tapes and the taping of the Village Board meetings. Ms. Michener commented on the number of candidates that are running

for office and believes this is the most she has ever seen. Trustee McDonough indicated that is impressive to see the younger generation taking an interest in the Village.

Trustee Viestenz updated the Board on the Water Committee as follows: The proposed revised Water Law was forwarded to the attorney's in Glens Falls on February 3, 2011 who will craft the local law in the format required by the state. We are currently waiting for the local law from the attorney's for the Board to review.

Board approval is needed to forward the Stone Street Water Agreement to the Glens Falls attorney's for review and final crafting. Trustee Viestenz explained that the purpose of this new updated agreement is to ensure that the Stone Street residents who live outside of the Village that receive Village water will be billed the same as the rest of the Village residents for water, via individual agreements. A motion to forward the agreement to the attorney's was made by Trustee Viestenz and seconded by Trustee McDonough. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

The Village has not received any information to date from Attorney Greg Mills regarding the outcome of the conference that was scheduled for January 28, 2011 with Essex County Judge, Richard Meyer in regard to the judicial intervention and discovery issues pertaining to the Bessette case. Chief Hughes contacted Mr. Mills who indicated that the conference has been postponed until February 25, 2011. Mr. Mills informed Chief Hughes that the plaintiff, Mr. Bessette has been unresponsive for the past seven months and that is the reason why Mr. Mills has requested the intervention.

**Old Business:** The Town continues to make progress regarding Water District No. 4. There are two Town residents that are currently on the raw water line that have special arrangements with the Village that has entitled them to the raw water free of charge, one in the form of a deed and the other an agreement. In order for the Town project to proceed smoothly, the Village has to determine how to proceed regarding this issue. Mayor Guerin and Supervisor Scozzafava have discussed the matter and have decided that Supervisor Scozzafava will meet with the two residents to further discuss their options.

The Board discussed the proposed local law received from the attorney's for review; "Establishing a Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry". Trustee Viestenz explained that the purpose of the moratorium is to provide a reasonable amount of time for the Village to study and establish and possibly adopt zoning laws. Trustee Viestenz suggested implementing the moratorium for a period of six months, to be extended as needed in the future provided the Board is actively pursuing implementing zoning laws. The Board agreed to hold a Public Hearing on this Local Law followed by a Special Meeting (to adopt the local law), on Monday March 7, 2011 at 7:00 pm at the Village Hall.

Linda Smyth asked when the newly elected officials will take office and Clerk Daly informed her that the new terms will begin on Monday April 4, 2011.

The workplace Violence Prevention Policy was previously distributed to the Board for review. Trustee McDonough personally thanked Treasurer Jurkiewicz, John Tromblee, Chip Perry and Clerk Daly for their input and work on this policy. A motion was made by Trustee McDonough to approve and adopt the Workplace Violence Prevention Policy as of this date. The motion was seconded by Trustee Sheldon. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

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

Trustee Viestenz asked the Treasurer if she is aware of any potential problems in regard to the Treasurer's Report. Treasurer Jurkiewicz reiterated that the water fund will most likely be in a deficit before the end of this fiscal year. There are a few more funds that may also end up over running their budgeted amounts.

Treasurer Jurkiewicz informed the Board that she is very concerned with the current cash flow situation and would like to give the Board a “heads up” as the Village may soon be in a deficit situation and recommends that the purchase of any discretionary items be postponed at this time. Last year, having a relatively mild winter, the Village cash flow was down to \$35,000 in March before money started to come back in. This year we have experienced a rough winter with increases in overtime, repairs, the amount of salt used and heating costs due to the amount of fuel that has been used and the Village may need to borrow money in March to pay bills and meet the payroll. April 1<sup>st</sup> the money for the property tax re-levy’s will come in from the County so any monies borrowed will be short term and will be paid back immediately when the money does come in. The treasurer recommends that the Village begin the paperwork associated with the borrowing process now, in an attempt to be pro-active regarding this matter. Treasurer Jurkiewicz indicated that the amount that may need to be borrowed would be between \$50,000 and \$100,000 dollars. Trustee Viestenz asked for authorization from the Board for Treasurer Jurkiewicz to begin the paperwork process that is associated with the borrowing process. A motion was made by Trustee McDonough and seconded by Trustee Sheldon to direct the Treasurer to begin the necessary paperwork to borrow such funds as needed, when and if it becomes necessary. Yes; Trustee McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

A motion is needed to adopt a resolution authorizing Mayor Guerin to apply for and execute the application for the Main Street Grant through the Division of Housing and Community renewal in an amount up to \$310,000.00 total. A discussion was held regarding the usage of the grant funds, if awarded. \$250,000 may be used to renovate buildings, depending on the amounts the building owners are willing to put up for the renovations, as it is a matching funds grant. As of now, there is one building owner interested and by securing the grant, it may encourage other building owners to follow suit. \$60,000 may be used for streetscape purposes. A motion was made by Trustee Sheldon, seconded by Trustee McDonough, authorizing Mayor Guerin to apply for and execute the Main Street Grant application. Yes; Trustee McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

A motion was made by Trustee McDonough, seconded by Trustee Sheldon to adopt a resolution authorizing and directing Mayor Guerin to file a joint application for funds from the Adirondack Park Community Smart Growth Program of the New York State Department of Environmental Conservation, in the amount of \$40,000 and upon approval of said request, to enter into and execute a State Assistance Contract with the Department of Environmental Conservation for such financial assistance in the Town and Village Sustainable Waterfront Study. Yes; Trustee McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

A written request was received on February 11, 2011 from Tina Martin, Unit Service Coordinator for the Salvation Army of the Town of Moriah. Ms. Martin is asking for permission to place a kettle in the Clerk’s office, hold a coin drop on Main Street the weekend of May 14<sup>th</sup> and 15<sup>th</sup>, with a rain date of May 21<sup>st</sup> and 22<sup>nd</sup> and to set up a kettle for the Labor Day parade. Ms. Martin informed the Board that the Salvation Army helped 17 local families last year and that the money collected here stays in the Town of Moriah. The organization raised \$700 before Christmas. It was decided that the Clerk will check with Chief Hughes and the Chamber of Commerce regarding the Coin Drop dates, as the fire department has first preference via a Board resolution. The Village then accommodates and supports the Chamber, as the coin drops they hold are to raise money for the Village Labor Day festivities. The Clerk will notify Ms. Martin via a letter, of available future dates. The Board approved a Salvation Army kettle being placed in the Village Hall. The Board advised Ms. Martin to check with the Chamber of Commerce regarding setting up a kettle for Labor Day; if the Chamber agrees to it then the Board approves.

Chief Hughes informed the Board and public that the Port Henry Fire Department donated \$600 to Moriah Food Pantry last year and \$100 to a local family for food.

Tina Martin thanked Trustee Sheldon for placing the 15 mph speed limit sign on William Street. Trustee Sheldon indicated that Ms. Martin should thank the Village crew.

The Board discussed the Campground Maintenance position for the 2011 season. The Board decided to advertise the position for 10 hours per week at a rate of \$10.00 per hour. Yes; Mayor Guerin, Trustees Sheldon and Viestenz. No; none. Abstained; Trustee McDonough. Absent; Trustee Belden, motion carried.

Ann Tesar exited the meeting at 7:55 pm.

The Board decided that the campground will open for the season on Friday May 6, 2011 and will close on Monday October 3, 2011.

The Board decided that the beach will open for the season on Saturday June 25, 2011 and will close on Monday September 5, 2011.

The Treasurer explained to the Board that the credit card machine currently being used for the campground is out of compliance as it is fifteen years old. The Village will be charged an additional \$10 a month if we continue using it. The options are as follows: lease a new machine which requires a four year agreement and amounts to roughly the same as our old rate plus an additional \$10 monthly fee, or purchase a new machine for approximately \$500. Treasurer Jurkiewicz informed the Board that the machine is only used for the campground and is a convenience for the campers, as a way to pay for their seasonal sites. The Board decided to budget for a new credit card machine therefore the current machine will be used until a new machine is purchased.

James Gilbo submitted his resignation on February 26, 2011. A discussion was held regarding advertising the position and residency requirements. Frank Slycord asked if Village residents will be given preference during the hiring process. Chief Hughes explained that the Village Board dropped the residency requirements regarding the hiring of Village crew members approximately five years ago in an attempt to hire from a larger pool of qualified candidates. Therefore the Board can not discriminate regarding residency. A motion was made by Trustee McDonough, seconded by Trustee Sheldon to advertise for one week for a full time Motor Equipment Operator. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

A Budget Workshop/Special Meeting was scheduled by the Board for Wednesday March 23, 2011 at 6:00 pm at the Village Hall to review the tentative 2011-2012 fiscal year budget.

To date, the NYS legislature has not passed the proposed amendments in regard to the new Election Law. Under the new law, the village may no longer use the old style paper ballots; only ballots that can be scanned by the ballot scanner are permitted for use regardless if the scanner is used or not. The cost to have the new style of ballots printed on the specified paper will cost approximately \$450.00. In order to eliminate additional costs, the ballots will continue to be counted by hand as permitted by law.

Chief Hughes presented the 2011 Fire Protection Agreement to Clerk Daly to be filed in the Village office.

Trustee McDonough informed the public that the Lake Champlain Coalition is looking for volunteers to serve on the committee that is planning a two day celebration for the bridge opening.

Chief Hughes indicated there is a correction to be made in the December 13, 2010 Board minutes. On December 12<sup>th</sup> 100 years ago the Aubuchon block burned to the ground, not the Lee House. The correction was duly noted and will be made to the official minutes by the Clerk.

A motion was made by Trustee McDonough, seconded by Trustee Sheldon to approve the January 31<sup>st</sup> and February 11, 2011 bills for payment. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

Abstract Distributions:

General \$45,877.80

Water \$55,528.33

Sewer \$2,282.83

Joint Activity \$18,030.66

Capital \$29,613.08 – North End Pump Station

A motion was made by Trustee Sheldon, seconded by Trustee McDonough, to adjourn the regular meeting at 8:30 pm to enter into Executive Session to discuss personnel matters. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

MEETING ADJOURNED

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Village Clerk