

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: JANUARY 10, 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 and Chief Water and Wastewater Plant Operator; Carl (Chip) Perry.

ABSENT: Trustee Belden.

ATTENDANCE: Linda Smyth, Jackie Viestenz, Ann Tesar, Frank Slycord, Ron Nesbitt, Jr., Walt and Geraldine Mimas, John Easter and Sandra Lovell.

The following copies were distributed to the Board prior to the meeting: the January 10, 2011 Meeting Agenda, the December 13, 2010 Board Minutes, The December 2010 Treasurer's Report, the December 2010 Perma Claims Experience Member Reports, the December 2010 Fire Chief's Report, the Wastewater and Water Reports for December 2010, the December 2010 DPW Report, the December 2010 Code Enforcement Officer Report, the December 2010 Campground Profit Report, a Property Maintenance Complaint Form for 7 Star Way, a letter from the Miller, Mannix, Schachner and Hafner law firm acknowledging acceptance of proposal, a letter from the Board to William Benton regarding approval of three removable handicap signs for the Lake Champlain Fellow Bible Church located on Church Street, a letter from Time Warner Cable regarding rate increases and possible program changes, the Town of Moriah Police Department Report for the 28 damaged electric meters at the Champ RV Park (originally reported on October 13, 2010), a letter to the Tracy Tromblee Construction Company from AES Northeast dated 12/7/10 regarding the faulty check valve at the North End Pump Station, a letter of thanks to Whitney Russell of the NYS Department of State; Division of Building Codes, a letter from the Readers Digest regarding a five million dollar promotion for Towns and Villages across the United States, the Port Henry Fact Finder, Volume One, issues 11 & 12, a letter from the Department of the Army addressed to Brandy Saxton regarding the Town of Moriah Permit Application for the Bulwagga Bay Campground, a letter sent to the Tracey Trombley Construction Company from AES Northeast dated 1/7/11 regarding the failed check valves at the North End Pump Station, a letter from the NYS Canal Corporation, a letter from Municipal Data Services requesting information from the Village Code Enforcement Officer, a letter to the Miller, Mannix, Schachner and Hafner law firm, with a copy of the Village Development Review Law, the newly updated Bay Street Water Agreement, a list of the current water and sewer hook up fees, a memo to the Board from Clerk Daly regarding the appointment of Election Inspectors with the attached list of certified inspectors in the Village of Port Henry, a letter to Vic Putman advising that the Village will use any awarded funds from the 2011 Community Development Block Grant to replace water lines, the 2011 Legal Services Agreement with the Miller, Mannix, Schachner and Hafner law firm, a letter from the USDA regarding available financing programs for Community and Economic Development, a response letter from the Tracy Trombley Construction Company dated for 12/30/10 in regards to the faulty check valve at the North End Pump Station and a letter from Mayor Guerin dated 12/20/10 to the Tracy Trombley Construction Company regarding the North End Pump Stations faulty check valve and a request for a "Schedule of Correction" no later then 12/31/10, a Public Notice from the US Army Corporation of Engineers regarding the Velez Marina plans and a letter from the NYS Department of Transportation regarding the Bulwagga Bay and Route 9N intersection.

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

A motion was made by Trustee Sheldon and seconded by Trustee Viestenz to approve the December 13, 2010 Board Minutes. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent: Trustee Belden, motion carried.

DEPARTMENT HEAD REPORTS

Chip Perry presented his monthly report to the Board as follows: Mr. Perry indicated that progress is being made at the North End Pump Station. Wayne Ryan of AES, Northeast wrote a letter to Tracy Tromblee Construction Company dated January 7, 2011 regarding the issue with the faulty check valve. The letter was direct and to the point. The replacement valve has since been ordered and will be installed upon arrival. Mr. Perry does not anticipate having to move forward with the bond issue at this time.

The Water Plant is running well with no problems to report. Trustee Viestenz inquired as to the progress of using water meters at the residences on Stone Street. Mr. Perry indicated that he has not yet accomplished this task however the Village will start collecting meter readings at these locations in April if the meters are installed, in working order and readable. In doing so, these consumers will be billed for actual usage for the November 2011 billing. Chip Perry asked if letters will be sent to the residents on Stone Street informing them of the Village's intent to read the meters. Trustee Viestenz indicated that a new updated agreement will also need to be crafted and signed for the Stone Street property owners and that a letter could be crafted as well, explaining both the new agreement and the intent to read existing meters in April of 2011.

Mr. Perry reported no problems at the Wastewater Treatment Plant for the month of December. There was a recent seal failure on pump number one that is currently being worked on. Mr. Perry is still awaiting a reply from National Grid regarding the energy audit.

Mr. Perry further reported that there have been no injuries, nor loss of time, due to work related accidents.

John Tromblee presented his monthly report to the Board as follows: A fire hydrant was recently reported to have been hit by a car on the top of Jackson Street. The Village crew repaired the hydrant and it was put back in service on December 17, 2010.

The fan motor for the heater that is located in the basement of the firehouse, where the DPW stores equipment, recently stopped working. Champlain Valley Heating & Plumbing were called in to take a look at it and gave the Village a verbal quote of approximately \$1,000, including labor, to replace the motor with a new modine unit. Mr. Tromblee located an electric motor and installed it at a cost of \$268 and it is now in working order and running well.

The DPW recently dug up the sewer line on Greeley Lane that has been backing up and causing problems at the Michener residence. The crew dug down ten feet where they discovered and removed a 3 & ½ to 4 foot plug of solidified grease that had chocked off 80% of the main. The line was patched back up and there has been no report of further problems to date.

A sewer lateral was replaced with 22 inches of four inch pipe at the top of Prospect Street, near the Snow residence.

The Christmas lights have been removed and the crew has been busy plowing and salting as needed as well as chipping ice at the dam. Pot holes have been filled with cold patch as needed throughout the Village. Mr. Tromblee reported turning off 3 to 4 water services in the Village for the winter. The Village crew has also helped the Town in preparing the ice skating rink for the winter.

Chief Hughes called prior to the meeting to report that he may be delayed due to an accident on the Northway and was not in attendance for the meeting. Mayor Guerin read the monthly Chief's Report aloud for the record as follows: the fire department has

responded to 64 calls to date which include five calls for October, one for November and eight for December, 2010.

Chief Hughes attended the Ticonderoga Fire Departments Annual Banquet on December 19, 2010 and received a certificate of appreciation in support of the hose relay drill that was held on September 18, 2010.

The annual Santa Claus Run was held on Sunday December 19, 2010. Santa Claus and the firemen delivered approximately 300 bags of candy to children throughout the Village.

Chief Hughes attended the Arson Awareness and Fire Behavior Course in Lewis, NY. Training continues and ice rescue training is targeted for February, 2011.

Bill Ball was not in attendance for the meeting however did e-mail the monthly Code Enforcement Officer Report; Mayor Guerin read the report aloud for the record as follows: there were no building permits issued for December, 2010. There were 4 complaints reported; a sewer (DPW issue), report of building without permits (permits to be issued) and a property maintenance complaint (property manager has been notified). There were 3 building inspections. Mr. Ball is currently working on the Annual Report for 2010 for the Department of State and the Town of Moriah Assessor's.

PUBLIC COMMENT PERIOD

Mayor Guerin asked if the public had any comments or concerns. Trustee Viestenz indicated that VITA, (Volunteer Income Tax Assistance) is active in Port Henry. Those couples or individuals whose income is below \$49,000 are eligible for this free service. Taxes are prepared by appointment only. To schedule an appointment at any of the four locations; One Work Source in Elizabethtown, the St. Patrick's Parish Center or the Sherman Free Library in Port Henry and the Schroom Lake Sr. Citizens Center in Schroom lake, please call One Work Source at 1-(800) 675-2668. Information is also available at several locations throughout the Village.

The pH7 Committee report was presented by Linda Smyth, in the absence of liaison, Trustee Belden, as follows: The pH7 Committee wished everyone a Happy 2011. The committee continues to re-evaluate their goals and plans on moving forward to improve and beautify our village. New faces continue to appear at the Wednesday meetings adding insight and interest.

The committee continues to promote the Village in the hopes of luring new business to the area. The Fact Finder continues to be printed and distributed throughout the Village.

The pH7 Committee enjoys continuing to decorate the tree in the traffic circle; it now displays blue and brown footballs. The Lee House has agreed to serve as an art gallery by displaying an array of artists of all ages. The committee looks forward to displaying more work in the future, of varying themes.

The committee is in the process of discussing outdoor plantings; what kind of trees and shrubs should be planted and how such plantings will be paid for. One idea is to start a "Sponsor a Tree" campaign.

In closing, with the March 15, 2011 Village Elections approaching, the pH7 Committee expressed their desire to host an informative "Question and Answer" session in which the public may hear from those candidates running for office. The committee wishes to ask the candidates such questions as; why the individuals are interested in running for office and what they would like to accomplish. Jackie Viestenz asked the Board for permission for the pH7 Committee to host a Candidate Forum at the Village Hall in late February or early March depending on the candidate's availability. The committee will advertise the forum and would like to ask the candidates approximately seven questions each, which will be given to them ahead of time, after which the public will be permitted to ask questions of the candidates as well. The Board unanimously agreed to allow the pH7

Committee to hold the Candidate Forum at the Village Hall, with a date to be announced and advertised in the near future.

A discussion was held regarding grants, in particular the Smart Growth Grant Program and the Main Street grant. Mrs. Viestenz indicated that the committee has been advised that the Village should have a comprehensive plan in place. Mayor Guerin indicated that the Village does not necessarily have to have a plan in place and further added that there is usually money in the grants for administration purposes. Mrs. Viestenz asked Mayor Guerin if he would be willing to help with a summary plan and Mayor Guerin indicated that he would be happy to sit and discuss the matter further. Mayor Guerin would like to speak with our lawyers regarding this issue as the Village is in the process putting a local law in place regarding Main Street. Trustee Sheldon asked John and Jackie Viestenz to act as grant administrators on behalf of the Village after they speak further with the lady from Willsboro who administers grants, to obtain more information. Mrs. Viestenz asked Mayor Guerin if he has received the application for the Main Street grant and Mayor Guerin indicated that he has never received any paperwork for this grant. Mrs. Viestenz has printed off the guidelines and will attempt to locate the application on the website. Mayor Guerin indicated that he would contact Vic Putman to obtain it. Linda Smyth informed the Board that the consultant from Willsboro charges \$85.00 an hour to administer grants and she has agreed to attend a meeting free of charge. Mayor Guerin suggested the committee let him know when they can all get together to meet with her.

Trustee Viestenz presented his report to the Mayor and Board regarding the Water Committee and user rates – see attached report. A discussion was then held regarding some of the information in the report. Treasurer Jurkiewicz explained further that there is one water account that is already over budget, with five more months left in the fiscal year. The other accounts associated with the water fund are close to becoming over-budget and this is mainly due to the increase in water breaks, and the costs associated with such repairs. Another factor is the approximate 15% increase in health insurance, as well as the 40% increase in retirement contributions. More seasonal people are also having their water shut off therefore, the billings are lower and the expenses keep increasing. All of these factors will most likely lead to a shortfall in the water fund for this fiscal year.

Ann Tesar asked how the Mountain Lake Services buildings are currently being billed. The treasurer informed her that they billed on actual metered usage however there are some buildings that currently use over 100,000 gallons and are therefore given the volume discount. Trustee Viestenz explained that a Public Hearing will be held before the Board raises any rates and that the Board will take all public comments and concerns into consideration. Trustee Viestenz indicated that the percentage of increases could vary and may not need to be linear for every category. Sandra Lovell asked how the increases may affect a single user and Treasurer Jurkiewicz indicated that by eliminating all flat rates, this may very well decrease the rate for a single user. Mr. Perry informed the public that there must be a minimum usage amount established in order to generate revenue and further added that the last significant rate increase was over eight years ago. Mr. Perry indicated that the Village could not wait that long again before reviewing the rates. Ann Tesar commented on the fact that the minimum rate per gallon is no longer listed on the water bills and would like to see the rate listed on the bills in the future. The Board agreed to issue a press release regarding the rate increases and amendments to Local Law No. 1 of 1975. The Board will also set up a meeting with the large volume users to inform them of how they will be affected by the proposed future rate increases and the elimination of large volume discounts.

The Bay Street Water Agreement has recently been updated. A meter was installed and the Town will now be billed for actual metered water usage rather than a flat rate. The Town will continue to bill the Bay Street users. A motion was made by Trustee McDonough and seconded by Trustee Sheldon to approve the updated Bay Street Water Agreement. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

John Tromblee informed the Board that he has seen an increase in the amount of water shut off requests in the winter and suggested that the Board increase the Water Shut Off

Fee to \$50 from December 1st through March 15th due to the fact that the shut offs are usually located below the snow and ice in the winter, making it more difficult and time consuming to get to. The Board agreed to this suggestion.

New account hook up fees for water and sewer were presented to the Board by Treasurer Jurkiewicz. A motion was made by Trustee Viestenz and seconded by Trustee McDonough to approve the proposed fee increases, including the water shut off fee increase from Dec. 1st – March 15th. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent Trustee Belden, motion carried. The new Water /Sewer Hook up Fees are listed below as follows:

VILLAGE OF PORT HENRY
WATER/SEWER SERVICE CHARGES/FEEES

Complete Water Hook-up (w/o road crossing)	\$ 635.00
Complete Water Hook-up (including road crossing)	\$1,400.00
Shut-off Valve	\$ 200.00
Curb Box Replacement	\$ 175.00
Replacement Meter	Latest invoiced cost
Water Shut Off/Turn On	\$ 30.00
December 1 – March 15	\$ 50.00
Complete Sewer Hook-up (w/o road crossing)	\$ 635.00
Complete Sewer Hook-up (including road crossing)	\$1,400.00

A response was received from The Mills Law Firm on December 27, 2010 regarding the Bessette case. Attorney Mills contacted the attorneys for Selective Insurance and they have collectively decided to file the necessary paperwork to request judicial intervention. In response to that request, the matter has been assigned to the Honorable Richard P. Meyer of Essex County, who has scheduled a conference to address the status of the matter and any outstanding discovery issues for January 28, 2011. Attorney Mills will be attending the conference and will advise the Village of the results. All named persons have been contacted via letter and provided with a copy of the letter from Attorney Mills.

John Tromblee presented the draft sketch of the proposed handicap ramp for the Village Hall that was prepared by the Essex County DPW. Mr. Tromblee informed the Board that the rise from the sidewalk to the door is 79 inches therefore it will be necessary to install 79 feet of ramp in order to be legally compliant, which would be almost the entire front walk way of the building. Mr. Tromblee suggested that the Board look into a lift that is ADA approved as it may prove to be more cost effective. Trustee McDonough informed the Board that the train station just installed a lift for this purpose. Trustee Sheldon indicated that the approximate cost of a lift is \$13,000. Mr. Tromblee indicated that if the ramp plan is used, it will change the entire appearance of the front of the building. Mayor Guerin suggested that the Village research possible grant funds for a lift.

OLD BUSINESS

A discussion was held regarding the campground rates for the 2011 season. After further review, the Board decided to change the mid season rates by a motion from Trustee McDonough, seconded by Trustee Sheldon. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried. The Board decided against

increasing the monthly rates at this time. The new Mid Season Rates are listed below as follows:

June		
	Lakefront	\$1340.00
	Non Lakefront	\$1120.00
July		
	Lakefront	\$1170.00
	Non Lakefront	\$ 970.00
August		
	Lakefront	\$1000.00
	Non Lakefront	\$ 800.00

The police report regarding the 28 vandalized electric meters at the campground was received in the Village office on December 20, 2010. John Tromblee informed the Board that the electric meters are currently on sale for \$15.00 a piece. They normally run \$25.00 a piece. Mr. Tromblee indicated that if the Village ordered 30 electric meters at \$15 a piece the cost would be \$450.00 plus shipping of \$110.00, for a grand total of \$560.00. Mayor Guerin directed John Tromblee to order the 30 meters at the sale of price of \$15.00 each.

Vic Putman of the Essex County Community Development and Planning Office has been advised via a letter dated January 4, 2011 that the Village will use any awarded grant funds to make necessary improvements to the "water" lines in the vicinity of First, Second, Third, Ridge and Oak Lanes as well as Elizabeth Street and the lower section of College Street. The Income Surveys regarding this matter will be mailed to residents this month.

Mayor Guerin and Trustee Viestenz met with Robert Hafner and Cathi Radner of the Miller, Mannix, Schachner and Hafner Law Firm. Attorney Hafner requested the meeting to introduce him self and Ms. Radner after receiving a confirmation letter from the Village that his firm would be hired on an as needed, per diem basis. As a result of this initial meeting, Trustee Viestenz provided Attorney Hafner with the following documents; The Village of Port Henry Development Review Law, a list of all Village Local Laws including copies of Local Laws No. 1 of 1981 and No. 1 of 1995, a copy of the current Water Law in effect (No. 1 of 1975) and the draft copy of the revised Water Law.

NEW BUSINESS

The Accounts Receivable and Trial Balance Report for December 2010 have been presented to the Board for review. There is no Monthly Water Adjustment Report for December 2010 as no adjustments have been made.

A Property Maintenance Complaint Form was filed in the Village office on December 15, 2010 regarding the property located at 7 Star Way. Trustee Sheldon informed the Board that he has heard nothing more regarding this issue.

Village Elections will be held on Tuesday March 15, 2011. There are two Village Trustee positions up for election as well as the Office of Mayor. A motion was made by Trustee Sheldon and seconded by Trustee McDonough to pass a resolution identifying the Port Henry Firehouse, located at 14 Church Street, as the polling place for the March 15, 2011 General Village Elections. Polls will be open from 12:00 pm to 9:00 pm. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

A list of Certified Election Inspectors in the Village of Port Henry has been obtained from the Essex County Board of Elections and was distributed to the Board prior to the meeting. A motion was made by Trustee Sheldon, seconded by Trustee McDonough to pass a resolution appointing the following four listed persons as Election Inspectors for

the March 15, 2011 General Village Elections, inspectors will be paid at a rate of \$10.00 per hour. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

March 15, 2011 Election Inspectors: Louise Celotti, John Easter, Mary Gilbo and Patsy McCaughin.

A motion was made by Trustee Viestenz, seconded by Trustee McDonough to approve the December 27, 2010 and the January 10, 2011 bills for payment. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

Abstract Distributions:

General \$22,922.40
Water \$4,808.55
Sewer \$65,785.05
Joint Activity \$4,145.04
Capitol \$268.50

A discussion was held regarding the removal of garbage at 4326 Main Street. Trustee Sheldon informed the Board that garbage is being placed out for pick up at the above listed address with no transfer station stickers on the bags. The Village crew has picked up the bags of garbage in the past with no stickers however, one of the DPW employees was recently injured while doing so, as the the bags of garbage are usually extremely heavy. Mr. Tromblee indicated that they do not want to leave the bags of garbage on Main Street and in the summer, the smell becomes an issue if left for a prolonged period of time. Frank Slycord informed the Board that the New York State Property Maintenance Code clearly states that building owners must provide sealed, rodent secure containers for tenants to place their garbage in and if the garbage is not picked up, it falls back on the property owner. The Board agreed to have the DPW remove the garbage and the Village will bill the property owner for all costs associated with such removal.

A motion was made by Trustee Viestenz, seconded by Trustee McDonough adjourn the Board Meeting at 8:45 pm. Yes; Trustees McDonough, Sheldon and Viestenz. No; none. Absent; Trustee Belden, motion carried.

MEETING ADJOURNED

Village Clerk