

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: JULY 11, 2011

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz, Clerk Daly, Treasurer Jurkiewicz, Deputy Superintendent of Water and Streets; John Tromblee, Port Henry Fire Department Chief; Jim Hughes, and Champ RV Park/Campground Manager; Marge Seguin.

ABSENT: Chief Water and Wastewater Plant Operator; Chip Perry (excused) and Code Enforcement Officer, Bill Ball.

ATTENDANCE: Jackie Viestenz, Geraldine and Walt Mimas, Jack Sheldon, Sandra Lovell, Kelly King and daughter, Suzanne Maye and Carl Gifaldi.

The following reports/documents were distributed to the Board for review prior to the meeting: the July 11, 2011 Meeting Agenda, the June 13, 2011 Board Minutes, the June 2011 Treasurer's Report, Perma Claims Experience Member Reports, DPW Report, Water and Wastewater Plant Report and the Fire Chief's Report.

Mayor Guerin called the meeting to order at 7:01 pm followed by the salute to the flag.

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to approve the Board minutes for June 13, 2011. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

DEPARTMENT HEAD REPORTS

John Tromblee read aloud his monthly report for June 2011 to the Board as follows:

- Hydrants were flushed.
- The water line for Griffith Energy was dug up and repaired.
- The rest of the month was spent at the campground making repairs and preparing for the July 1, 2011 opening.

Campground:

- Approximately 525 yards of gravel and 315 yards of sand were used at the campground.
- All electrical in the meter boxes were replaced as well as the 50, 30 & 20 amp breakers and all receptacles and GFIC. This work was performed by an electrician for safety reasons.

Prior to opening the campground on July 1, 2011, the following items were completed at the request of the NYS Department of Health:

- A beach water sample was taken from the lake for testing and passed.
- A water sample was taken from a spicket at the campground for testing and passed (no e-coli and good chlorine residual was noted).
- All bathrooms and showers were sanitized.
- The septic tanks were pumped out.

The Health Inspector was in the campground performing an inspection and said everything looked good.

The hot water tank was replaced as it failed after the campground opened.

- Plans for August: paving/blacktopping will begin soon, the fire hydrant on Spring Street will be replaced, the culvert on the west end of Church and Henry Streets will be repaired or replaced and work on the retaining wall at the firehouse will begin.

Mr. Tromblee requested five minutes with the Board in Executive Session at the adjournment of the meeting.

Jim Hughes read aloud his monthly report for June 2011 to the Board as follows:

- PHFD has responded to forty (48) calls to date for 2011: (4) for January; (5) for February, and (6) for March, (15) for April, (10) for May, (4) for June and (4) for July.
- Over the course of the July 4th Holiday weekend PHFD participated in the Ticonderoga and Westport Camp Dudley parades.
- OSHA Training scheduled – July – Hose, Nozzles, Foam operations
- Rescue 298 was sent Port Henry Service Center for annual maintenance/service.
- Adirondack Fire Services performed Annual Hose Testing/Inspection on Engines 291/292 on June 15th. 4,906 feet of hose was tested /inspected. Most notable – 640 feet of hose will need to be repaired or replaced. Most important need will be to replace (4) 100 foot lengths of large diameter supply hose.
- Requested date with Century Fire Apparatus, Inc. (Randy Preston) to perform our Annual Fire Pump testing; waiting on a response.
- Annual inspection and maintenance of our fire extinguishers and SCUBA tanks has been successfully performed by Fire Pro Tec.
- Per Essex County Emergency Services request, completed/submitted and faxed initial FEMA application, on behalf of the fire department, with request for assistance to State Emergency Management Office on 6/29/2011 as a result of Disaster Area Declaration from April 27th thru May 8th. (Can recover 87.5% of money expended for man hours, fuel, food costs). Copy provided to the village.
- DEC Grant – 1st Asst. Chief Tom Edwards submitted application with a request for assistance towards the purchase of a Large Diameter Hose Gate Valve.
- 2011 Assistance to Firefighter's Grant Program Announced – intend to pursue seven (7) new Scott Air Paks. (Estimated 5% match: \$1,647).
- Hydrants – in need of paint. Would the Mayor/Board/ Superintendents have any objection if we arrange to have those assigned to community service paint our hydrants?

Chief Hughes informed the Board that Supervisor Scozzafava is in favor of having those assigned to community service paint the hydrants if the Village Board approves. Mayor Guerin indicated that he does not see a problem with it.

In Chip Perry's absence, Mayor Guerin read aloud the June 2011 Water and Wastewater report as follows:

Water Treatment Plant:

- No problems or complaints to report.
- Treatment plant is running well.
- The raw water reservoir will be cleaned in the next month.

Wastewater Treatment Plant:

- Seasonal maintenance has been performed on drivers and equipment.
- No problems or complaints to report.
- An inspection was done by the Department of Labor.

- Ticonderoga wants their solids mixer back; the mixer is being serviced before it is returned.

Mayor Guerin reported that Bill Ball is serving the Catch Penny in the morning. Jack Sheldon indicated that they are cleaning the place out now. Kelly King informed the Board that the Catch Penny was fined by past Code Enforcement Officer Frank Slycord a few years ago and since then, they have not been able to open for business. Chief Hughes indicated the place is a fire hazard, it burned 100 years ago and it could happen again. Jack Sheldon indicated that Bill Ball is requesting they put signs up stating that they are no longer accepting any donations.

Marge Seguin presented the Board with a verbal monthly report regarding the campground as follows:

- Ms. Seguin commended the Village Crew for their work at the campground and commented that the crew was still down there helping on opening day.
- To date, we lost 16 seasonal campers but gained 12. 6 or 7 were Lakefront campers, 4 of the lakefront sites have been filled, and the other two are being used as transient sites for now.
- Everyone that returned was able to get on their sites and she is now accepting reservations for July and August.
- There are two 13-14 year old boys from the Youth Corp. helping out at the campground this summer.
- New doors were placed on one of the ladies room showers as well as the 3rd men's bathroom.
- 14 pump outs were done today and there are 14 more scheduled for Friday. Ms. Seguin suggested pro-rating the seasonal pump out fee's and suggested a rate of \$102 for the season. Treasurer Jurkiewicz indicated that the rate should be \$114 which includes October.
- Almost all refund sheets have been signed and submitted.
- The lifeguards started on July 1, 2011
- Ms. Seguin asked Chief Hughes if he could possibly help restring the flagpole at the campground. Chief Hughes indicated that he would ask the Moriah Fire Department for their assistance as they may be able to do it as a training session.
- Mr. Ding-a-Ling comes to the campground every evening and seems to be doing a good business. He has been asked to slow down throughout the campground.
- Ms. Seguin requested 5 minutes with the Board in Executive Session at the adjournment of the meeting.

PUBLIC COMMENT PERIOD

Mayor Guerin addressed the letter received from the Rice Lane residents to the Village and Town, dated July 5, 2011. The residents present at the meeting re-iterated their concerns as follows: the road is often impassable due to erratically parked vehicles on the street and sidewalks, personal possessions, trash and persons that belligerently refuse to move, and a basketball hoop that has been placed in the street. There are disorderly conduct violations at all times of the day and night, including the yelling, shouting and screaming of obscenities around the clock. The tenants at 6, 28 and 30 Rice Lane are in violation of at least eight provisions of the NYS Disorderly Conduct Law, Section 240.2. The property located at 27 Rice Lane appears to be abandoned, however the house is full of garbage, and #'s 6, 28 and 31 all have visible garbage problems; there is still an ongoing rat problem on the street as well. Parking on the sidewalks and street in the winter by the tenants at 6, 28 and 30 Rice Lane prevents the streets and sidewalks from being adequately plowed or cleared of snow and ice. The tenants of these properties are causing stress, to the point of negatively impacting the concerned citizen's health, using intimidation and causing an unsafe environment. Property values are eroding due to their actions. Attempts by some property owners to reasonably negotiate with the tenants at these locations have resulted in the tenants responding with obscene language and gestures, threats and subsequent vandalism to the owner's property.

Cheryl Wyant entered the meeting at 7:25 pm.

Mayor Guerin asked if any of these people have been arrested. When the concerned residents call the State police, they are referred to the Town police. Mayor Guerin suggested that they contact the Staff Sergeant in Ray Brook if they are not getting results from the State or Town Police. Mr. Gifaldi indicated that the Mayor/Board should now be the ones to call, not the residents, as these issues have been going on for many years on Rice Lane and the property owners have tried to get the problems resolved through numerous conversations with Village and Town officials to no avail. Mayor Guerin informed the concerned citizens to call him when there is a problem and he will come and file and sign a complaint along with the resident(s). Mayor Guerin informed the concerned citizens present that the Village is in the process of drafting and adopting a local law that will allow for the inspection of all properties before a Certificate of Occupancy is issued. Until that happens, Village representatives, including the Code Enforcement Officer can not legally enter the tenant's dwellings unless invited to do so, as it is private property. Once the local law is completed and adopted, inspections will then be done before other tenants move in. The Village is also currently working on a Nuisance Law that will address many of the issues mentioned above as well. Mayor Guerin further informed the concerned residents that the Village will help in any way possible within the legal parameters. The residents present asked that the Village contact the Town regarding to request patrols on a regular basis in an effort to help deter the on going problems. The Board agreed to send an official letter to the Town Supervisor and the NYS Police requesting increased random patrols of Rice Lane. Mayor Guerin will speak with Supervisor Scozzafava regarding meeting with the Town and State police as well as the Essex County Sheriff.

Suzanne Maye, Carl Gifaldi and Cheryl Wyant exited the meeting at 8:05 pm.

Walt Mimas asked if the press will be informed when the center span (arch) to the bridge is moved. Mayor Guerin indicated that yes, it will be publicized.

The pH7 Committee reported that there have been two murals erected at the old Ford Garage located at 4263 Main Street. Flowers have been planted in the traffic circle. The Farmer's Market continues to be held on Wednesday's rain or shine, from 10:00 am to 2:00 in the back parking lot of Boni's Bistro. Kelly King asked if a photo could be taken with one or all of the Board members for the Times of Ti, as the showing of community support would help to secure a farmers market for next year.

BOARD DISCUSSION/REPORTS

Mayor Guerin announced that while speaking with Michael Mascarenas of the Essex County Planning office, he was informed that there is the possibility that the Manhole #13 Project may be funded through FEMA.

Mayor Guerin introduced the New York State Office of Parks Recreation and Historic Preservation Grant to the Board. The purpose of this grant is to purchase land within the Village that could be used as a park, such as the old high school property. The grant provides for 75% of the cost of the property and the Village would be responsible for the remaining 25%. Mayor Guerin indicated that the 25% may be able to be funded through a couple of other grant programs. The property if purchased through this grant would be utilized as a park for possible future Labor Day celebrations, a field or for basketball courts. The Village would incur the cost to have the property appraised. Mayor Guerin called for a motion to pass a resolution authorizing the Village to apply for the grant and indicated that in doing so, the Village is not obligated in any way; at this time the resolution is simply to apply for the grant. A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve and endorse the application for the Village of Port Henry for a grant under the Environmental Protection Fund through the New York State Office of Parks Recreation and Historic Preservation. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Trustee Viestenz informed the Board that there is a minor technical gap in the Water Consumption and Rate Schedule that needs to be revised regarding large water users. For large water users, if there was no meter reading available, the \$100 penalty plus the “no meter reading available” rate of \$236 would be cheaper than their actual usage.

Therefore, anyone with a quantity over 62,223 gallons used would benefit by not providing a reading. In order to avoid this potential problem, no matter how unlikely to occur, the “Rate Schedule” needs to be revised which will require a Public Hearing. A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to schedule a Public Hearing for the proposed revision to this schedule for Monday August 8, 2011 at 6:45 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Old business: To date, the Local State of Emergency for the Village of Port Henry has been extended through July 1, 2011 and will continue for five days from July 1, 2011 unless otherwise terminated by a declaration that the State of Emergency no longer exists, or is extended further.

The FEMA Request for Public Assistance forms for the Village of Port Henry have been completed, signed and faxed to John Grubsick of the State Office of Emergency Management in Albany and includes the forms for the Water and Wastewater Departments as well as the Fire Department.

Trustee McDonough informed the Board that she attended the meeting on June 28, 2011 at the Essex County Public Safety Building in Lewis regarding an applicant’s briefing by the State Emergency Management Office pertaining to the Public Assistance Applications for FEMA as mentioned above.

The topic of the Salvation Army’s request to place a “Box for Toys” at the campground this summer was tabled last month for further discussion at the July 11th Board meeting. A motion was made by Trustee Brassard, seconded by Trustee Rich to authorize the Salvation Army to place a “Box for Toys” at the campground with the stipulation that the Village will not be held liable or responsible for the box or contents. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried. A letter regarding such will be sent to Tina Martin, whom is the local representative for the Salvation Army.

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

The NYS Department of Health performed inspections on the campground and beach and copies of the inspection reports were distributed to the Board.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to pro-rate the seasonal pump out fee. The normal rate is \$170. The pro-rated amount is based on the following calculation: \$170 divided by five months, (May, June, July, August and Sept.) and then multiplied by two, (May and June) equals \$102.00 for the season. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A permit was issued to Jim Curran to sell campfire wood at the Village beach again this season. Copies of the permit were distributed to the Board.

A resignation letter was received from Joan Daby informing the Board of her intent to retire as the Village and Town Historian effective December 31, 2011. A Resolution of Appreciation will be presented to Joan Daby on behalf of the Village of Port Henry for her dedicated service to the Village as Historian for the past twenty years.

Records retention in the Village office needs to be addressed again this year during the summer months. A request to close the office on most Thursday’s as was approved last summer in order to focus on this time consuming project requires Board approval again this year. A motion was made by Trustee Rich, seconded by Trustee Brassard, to authorize the closure of the Village office most Thursdays for record retention purposes.

Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Carrie Tromblee, organizer of the Annual Veteran's Combat Ride has requested written permission to hang a banner welcoming the veterans to Port Henry on July 23, 2011. Ms. Tromblee would like to hang the banner across Main Street and has the truck needed to do so. The banner will also be removed by the organization after the event. A motion was made by Trustee Viestenz, seconded by Trustee Rich to approve this request. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The Board discussed the fate of the Village's Information Booth and unanimously decided to place the Information Booth out for bid by advertising it as surplus. The booth was offered to the Town and they declined due to the fact that The Town would have had to obtain permits from Canadian Pacific Railway and the Adirondack Park Association to place it on Route 9N, in front of the Bulwagga Bay.

A certified letter was received by the Village Clerk on June 30, 2011, from Charles McCaughin, President of the Port Henry Fire Department, informing the Village that the fire department intends to apply for a Club Beer License through the NYS Liquor Authority.

The Port Henry Fire Department Auxiliary has requested written permission to hold a Third Annual Duck Race down Mill Brook near the Champ RV Park on Saturday September 3, 2011 beginning at 6:00 pm. The auxiliary will also obtain permission from Griffith Energy. A Certificate of Insurance will be necessary from the Village and will be forwarded to Griffith Energy, as has been done in previous years regarding this event. A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve this event. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Chief Hughes informed the Board that there are still a few trees on Griffith Energy's property with root issues due to the flooding, that are leaning over into the Village campsite and suggested the Village contact Griffith Energy to take care of the matter. Mayor Guerin asked Jack Sheldon, who is the part time temporary campground maintenance person for Champ RV Park/Campground for the 2011 season, to speak with Griffith Energy on behalf of the Village regarding this matter.

A motion was made by Trustee Brassard, seconded by Trustees Rich to authorize the cancellation of the Time Warner Cable 2011 property tax bill in the amount of \$460.28 per the franchise agreement. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Trustee's Brassard and Rich are seeking approval from the Board to attend a Planning and Zoning one day training class sponsored by NYCOM in Albany on Friday July 22, 2011 from 9:00 am to 3:30 pm. The cost is \$70 per person, for NYCOM members. \$500 has been budgeted for training purposes pertaining to the Board. A motion was made by Trustee Viestenz, seconded by Trustee McDonough to approve this expense. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Viestenz to approve the June 27th and July 11, 2011 bills for payment as well as the campground May/June refunds in the amount of \$22,005.00, as presented to the Board. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Abstract Distributions:

General \$83,304.60

Water \$4,883.21

Sewer \$47.95

Joint Activity \$17,273.42

An Interviewing Committee consisting of Trustees McDonough and Brassard interviewed candidates for the vacant laborer's position on Thursday July 7, 2011. The Board announced its intention to enter into Executive Session at the adjournment of the meeting as earlier requested by both John Tromblee and Marge Seguin as well as to hear the committee's recommendations regarding the prospective candidates as a result of the interviews. The Board informed the public that they may enter back into regular session at the adjournment of the Executive Session, to make an appointment to the laborer's position and that at such time, the public would be permitted to re-enter the meeting.

A motion was made by Trustee Viestenz and seconded by Trustee Brassard to adjourn the regular meeting at 8:38 pm, at which time the Board will enter into Executive Session to discuss personnel matters as well as the interviews for the laborer's position. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

MEETING ADJOURNED

Village Clerk

REGULAR SESSION RESUMED UPON ADJOURNMENT OF
EXECUTIVE SESSION

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

ATTENDANCE: Jack Sheldon

Mayor Guerin called the regular session back to order at 9:16 pm.

A motion was made by Trustee McDonough, seconded by Trustee Brassard to appoint Ronald Nesbitt, Jr. to the position of Laborer, effective August 1, 2011. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Viestenz, to adjourn the regular session at 9:17 pm. Yes; Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk