

PUBLIC HEARING

EXTENDING THE MORATORIUM ON STREET LEVEL RESIDENTIAL DEVELOPMENT IN A PORTION OF THE VILLAGE OF PORT HENRY.

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

DATE: NOVEMBER 14, 2011

TIME: 6:45 PM

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

ATTENDANCE: Jackie Viestenz, Walt and Geraldine Mimas.

Mayor Guerin called the Public Hearing to order at 6:45 pm, followed by the salute to the flag.

The purpose of this Public Hearing is to present proposed Local Law No. 4 of 2011; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, to the public for review and comment.

The proposed local law was distributed to the Board on October 28, 2011 and a copy thereof has been on file in the Village office for public inspection during regular office hours, as was indicated in the November 7, 2011 legal notice announcing the Public Hearing date and time. Copies of the proposed local law were also available at this hearing, for those in attendance.

Trustee Viestenz provided an overview of the proposed Moratorium and explained that the new one is very similar to the first which is expiring. By extending the moratorium, it will allow the Zoning Committee further time to research establishing a Commercial Zoning District in the Village and additional zoning laws if necessary. Trustee Rich indicated that information and questions pertaining to such laws has been forwarded to the attorney's. The proposed Moratorium is due to expire on April 15, 2012.

Trustee Viestenz indicated that the public may make comments and/or ask questions regarding the local law to extend the moratorium, at this time.

Jackie Viestenz commented that the law will be in effect for five months. Trustee Rich indicated that the lawyers received the proposed law approximately a month ago, hence the five month period versus the usual six.

Mayor Guerin called for any additional comments and/or questions or discussion from the public. There was none.

Pat Tom entered the hearing at 6:49 pm.

A motion was made by Trustee Brassard, seconded by Trustee Rich, to adjourn the Public Hearing at 6:49 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

REGULAR MEETING OF THE VILLAGE OF PORT HENRY BOARD OF TRUSTEES

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

DATE: NOVEMBER 14, 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, Chief Water and Waste Water Plant Operator; Chip Perry and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Jackie Viestenz, Walt and Geraldine Mimas and Pat Tom.

Mayor Guerin called the meeting to order at 7:00 pm.

The following Reports/Documents were distributed to the Board for review prior to the meeting: the November 14, 2011 Meeting Agenda, the October 17th and November 1, 2011 Board Minutes, the October 2011 Treasurer's Report, Perma Claims Experience Member Reports, Campground profit Report, Water and Wastewater Plant Report and the Fire Chief's Report. A list of other documentation distributed to the Board prior to the meeting, is listed in the November 14, 2011 Board Meeting file in the office of the Village Clerk.

DEPARTMENT HEAD REPORTS

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

- PHFD has responded to Ninety-six (96) 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 (1) for November
- State of Emergency – Life Safety Data Sheet (created by Essex County Emergency Services) – to be distributed door to door to village residents by Firemen on December 11th.
- Chief Hughes attended Ticonderoga Area Chamber of Commerce Volunteer Appreciation Dinner at Best Western on Wednesday, October 26th.
- Chief Hughes completed and submitted application to IP Foundation on 10/27/2011 a request for \$1000 towards the purchase of Emergency Escape Rope Rescue System for firefighters.
- Large overhead door was replaced on Wednesday, October 26th, 2011 by Plattsburgh Overhead Door Company.
- On October 24th. 2011, CP Rail Safety Committee member informed Essex County Emergency Services that an additional tank train of sixty (60) +/- tank cars (1,800,000 gallons) containing fuel oil will be moving through our area southbound. The contents of the tank cars upon return may be a similar product or residual fuel oil. This fuel oil is not as volatile as the Ethanol is to fire however, does pose great environmental concern if there is an accident, rollover, or leak. This is in addition to the eighty (80) tanks cars containing ethanol traveling through our area weekly.
- OSHA Training scheduled – November 29th @ 7:00 PM at the station – Blood borne Pathogens – Patti Bashaw, Instructor.
- Annual Ladder Inspections was performed by Fire Service Safety Testing on Monday, November 14th, 2011.
- Annual SCBA Inspections will be performed by Tyler Fire Equipment Company this month. Data and time to be announced.

- Annual Canadian Pacific Holiday Train scheduled for Monday, 11/28/2011 - Arrival at 5:35 PM at the Port Henry Train Station – PHFD requested by Town to coordinate departments and provide Fire Police.
- PHFD to participate in Chamber of Commerce Holiday Celebration on December 3rd from 11:00 AM to 1:00 PM.
- PHFD Annual Santa Run – Sunday, December 11th beginning at Noon.
- Station housekeeping items request: Thermostat(s) replacement; Modine Heater repair; Front window and Door replacement.
- Recommendation to Village Board to approve PHFD Application for Membership for Gary Badore, Jr.

Chief Hughes thanked the Board for the new overhead door and indicated that it is saving heat. Chief Hughes also indicated that the Blood borne Pathogens training on November 29, 2011 at the firehouse is open to the Village crew. Chief Hughes informed the Board that Tyler Fire Equipment Company will perform the SCBA inspections on Wednesday, November 16, 2011 at 10:00 am. The fire department will provide fire truck rides for the children during the Holiday Celebration on December 3, 2011 from 11:00 am to 1:00 pm. The door replacement request is for the front door at the firehouse that sustained damage during Hurricane Irene. The front window currently has a piece of plexi glass in it and needs to be replaced as well. Both items may result in heat savings. Chief Hughes indicated that he is sure there is money in his budget to cover the cost.

Ann Tesar entered the meeting at 7:05 pm.

Copies of the Port Henry Fire Department Application for Membership and supporting documents for Gary Badore, Jr. were distributed to the Board for review. A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to approve the application for membership for Gary Badore, Jr. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Chief Hughes informed the Board that he is suspicious of a few thermostats at the firehouse; they do not seem to be reading correctly and asked the Board if Champlain Valley Heating and Plumbing should be called. Chip Perry indicated that they are no longer in business however he has a brand new digital thermostat that he will give to John Tromblee. Mr. Tromblee indicated that he would look into installing digital thermostats in both bays and will look at the modine heater in the 291 bay.

Trustee McDonough informed the Board that the train station will be closed for two weeks, for asbestos cleaning.

Chip Perry read the October 2011 Water and Wastewater Reports aloud to the Board as follows:

North End Pump Station

- Electrical work finished at pump station
- Waiting for an electrical inspection

Water Treatment Plant

- Filtration plant is running well
- Read water meters throughout month of October
- No complaints to report

Wastewater Treatment Plant

- Still doing preventive maintenance
- Boilers were serviced
- No problems to report

As always, I encourage all Trustees and the public to visit both of your treatment facilities.

Mr. Perry informed the Board that residents had a lot to say regarding the new water rates while water meter readings were collected, as well as questions regarding the new meters.

Trustee Viestenz asked Chip Perry if the high volume of flow detected in June and July had been resolved. Mr. Perry indicated that the new permit allows for 850,000 gallons per day, however he will check on the matter but indicated that there were no repercussions for the high volume of flow as there is no way to control it.

Chief Hughes asked what the status is regarding Manhole #13. Mr. Perry informed the Board that Vic Putman is now completely retired from the County and indicated that Erin Reynolds is the new contact. Mr. Perry had no update on Manhole #13 to provide at this time.

It was brought to the Boards attention the property located on Route 9N across from the Bulwagga Bay Tavern building, near Manhole #13 has recently been sold and that the Village should be on the look out for any building permits with regard to this property.

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

- Water meter readings were obtained in October for the November billing, which took approximately three weeks on and off
- Tables and most of the garbage have been picked up at the campground
- Trees were cut and removed from the brook in the campground in an effort to eliminate any debris from piling up in the brook which may help with potential flooding issues
- A water leak was repaired at the Malone property on Forge Hollow Road
- PESH recently performed a walk through of the Village DPW shop and then conducted a five hour training session on a multitude of topics
- The sidewalk on Broad Street has been repaired so that the plow can get in there in the winter
- A valve leak was repaired on Meachem Street
- Mr. Tromblee attended a three day training session in October, sponsored by NYCOM and reported that the session was very informative
- 133 man hours were spent on garbage and recyclable pick up in the month of October during a four week period.
- The new 2011 Dodge truck should be delivered within the next two weeks.

PUBLIC COMMENT PERIOD

Chip Perry informed the Board that he placed a phone call to Dwayne Maye at the Town and asked for an update on the Water District No. 4 Project on Forge Hollow and Elk Inn, etc. Roads. Mr. Maye informed him that there will be no digging at this time.

Chief Hughes asked for the status on Water District No. 3; the Bay Road. Trustee Viestenz indicated that at the Town meeting, the Board discussed replacing the water line on the Bay Road in phases. The Town also plans on purchasing new water meters for this district and has asked the Village to order 13 additional meters when we place our order for new meters for the Village and bill the Town for them.

A discussion was initiated by Walt Mimas regarding the Village's inventory of trucks and equipment. Mr. Mimas asked what truck the new Dodge will replace. John Tromblee indicated that the new 2011 Dodge Ram 4500 will replace the 1999 Ford Dump truck. It was noted that the new Dodge was discussed during the budget meetings and approved for purchase off of State Contract, which allows for significant savings to municipalities. The retail package of the truck was approximately 84,000. With all of the applied discounts and packages, the Village was able to purchase the new truck for \$58,000. The

new Dodge is a diesel, weighs approximately a ton and a half with a nine foot plow, and a stainless steel salter. The truck is currently being built and near completion.

Ann Tesar asked who is responsible for the brook across from Bezon's Bait Shop on Route 9N. John Tromblee indicated that would be the NYS DEC, NYS DOT, and/or CP Rail. Ms. Tesar suggested that gravel be placed up to the train tracks on both sides of the brook in an effort to eliminate any potential flooding problems this spring. Chief Hughes suggested writing a letter to the DEC expressing concern and asking that they take prompt action. Trustee Brassard suggested writing a letter to Emily Zolog at the DEC. John Tromblee recommended that the Board contact CP Rail or the NYS DOT.

Trustee Viestenz informed the Board that he had spoke with Iyles Moore prior to the meeting regarding the new water rates and informed her that he would relay her concerns to the Board. Ms. Moore does not feel that it is fair for an individual who uses 6,000 gallons of water per billing cycle to be charged the minimum amount of \$98.50 (based on usage of 0 to 18,200 gallons) for water when the minimum of 18,200 gallons is not used. Trustee Viestenz explained to Ms. Moore that any rate change would have to be balanced by other users, but that the matter could be discussed again in the future. Mayor Guerin indicated that the Village will review the matter again in a few years, after all users have been metered. Treasurer Jurkiewicz indicated that the water rates do not fluctuate with the volume and most of the costs associated with producing water are fixed costs, such as maintenance, health insurance, retirement, etc., so a portion of the minimum water rate reflects these fixed costs. As the treatment plants age, they will require more maintenance which will result in higher operational expenses.

Mayor Guerin read aloud a letter sent to the Village Board from Dori Michener, who resides at 16 Greeley Lane. Ms. Michener has requested that a 15 mph speed limit sign be placed on Greeley Lane due to a recurring speeding problem. Mayor Guerin asked John Tromblee to place a 15 mph speed limit sign at the beginning of the street.

BOARD DISCUSSION / REPORTS

Trustee Brassard informed the Board that per an e-mail received from Greenman – Pedersen, Inc. regarding the Village placing the contracting portions of the campground restoration project out for bid, that he contacted Gary Bresee from FEMA who recommends the Village get three bids from contractors for the work to be performed. Mayor Guerin provided a brief overview of the project. During discussion it was determined that the project can not be put out to bid until the engineering report has been completed and received. Trustee Brassard will contact Mr. Bresee to advise him that the Village is still operating under a State of Emergency. If he still recommends the Village go out to bid regarding the contracting, then a resolution will be passed in the future, to do so.

Trustee Viestenz informed the Board that the website currently being worked on by the Edge Committee is nearing completion. The site does exist and the Village should have access within a month. After visiting the website, please direct any comments or suggestions to Trustee Viestenz until the site is up and alive and he will relay them to Kim Reilly, who is associated with the Regional Organization of Sustainable Tourism and has helped in creating the website.

Trustee Viestenz indicated that the Town meeting day has been changed from Tuesday to Thursday and meetings will now be held at the new court house located on Park Place in Port Henry. The Town Board Meeting's commence at 6:00 pm.

Trustee Brassard commended the pH7 Committee for their work on dressing up the Main Street store fronts.

Trustee Brassard informed the Board that he received an e-mail from a concerned camper asking if the campground will be open next season (2012). Trustee Brassard asked the Board for direction in replying to the camper's question. The Board decided to respond by stating that the Village is anticipating that the campground will be open for the 2012 season.

Chief Hughes asked what a realistic time frame is for the repairs to the campground. Mayor Guerin indicated that John Reale informed him that opening the campground in May is realistic and can be done and that he would be willing to work through the winter on the project. Trustee Brassard implied that there is still the possibility that the Village may need to open the campground later than what is anticipated. A discussion ensued regarding the extent of the repairs.

Chief Hughes asked what work has been done on the Mill Brook to prevent a future flooding problem from occurring again this spring. Trustee Brassard indicated that the County has formed a plan and secured the necessary permits to implement such. Mayor Guerin indicated that debris may be removed from the brook once a year or every two years as needed, after the County implements their plan of constructing a V shaped rock formation just before the bridge in an effort to deter future flooding issues.

Recurring Old Business: A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the October 17th and November 1, 2011 Board minutes. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Trustee Viestenz reported to the Board that Sharon Reynolds of PRIDE, who is working on and helping the Village with regard to the Main Street Grant, has crafted a letter to commercial property owners on Main and Broad Streets in the Village. The letter will be sent to them with a survey and brochure explaining the grant program and asking the property owners for their feed back regarding the program. The property owners will put up the full amount and will be reimbursed 50% through the grant after completion of the projects. The Board agreed to proceed by authoring that Ms. Reynolds send the letters and information to the commercial property owners on Main and Broad Streets in the Village. Mayor Guerin indicated that Alan Hipps is also working on the engineering portion of this grant. John Sheldon informed the Board that Alan Hipps and Sharon Reynolds are coordinating the work on this program so as not to be in competition for the grant. Alan Hipps plans on upgrading the old Army/Navy building that he owns on Main Street with this grant. Chief Hughes asked if there are any plans for incorporating street lighting along main and Broad Streets with this grant and Mayor Guerin indicated that yes, the old fashioned lighting will be part of the streetscape plan that will also incorporate an old clock and removable trees in boxes that will be placed along Main and Broad Streets during the spring, summer and fall months.

A Special meeting was held by the Board on November 1, 2011 at 7:00 pm to discuss how to proceed with repairs to the campground and dam after receiving the preliminary Engineering Report generated by Greenman-Pedersen, Inc. Engineering and Construction Services. The Board decided to contact the Village attorney to seek advice and input regarding borrowing \$150,000 for an official engineering report to include scale drawings of the campground as required, in order to obtain a permit from the Army Corps of Engineers to proceed with repairs to the campground. The Board will, at this time, hold off on the engineering report and repairs pertaining to the dam. The Board informed Greenman-Pedersen via a letter, that the Village will retain their services regarding the engineering report contingent upon securing the funds.

Mayor Guerin met with Greenman -Pedersen, Inc. on Thursday November 10, 2011 at 11am, to review the draft agreement to perform design services pertaining to restoration project of the Village beach and campground. Copies of the agreement have been distributed to the Board for review.

Trustee Viestenz provided an overview of the borrowing process for the campground restoration project and the Village operational expenses. The funds being borrowed by the Village are for three areas; the engineering report for the campground, campground repairs and general fund operational expenses. The \$150,000 for the engineering report is reimbursable by FEMA and will be included in the up to \$1.1 million dollar amount the Village is proposing borrowing to proceed with the repairs to the campground, until reimbursement from FEMA is received. The report and repairs may end up being less than anticipated and the Village will not borrow more then it will cost to cover both however the funds are needed before either can begin.

The second amount the Village is looking into borrowing is up to \$150,000 for operational expenses due to the anticipated cash flow problem. The attorney will be here Wednesday November 16th to continue discussions based on the current financial estimates. Again, this money has to be borrowed separately from the campground money and will allow the Village to take care of issues short term, until reimbursement from FEMA is received. The type of financing available to borrow these funds has not yet been determined, but will be discussed further with the attorney on Wednesday.

A Resolution is needed authorizing Mayor Guerin to execute the Consultant Agreement between the Village of Port Henry and Greenman – Perderson, Inc. A motion was made by Trustee McDonough, seconded by Trustee Brassard.

Aye: Mayor Guerin, Trusttes Brassard, McDonough, Rich and Viestenz.

Nay: None

Absent: None

By a vote of five to zero, the above resolution was duly adopted by the Board of Trustees on this 14th day of November, 2011.

The Village continues to operate under a Local State of Emergency as a result of the damages incurred from Hurricane/Tropical Storm Irene and will continually re-new the emergency order through Essex County in five day intervals as needed.

Old Business: Trustee Rich provided a verbal report regarding the Zoning Committee. The committee is currently in limbo and is waiting on the proposed extension of the moratorium. Trustee Brassard indicated that a Zoning Board of Appeals will need to be implemented before any zoning law can be considered for adoption. Trustee Rich informed the Board that she has contacted the attorney's via e-mail to ask if the Village can designate a commercial district within the Village without establishing a Zoning Board of Appeals. The Village Board can act as the Planning Board in the absence of one, if need be. Mayor Guerin indicated that he will begin recruiting people to sit on a Zoning Board of Appeals Committee and asked the Board to do the same. John Tromblee asked if the Village will accept applications for members and advertise for such and Mayor Guerin suggested seeing who may be interested to begin with and go from there.

To date, nine out of fifteen "Out of Village Water Agreements" have been received and are on file in the Village office. Mayor Guerin asked for the names of those the Village has not received agreements from.

New Business: The Accounts Receivable, Trial Balance, Property Tax Accounts Receivables and Water Adjustment Reports for October, 2011 were presented to the Board for review.

Mayor Guerin called for a motion to pass a Resolution to adopt Local Law No. 4 of 2011: Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry. The motion was made by Trustee Rich, seconded by Trustee Brassard.

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

Nay: None

Absent: None

By a vote of five to zero, the above Resolution was duly adopted by the Board of Trustees on this 14th day of November, 2011.

A Bond Resolution is needed to authorize the financing of \$1,100,000., as previously discussed, with regard to the estimated costs associated with the necessary engineering report and the campground restoration project. The funds will be borrowed as needed, to begin both, until reimbursement is received from FEMA. This matter is subject to a 30 day permissive referendum during which time, a petition may be served upon the Village. A petition must be signed by a number equal to at least 20 percent of registered voters of the Village. If no petition is filed within the 30 day period, the resolution will take effect immediately. The motion was

made to authorize such financing via a Bond Resolution in the amount of \$1,100,000., by Trustee Viestenz, seconded by Trustee McDonough. The official Bond Resolution is on file in the Office of the Village Clerk and will remain open for public inspection during normal business hours.

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

Nay: None

Absent: None

By a vote of five to zero, the above resolution was duly adopted by the Board of Trustees on this 14th day of November, 2011.

A Water/Sewer Bill Request for Adjustment Form was received from Harvey Romanoff, Account No. 524, in the amount of \$436 and distributed to the Board for review prior to the meeting. The meter reading was checked again and it was confirmed by Chip Perry that Mr. Romanoff was overbilled. Treasurer Jurkiewicz recommended the Board approve the adjustment which will result in a reduction of \$436 for this bill/account. A motion was made by Trustee Rich, seconded by Trustee Brassard, to approve the adjustment. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to approve the 2011 Property Tax Re-levy in the amount of \$104,250.05. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Rich to approve the November 2011 Water and Sewer Billing in the amount of \$ 250,793.21 for the period of May 1, 2011 through October 31, 2011. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A person has recently expressed interest in utilizing the old overhead door at the firehouse that has been replaced. The Board determined that neither the firehouse nor any other Village department can utilize or has a need for the door. A motion was made by Trustee Brassard, seconded by Trustee McDonough, to declare the door surplus and put it out for bid. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The CP Rail "Holiday Train" will be making its annual stop in Port Henry on Monday November 28, 2011 at 5:35 pm. Non- perishable food donations will be accepted by the Town of Moriah Food Pantry at this event.

The next regularly scheduled meeting of the Village of Port Henry Board of Trustees will be held on Monday December 12, 2011 at 7:00 pm at the Village Hall. Trustee Viestenz informed the Board that he will not be present at this meeting.

A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to approve the October 24th and November 14, 2011 bills for payment. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Abstract Distributions:

General \$54,621.78

Water \$20,377.27

Sewer \$949.42

Joint Activity \$20,109.09

A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to adjourn the regular meeting at 8:29 pm, at which time the Board will enter into Executive Session to discuss personnel matters pertaining to the Teamsters Agreement and Village Employee Policy in regard to benefit accruals. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk