

SPECIAL MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: NOVEMBER 1, 2011

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz, Clerk Daly, Treasurer Jurkiewicz and Deputy Superintendent of Water and Streets; John Tromblee.

ATTENDANCE: John Reale, of Reale Construction and Jack Sheldon.

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

The Board scheduled this Special Meeting to discuss what arrangements have been made to date regarding repairs to the campground and dam, any costs associated with such to date and how to proceed after receiving the Engineering Reports from Greenman-Pedersen, Inc.

The Board discussed what arrangements have been made to date regarding repairs to the campground, as outlined in Trustees Brassard's memo to the Board. The highlights are listed as follows:

A permit has been obtained from the New York State Department of Environmental Conservation (NYS DEC) and is valid through September of 2012. The Village is in the process of obtaining a permit from the Army Corps of Engineers (ACE). The Village will need an engineer to craft drawings that are necessary for the ACE permit. The first drawing will depict what the campground looks like now (water level, location of holes that need to be filled, etc.) the second will depict what the Village plans to do to the campground regarding repairs. These drawings must be to scale. There are other requirements regarding the application that hopefully, the engineering company will be able to assist the Village with.

The Village will need to hire an engineer. The report submitted by Greenman-Pedersen, Inc. is a preliminary report/estimate, not an actual full engineering report. The estimated cost for Greenman-Pedersen to prepare a full engineering report is \$150,000. The cost of this report is reimbursable through FEMA. The Board decided to move forward with hiring Greenman-Pedersen, Inc. to produce the engineering report for the campground.

The Village will contact FEMA Official Gary Bresee, to inquire what the next step is: should the Village proceed with borrowing money for repairs, or should we wait until FEMA signs off on the project?

Jon Reale of Reale Construction suggested that the Village move forward with the engineering report however hold off on borrowing money for repairs until we receive confirmation from FEMA that the project has been approved. FEMA will reimburse the Village 75% for the engineering report even if for some reason, the campground restoration project is denied, though this is highly unlikely.

There are a few questions the Board has for Greenman-Pedersen, Inc. regarding the engineering report: What is the estimated time frame on completion of the engineering report and when can they begin generating the report?

It was discussed and determined that there are some things the Village can do in the meantime to prepare. Debris can be cleaned up, as well as anything left behind by the campers. The electrical wires that are going to be replaced can be removed as well as the stands that the boxes are secured to. This will help to expedite the process once restoration work begins and will allow the engineer's easier access to maneuver around

the campground while compiling information regarding the report. John Tromblee indicated that the DPW has begun the clean up process as described above. In addition, the DPW has removed and cut up the trees that were in the brook; this will hopefully lessen the potential of flooding from the brook in the future.

Flatiron has agreed to give the Village the fill/rock that is currently being hauled from the Lake Champlain Bridge site to Cheever, by Reale Construction. The Village planned on stockpiling the fill/rock at the campground to use at a later date for restoration of the campground and beach waterfront. Trustee Brassard was informed today by Peter Reale that the rock we receive from Flatiron can not be used as the rock to build the wall along the shoreline; he did say that it could be used for fill behind the clean rock. The Army Corps of Engineers has informed Trustee Brassard that the Village can not use any of the fill or rock until we obtain the required permit. Trustee Brassard asked if the fill/rock could be stored at the campground in a safe place; and is waiting for a reply. The Army Corps of Engineers will contact Jake from Flatiron, to obtain more information on the fill and rock.

Flatiron wants confirmation that the Army Corps of Engineers approves of the delivery of the fill and rock to the campground before it is delivered there, instead of the original destination in Cheever as stipulated in the permit. John Reale informed the Board that tomorrow (Nov. 2nd) is the last day that Reale Construction will be hauling the fill/rock for Flatiron. If permission is granted, Reale can divert the fill/rock to the campground.

Treasurer Jurkiewicz addressed the Board regarding the Village's financial situation. Based on the current rate of spending of approximately \$60,000 - \$70,000 per month, the Village will run out of cash in January or February. To date there is \$289,000 in the General Fund cash account.

- There is a retirement fund payment due in December of \$35,000.
- A workmen's compensation payment for the fire department of \$8,000 is due in January. (Neither of these two payments are factored into the average monthly spending total).
- The Village has submitted five projects to FEMA and to date has received two project completion reports which total approximately \$2,000 combined.
- The Village has suffered a \$62,000 shortfall in anticipated budgeted revenue from the campground to date.
- Costs for repairs to the campground after the spring floods have also contributed to the Village cash flow problem.
- Over \$100,000 in property taxes will be re-levied in November however the Village will not receive this money from the County until April of 2012.
- The Village may receive a sales tax payment in January however it will not be a significant amount.

The Treasurer indicated that the Board was made aware of the potential cash flow problem the Village could face back in June however the full magnitude was apparently not grasped. The Village can not afford to pay for a \$150,000 engineering report out of the General Fund at this time.

A discussion ensued regarding the Village borrowing money to pay for the engineering study, campground repairs and the General Fund shortfalls while the Village waits for anticipated reimbursement funds from FEMA and SEMO. Repairs to the campground are estimated at 1.1 million dollars. The Treasurer indicated that there are constraints on debt limits and many more requirements when a municipality seeks to borrow such a substantial amount of money. The Board decided to seek the attorney's advice on how to proceed with the borrowing of funds, via Bond and Revenue Anticipation notes as well as what the best course of action is for the Village. The funds may need to be borrowed separately for each project. A motion was made by Trustee Rich, seconded by Trustee McDonough to contact the Village attorney to ask for assistance regarding this matter. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A further discussion ensued regarding repairs to the campground and breaking the repairs into two stages: waterfront stabilization and utility repairs. Trustee Rich asked what the turn around time is for the ACE permit. Trustee Brassard indicated it will take approximately 45 days.

The Board unanimously decided that Trustee McDonough will contact Greenman-Pedersen, Inc. to advise them that the Village will move forward with having them prepare the engineering study contingent upon the Village securing the funds of \$150,000 to cover the cost. The Village is still operating under a Local State of Emergency therefore does not need to put the engineering study out for bid. Treasurer Jurkiewicz informed the Board that the Village will be responsible for the 12.5% of the cost of the report that is not reimbursable through FEMA (covers 75%) and SEMO (covers 12.5%). The Village will also be responsible for any attorney fees as well as interest on debt; as these items are not reimbursable through FEMA or SEMO. Trustee Brassard will provide Trustee McDonough with the ACE permit application instructions and requirements.

The Board discussed hiring Greenman-Pedersen, Inc. to prepare an engineering report on the dam based on the information provided in a memo to the Board from Trustee Brassard. The highlights of this memo are listed as follows:

The approximate cost for the engineering report on the Village dam through Greenman-Pedersen, Inc. would be \$25,000. FEMA will reimburse the Village 75% for the cost of the report, even if the project is denied. FEMA may deny the dam project due to a lack of photographs and paperwork therefore making it difficult to determine how much damage was actually caused by Hurricane/Tropical Storm Irene. Permits will also need to be obtained before any repairs can be made to the dam. The Board decided to hold off on the engineering report for the dam at this time and focus on the campground.

The Board thanked Trustee Brassard for his time and assistance and John Reale, for attending the meeting.

A motion was made by Trustee Brassard, seconded by Trustee Rich to adjourn the Special Meeting at 8:00 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk