

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: OCTOBER 17, 2011

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz, Clerk Daly, Treasurer Jurkiewicz, Chief Water and Wastewater Plant Operator; Chip Perry, Code Enforcement Officer; Bill Ball and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Walt and Geraldine Mimas, Jack Sheldon, Tom Edwards, Maryellen Aitner, Sandra Lovell, Jackie Viestenz, Linda Smyth, Mary DeFelice and an unidentified gentleman, Rebecca DeFelice and an unidentified gentleman and Ann Tesar.

The following Reports/Documents were distributed to the Board for review prior to the meeting: the October 17, 2011 Meeting Agenda, the August 15th and September 12, 2011 Board Minutes, the September 2011 Treasurer's Report, Perma Claims Experience Member Reports, Water and Wastewater Plant Report and the Fire Chief's Report. A list of other documentation distributed to the Board prior to this meeting is listed in the October 17, 2011 Board Meeting file in the Village office.

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

A motion was made by Trustee McDonough, seconded by Trustee Rich to approve the August 15<sup>th</sup> and September 12, 2011 Board minutes. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

#### DEPARTMENT HEAD REPORTS

Chip Perry read the September 2011 Water, Wastewater and North End Pump Station Report provided to the Board as follows:

##### **North End Pump Station**

- Received two quotes for electrical work to be done on equipment damage from April flood

##### **Water Treatment Plant**

- Filtration plant is running well
- No complaints to report
- Took Lead and Copper samples for monitoring and all results came back below action levels. Action level for lead is 0.015 mg/L and copper is 1.3 mg/L

##### **Wastewater Treatment Plant**

- Contacted Ticonderoga Treatment plant about purchasing solids mixer and have not heard back from them
- Have been working on the fall preventative maintenance schedule
- No problems to report

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

Mr. Perry indicated that some site restoration will need to be done at the North End Pump Station around the building and brook edge.

Mr. Perry informed the Board that he has received an “earful” regarding the new water rates while reading meters for the November billing.

Mayor Guerin asked Chip Perry if he has heard anything regarding Manhole #13. Mr. Perry informed him he has not; FEMA is in the process of wrapping up the paperwork pertaining to the spring flooding.

John Tromblee was excused from the Board meeting due to a scheduled vacation.

Bill Ball provided a verbal report to the Board as follows:

- Certificate of Occupancy Inspections have started.
- Have received a lot of Property Maintenance Complaint Forms; most unfounded.

Trustee McDonough inquired as to what is being done regarding the ripped, blue tarp on Bill Sayre’s house on Main Street. Mr. Ball informed the Board that Mr. Sayre’s is supposed to fix it.

Trustee McDonough also inquired as to what is going on with the Aubuchon building. Bill Ball informed her that they are fixing up the storefront as the liquor store is expanding. 60% of the space will be used as store front and for storage. The remaining space will be converted into an apartment if compliant with building codes.

Sandra Lovell asked why there are no time frames set for owners found in violation of property maintenance issues. Mr. Ball informed her that he works for the Village part time and he is in charge of building and code violations, not beautification matters.

Bill Ball informed the Board that the properties located at 28 and 30 Rice lane have been condemned. Mayor Guerin commented that the 28 Rice Lane dwelling is being torn down and 30 Rice Lane will be rehabbed.

Chief Hughes read the September 2011 Fire Chief’s Report provided to the Board, as follows:

- PHFD has responded to Ninety-two (92) calls to date for 2011: (4) for January; (5) for February, (6) for March, (15) for April, and (11) for May, (4) for June, (9) for July, (29) for August, (9) for September, (0) for October.
- Chief Hughes and Trustee Matt Brassard met with NYSERDA official on Tuesday, September 13<sup>th</sup> at 12:00 PM at the Fire Station. Energy audit performed. Report provided.
- 2011 Assistance to Firefighter’s Grant application completed and submitted on Friday, September 16<sup>th</sup>, 2011. PHFD has requested \$46,214 to replace seven (7) NFPA/OSHA non compliant, Self Contained Breathing Apparatus – 5% match will be \$2,311.
- Chief Hughes working with Essex County Emergency Services Battalion Coordinator Dan Benoit on the development of Emergency Evacuation Master Plan for village and town beaches.
- State of Emergency – Life Safety Data Sheet (created by Essex County Emergency Services) – to be distributed door to door to village residents by Firemen. Thanks extended to Denise and Janelle for mass production.
- Chief Hughes requested to attend County/DOT meeting on October 10<sup>th</sup>, 2011 and provide input for proposed plans for replacement of Moriah Center Bridge. Public meeting to be announced.
- Large overhead door to be replaced on Monday, October 24<sup>th</sup>, 2011 by Plattsburgh Overhead Door Company.
- OSHA Training scheduled – October – Chimney Fire Refresher Training.
- Port Henry Fire Department hosted Essex County HAZ MAT Team Training on Wednesday, October 12<sup>th</sup> at 6:00 PM.

- Annual Ladder Inspections to be performed by Fire Service Safety Testing on Monday, November 14<sup>th</sup>, 2011.

Chief Hughes informed the Board that the NYSERDA Energy Audit contains suggestions for improving energy savings at the firehouse.

There will be a Public Informational Meeting on Thursday October 27, 2011 at the Moriah Fire Department at 7:00 pm regarding the replacement of the Moriah Center Bridge, on Plank Road, over the Mill Brook. Trustee Viestenz informed the Board that there are multiple proposals regarding the replacement of this bridge. Chief Hughes confirmed this, informing the Board that one proposal suggests closing the bridge for six to eight weeks in order to repair. Chief Hughes and Jaquish pointed out the potential problems and hazards with this proposal. The second proposal would reduce traffic to one lane on the bridge with street lights while repairs are made. The determination as to which proposal to proceed with may be determined at the scheduled Public Meeting.

#### PUBLIC COMMENT PERIOD

Tom Edwards discussed his bill regarding water and sewer hookups on Greeley Lane with the Board. It was determined and agreed to by both Mr. Edwards and the Board, that the amount due for services is \$1,017.50 as indicated on the revised bill dated September 14, 2011.

Willard Baker entered the meeting at 7:27 pm and addressed the Board regarding permission/approval to hook up his 151 Switchback Road property to the raw water line and that his request was denied by the Mayor. Mr. Baker informed the Board that he is aware of the fact that this water is not potable and that he has no intention of drinking it. Mr. Baker plans to reside at this residence by late fall. The Board explained to Mr. Baker that the New York State Department of Health will not permit the Village to allow him to hook up to this line, even temporarily. This line will be shut down as soon as the new potable water line is completed. Mr. Baker may hook up to the new line through the Town when it becomes available. Mr. Baker asked for a letter from the Village denying his request. The Board advised Mr. Baker that if he wishes to contact the Department of Health regarding this matter and obtains their approval, then the Village will grant his request, until then, the request is denied. Chip Perry indicated that he would provide Mr. Baker with the contact information and phone numbers for the Department of Health. Mr. Baker exited the meeting at 7:42 pm.

Linda Smyth informed the Board that the pH7 Committee is continuing to work towards beautification of the Village and indicated that Pat Salerno has done a wonderful job on the newly constructed traffic circle.

Ms. Smyth inquired as to where the Village is in regard to Sharon Reynolds and PRIDE. Trustee Viestenz indicated that the Board has authorized Ms. Reynolds to reach out to and work with the Village landlords. Ms. Reynolds is currently compiling a list of potential building owners to invite to a meeting where she will explain the grant program to see if they are interested. Mayor Guerin indicated that Alan Hipps is also working on this grant program.

Mayor Guerin informed the Board of the following: everyone seems to be very pleased with the fall flowers and mannequins placed throughout the Village. Mayor Guerin and his wife have purchased a fountain that will be placed in the traffic circle. Supervisor Scozzafava has volunteered his time to run the electrical service to the traffic circle.

A discussion was held regarding the campground and dredging of the Mill Brook. The Village has met with the Army Corp. of Engineers as well as the APA. A permit has been obtained from the New York State Department of Environmental Conservation, to begin the necessary repair work on the campground. The permit is good for two years and will allow the Village to gain back access to approximately ten to twelve sites that were lost as a result of the damages and flooding caused by Hurricane Irene. It will cost the Village approximately \$25,000 to repair and or replace the electrical lines. New water and sewer lines will also be installed at the campground. An engineering firm that

Fred Buck is associated with will come and do a study on developmental plans regarding the campground, free of charge, and will also take a look at the Village dam.

The County will do the necessary repairs and work regarding the Mill Brook from the bridge on Route 9N, to the Mill Bridge to eliminate potential future flooding problems. Chief Hughes asked what the time line is on dredging the Mill Brook and a discussion ensued regarding the Counties plans. A "V" shaped chevron will be placed in the brook to stop and/or catch the sediment. The permit is open for the County or Village to then clean out the brook once every year, or two years.

Tom Edwards asked the Board what the chances were regarding opening the campground next year and if any thought had been given to protecting the traffic circle over the winter? Mayor Guerin informed Mr. Edwards that the traffic circle was built in sections for repairs if needed.

Sandra Lovell informed the Board and public present that the Information Booth will be open on Halloween night and that candy will be passed out from it while wild howling sounds are projected from the booth. A tree decorating event will be held in early December.

Tom Edwards exited the meeting at 7:55 pm.

It was noted that Bernadette Trow came up with the idea for the scarecrows for the Village. Trustee McDonough offered a Resolution of Appreciation to Pat Salerno for his work on the traffic circle and the pH7 Committee for their work on the scarecrows.

A discussion ensued regarding the opening date for the new Lake Champlain Bridge.

Maryellen Aitner informed the Board that she has been diagnosed with stage four cancer. The illness has made her more aware of the sick in general, namely the senior citizens. Ms. Aitner expressed her appreciation for the local grocery store and health center and suggested that the Village think about providing a social worker to provide information to sick senior residents. Ms. Aitner then informed the Board of some issues that she believes are related to Jim's Body Shop. Mayor Guerin thanked Ms. Aitner for addressing the Board regarding these matters.

#### BOARD DISCUSSION/REPORTS

**Recurring Old Business:** The FEMA Exiting Brief Forms pertaining to the spring floods were signed and filed with FEMA on October 7, 2011. FEMA will now begin working on the damages incurred as a result of hurricane Irene.

Deputy Mayor McDonough attended a kick off meeting with FEMA representatives regarding hurricane Irene, at the DPW building in Lewis on October 7, 2011.

The Village is still currently under a Local State of Emergency pertaining to hurricane Irene and will continue to re-new the emergency order in five day intervals as needed.

Trustee Brassard will meet with FEMA representatives on Wednesday October 19, 2011 to view damages relating to the dam.

**Old Business:** A motion was offered by Trustee Brassard, seconded by Trustee McDonough, to adopt a resolution to schedule a Public Hearing on November 14, 2011 at 6:45 pm, regarding a Local Law Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry. Ayes: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. Nays: none. By a vote of five to zero, the Resolution was duly adopted by the Board on this date.

A draft of the proposed Nuisance Law and example of a First Floor Zoning Law, were distributed to the Board for review prior to the meeting as well as the New York State Zoning and Comprehensive Plan Guide. A discussion ensued regarding zoning in the Village. Trustee Rich informed the Board that many other communities have tackled the

first floor residential development matter. The question the Zoning Committee has for the Board is: Does the Village want to allow for apartments to be constructed in the back of first floor buildings in what is commonly known as the business district of the Village? If this is the direction the Board wishes to take, than this will require the designation of zoning in the Village. Trustee Viestenz informed the Board that he supports zoning in the downtown provided that the Village looks into residential zoning as well.

Trustee Rich addressed the board regarding the proposed Nuisance Law, for which a Public Hearing will be required when ready and before adoption. The Zoning Committee would like the Board to review the law and provide the committee with suggestions as to what local laws should be incorporated in the Nuisance Law. Mayor Guerin suggested the committee highlight on the laws the Village does not have on file, such as a noise ordinance and then hold a public hearing at which time the public can offer their suggestions and additional input as well.

Trustee Rich informed the Board that a Zoning Committee meeting has been scheduled for Tuesday October 18, 2011 at 6:00 pm.

The following resolution was adopted by a motion from Trustee Brassard and was seconded by Trustee Viestenz.: The November 2011 water bills for customers on Stone Street outside the Village will be calculated using the rates that were in effect prior to the passage of Local Law No. 2 of 2011. These customers will be notified of the change in the water law and that the new rates and rules will become effective for Stone Street Out-of-Village customers on November 1, 2011 and will be reflected on the May, 2012 water bills. Ayes: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. Nays: none. By a vote of five to zero the Resolution was duly adopted on this date.

To date, seven out of fifteen "Out-of-Village Water Agreements" have been received and are on file in the Village office.

A revised Bay Street Water Agreement was presented to the Board for review prior to the meeting. A motion was offered by Trustee Viestenz, seconded by Trustee Brassard to pass a resolution approving the agreement. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The Board was provided with options regarding finance rates for the 2011 Dodge 4500. After the Board discussed and reviewed the options, they decided to finance the truck through Glens Falls National Bank. No upfront payments will be required as the first payment will be due one year after the truck has been financed. This will allow for time to budget for this item. The Miller, Mannix Schachner & Hafner law firm will be contacted to prepare the necessary paperwork pertaining to the bond. A motion was made by Trustee McDonough, seconded by Trustee Brassard to adopt a Resolution to finance the truck through Glens Falls National Bank via a five year statutory bond in the amount of \$59,000 at a fixed rate of 3.75%. Ayes: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. Nays: none. By a vote of five to zero, the Resolution was duly adopted on this date.

A memo with the revised Employee Policy was distributed to the Board for review on September 27, 2011 regarding the six month probationary period in regard to accrual of benefits as well as bereavement pay. A motion was made by Trustee Viestenz, seconded by Trustee Brassard, to approve the revised Employee Policy. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

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

A list of potential accounts receivable write-offs were distributed to the Board for review prior to the meeting. A motion was made by Trustee McDonough, seconded by Trustee Rich to approve the write offs as presented. (Copy attached to minutes).

The Board discussed how to handle the overruns of two of reserve funds. The first is the campground capital reserve fund for repairs; it is overrun by \$2100. A motion was made by Trustee McDonough, seconded by Trustee Rich authorizing the Treasurer to charge the \$2100 overrun to the capital reserve fund for improvements. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The second is the capital reserve for the traffic circle; it is overrun by \$300 to date. This amount does not yet include an invoice from Bryant's Lumber for materials as well as additional labor overtime charges that will be reflected in next weeks payroll. A motion was made by Trustee Rich, seconded by Trustee McDonough authorizing the Treasurer to charge the \$300 overrun and additional expenses referred to above, to the capital reserve beautification fund. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A request to hold a Coin Drop on Saturday May 26, 2012 was received from the Moriah Ambulance Squad via e-mail on October 7, 2011. A copy of the resolution passed by the Board of Trustees on May 11, 2009 has been distributed to the Board. The Chamber of Commerce holds a coin drop every year on this date (the Saturday before Memorial Day), to raise funds for the annual Labor Day celebration. The Chamber submits their coin drop request dates at the beginning of every calendar year, thus a request in writing from the Chamber to hold a coin drop on this date has not yet been received. A discussion was held regarding this matter. Chief Hughes informed the Board that via the resolution, the fire department has first choice regarding dates for coin drops. Last year the fire department held a coin drop on the Saturday before Memorial Day but will give this date back to the Chamber of Commerce for 2012. The Board decided to deny The Moriah Ambulance Squad's request to hold a Coin Drop on May 26, 2012 and directed the Clerk to contact them advising them of the Boards decision and to ask that they pick another date and submit their request again in writing.

A letter was received on September 30, 2011, signed by a group of campers requesting a refund of \$286 as compensation for the remainder of the 2011 camping season, due to the closure on August 28<sup>th</sup> as a result of damages incurred by hurricane Irene. This letter, the camper agreement with disclosure statement and the letter sent to campers in February of 2011, was forwarded to the attorney's in Glens Falls for review. The attorneys were also informed of the refunds given to campers for May & June due to the campground not opening until July 1, 2011, as a result of damages incurred from the spring floods, as well as the full refunds requested in writing, to those campers who opted not to return this season, with the written understanding that they would lose their sites for next season. The Board was provided with the attorney's response/advice pertaining to this matter. The Board decided to inform these campers via a letter that their refunds were not approved and the requests have been denied. The Board suggested that the following information be included in the reply letter:

- The Board understands their position as no-one thought this would happen.
- The campground was not open when the Board decided to issue refunds for May and June of 2011, at the Village's discretion, due to the delayed opening of the campground as a result of damages incurred from the spring storms and flooding.
- The Board will enforce the clause in the Champ RV Park Camping Agreement, No. 56, regarding weather related matters, as the campground was open and operating when the second weather related disaster occurred resulting in the necessary closure of the campground on August 28, 2011.
- The Village is still operating under a Local State of Emergency.

A letter was received via certified mail from Carl Gifaldi on October 13, 2011, pertaining to setbacks in the Village and enforcement regarding such; the letter was distributed to the Board and Code Enforcement Officer prior to the meeting. Bill Ball informed the Board that no further discussion is necessary at this time due to the fact that he informed Mr. Gifaldi that there are three foot setbacks and that he can not plow on his neighbor's property. Mr. Ball suggested to the neighbors that they erect a fence. Mary DeFelice, the said neighbor, was in attendance and informed the Board that the shed has since been moved. Mayor Guerin indicated that this is then a closed case.

A number of Property Maintenance Complaint Forms have been received recently and distributed to the Board and Code Enforcement Officer. The procedure for handling the complaints was reviewed by the Board and it was decided that the Mayor and Code Enforcement Officer will review, complete and sign off on the forms within one month. After the forms have been completed and signed off on they will be redistributed to the Board.

It has been brought to the Village's attention that a large number of houses in the Village do not display the appropriate address numbers that were assigned as a result of the implementation of the 911 system in 2005. This poses a problem when it is time to read water meters. Chief Hughes informed the Board that it also poses a problem when the fire department responds to a call and the address is not clearly posted. The Board decided to place a Notice in the Times of Ti explaining the issues and asking residents to comply with Essex County law by posting the 911 address numbers assigned to their properties, on their homes.

Trustee Viestenz distributed The Report to the Board on the Consolidated Funding Application Workshop that he attended on October 7, 2011 in Plattsburgh, prior to the meeting. Trustee Viestenz reviewed the report with the Mayor and Board of Trustees.

A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the September 26 and October 17, 2011 bills for payment. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

**Abstract Distributions:**

General \$31,351.09  
Water \$5,905.88  
Sewer \$877.70  
Joint Activity \$11,644.02  
Capital \$1,012.97

The next regularly scheduled meeting of the Village of Port Henry Board of Trustees will be held on Monday November 14, 2011 at 7:00 pm at the Village Hall, after the Public Hearing at 6:45 pm, on proposed Local Law No. 4 of 2011; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry.

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

MEETING ADJOURNED

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Village Clerk

