

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: SEPTEMBER 12, 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 Wastewater Plant Operator; Chip Perry, Champ RV Park Campground Manager; Marge Seguin and Port Henry Fire Chief; Jim Hughes.

ATTENDANCE: Louise Belden, Kelly King, Frank Martin, Jackie Viestenz, Walt and Geraldine Mimas, John Easter, Linda DuRoss, Jack Sheldon, Linda Smyth, Ann Tesar and Sandra Lovell.

The following reports/documents were distributed to the Board for review prior to the meeting: the September 12, 2011 Meeting Agenda, the August 8th and 29th, 2011 Board Minutes, the August 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 7:00 pm, followed by the salute to the flag.

A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve the Board minutes for August 8 and 29, 2011. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

DEPARTMENT HEAD REPORTS

Chip Perry read his monthly report for August 2011 to the Board aloud, as follows:

North End Pump Station

- Minimal damage from flood, one pressure transducer needs replacing
- Met with two electrical contractors for estimates from Spring flood

Water Treatment Plant

- Filtration plant is running well
- No complaints to report
- Have been working on replacing meters from list generated by Janelle

Need to order more meters

- Took third round of quarterly samples and all results came back well under action levels put forth by DOH. Public is welcome to results
- Will the water committee be meeting before next reading period?

Wastewater Treatment Plant

- No equipment or building damage from storm, did treat millions of gallons of wastewater.
- Have not done any work to solids mixer which Ticonderoga would like back at some point.

- I would like to contact Tracy Smith from Ticonderoga to ask about a buying price. This is a piece of equipment which could be of great importance to us in the future.
- Treatment plant is running well
- Received flow violations from DEC for the months of April, May and June. Although June is debatable due to the recent amendment to our SPDES permit increasing our flow limit from 0.6 mgd to 0.85 mgd.

As always, Mr. Perry encouraged all Trustees and the public to visit both of the treatment facilities.

Chip Perry, John Tromblee and Janelle Jurkiewicz will coordinate and schedule a Water Committee meeting before October vacations begin. The new design of water meters are being installed and replacing the old ones, when a user informs the Village of a problem with their meter.

John Tromblee read the DPW report for August 2011 aloud as follows:

- A water break was repaired on Tobey Street
- The 500 hours of service on the loader and 1,000 hours of service on the backhoe have been completed
- A new hydrant has been installed on Spring Street
- Daniel Laing has obtained his CDL license
- All parking space lines and cross walks have been painted
- A new catch basin structure and pipe were installed on Elizabeth Street before the arrival of hurricane Irene, which has helped with the water drainage issue in this area
- The brook that runs behind Jane McGrath's house was dredged and will be lined with stone in an effort to alleviate the flooding issues on Elizabeth Street
- 750 yards of material were hauled in to build a road in the campground, so campers could get out
- About 40 tons of asphalt has been used for paving in the month of August
- Preparations for Labor Day were made by putting out the barricades and cones, placing sand on the pier for the fireworks and placing tables in the park
- A new catch basin was installed on Bridge Street to alleviate the issue of water running down Meacham Street year round and freezing in the winter

Mayor Guerin reported that Heather and Ken Robbins are very happy with the catch basin that was installed on Elizabeth Street; there was no flooding in their house during the hurricane. Mayor Guerin commended the Village crew on a job well done.

Jim Hughes read aloud the Chief's report for August 2011, as follows:

- PHFD has responded to ninety-one (91) calls to date for 2011: (4) for January; (5) for February, and (6) for March, (15) for April, (11) for May, (4) for June, (9) for July, (29) for August, and (8) for September.
- Tropical Storm Irene Summation – PHFD logged 26 calls over 14 hours to include trees/power lines down, flooded roadways, cellar pump outs, water rescue, hazard investigations and EMS assistance. Total of 227.02 man hours. Used 56.8 Gallons of Fuel in Rescue Vehicles and 27.25 gallons in personal vehicles.
- OSHA Training scheduled – September – Jaws of Life Training
- Firefighter Mark McLaughlin successfully completed NAUI Basic SCUBA Diver class as taught by Waterfront Dive Center of Burlington, Vt.
- Engine 293 – 1946 LaFrance – resolved starting issue – purchased and installed new batteries.
- Annual Fire Pump testing performed on August 12th by Century Fire Apparatus, Inc. (Randy Preston). Engines 291/292 passed inspection.

- 2011 Assistance to Firefighter's Grant due this Friday, September 16th. PHFD has requested \$46,214 to replace seven (7) old, NFPA/OSHA non compliant, Self Contained Breathing Apparatus – 5% match will be \$2,311.
- Chief Hughes to meet with NYSEDA representatives on Tuesday, September 13th at 12:00 PM at Fire Station to conduct audit of station.

Mayor Guerin commended Chief Hughes and the firefighters for their help and efforts during the hurricane.

Marge Seguin reported to the Board that the last two campers vacated the campground today. Ms. Seguin thanked the Board and previous Board members for their support during the past seven years and thanked the fire department and Village crew for rescuing her during the hurricane.

Chief Hughes informed the Board that before hurricane Irene arrived he attended a meeting in Lewis and an emergency evacuation plan for campgrounds was discussed. Chief Hughes and the firefighters will meet tomorrow evening at the fire house to discuss such a plan further. Mayor Guerin suggested that the Village and Town work on such a plan together.

PUBLIC COMMENT PERIOD

Linda DuRoss addressed the Board regarding the Property Maintenance Complaint Form she filed with the Village on August 2, 2011 and asked what will be done about it as she has not heard anything. The property is located next to hers on Main Street and is owned by William Sayre. The building is unsafe, un-secured, the grass and weeds are overgrown and the huge blue tarp that covered the roof has torn and pieces were strewn all over her lawn resulting in a lot of cleanup. The tarp could also impose a major safety hazard if it should blow onto a windshield of a traveling vehicle in this busy traffic area. Mayor Guerin informed her that he has spoken with Bill Ball and he has spoke with the owner and it will be taken care of. Linda DuRoss asked if a letter could be sent to the owner advising him that there has been a complaint so he is aware of it. Trustee Viestenz informed Ms. DuRoss that the property maintenance law on the books in the Village can not be enforced as it is superseded by the NYS Property Maintenance Law. Trustee Rich indicated that the Zoning Committee is currently in the process of tightening up and amending the property maintenance law. Ms. DuRoss expressed her frustration and asked for copies of any and all local laws on file in the Village of Port Henry as well as the State law that pertains to property maintenance and indicated that she will follow up on this by contacting Bill Ball to schedule a meeting to discuss the matter further.

Frank Martin of 236 Whitney Street introduced himself to the Board and asked if the local laws are available to the public. Clerk Daly informed Mr. Martin that all Village Local Laws are available for public viewing during regular office hours and that the NYS Property maintenance Law may be obtained on the internet.

Sandra Lovell commented on assessments and Mayor Guerin indicated that she should contact the Town Assessor's Office regarding such matters.

Linda DuRoss asked who owns the driveway between her house and the one next to her. Trustee McDonough indicated it may be a private drive and that perhaps Essex County Real Property Services may know.

Kelly King indicated that there are three weeks left for the Port Henry Farmer's Market. Ms. King asked for a letter of support regarding the market, in an effort to secure the market for next year.

Louise Belden informed the Board and public that there were approximately 350-400 "Home of the Arch" t-shirts sold.

Mayor Guerin informed the Board that Linda Smyth created an ad for the Village that will be placed along side the Town's ad in the Denton Publications Commemorative Bridge Magazine.

John Easter expressed his concerns and disappointment that the residents on the north end of the Village were not notified that the brook was rising, but people on the other side of the brook were. No one has even checked to see if everyone is okay down there. As a result of the flooding, his wife had to be rescued by boat, again. Mr. Easter informed the Board that sewer had backed up into his basement and that his neighbor helped him remove his brand new washer and dryer. Mayor Guerin indicated he was sorry to hear this and that he and Jack Sheldon were at the campground dealing with matters there and that the brook rose a foot in less than twenty minutes. Chief Hughes indicated that hurricane warnings were issued a week in advance of the storm as well as notification that significant rain fall would accompany the storm. John Easter thanked the fire department for pumping out his basement. Supervisor Scozzafava was commended for removing the bridge during the storm. Mayor Guerin indicated that plans are being made to have the Mill brook dredged, while the governor has lifted the permit requirements and that Supervisor Scozzafava has met with the Army Corp. of Engineers regarding such. Chief Hughes suggested that the dams should be seriously looked at regarding maintenance issues as a result of the storm. The public was informed that the Moriah Fire House is designated as an emergency shelter and the Knight's of Columbus can also be utilized if need be. There is an Emergency Response Plan is on file in the Village.

Frank Martin suggested implementing a storm water emergency plan in light of the climate changes that are taking place; we have all become vulnerable and parts of the Town and Village are now in flood prone areas. Mr. Martin offered his assistance in helping to write a grant for such a plan.

BOARD DISCUSSION / REPORTS

Recurring Old Business: Currently waiting to hear from FEMA regarding funding for the damages caused by the flooding in late April, early May. All necessary paperwork/invoices have been submitted pertaining to this matter.

The Damage Assessment Report regarding damages incurred as a result of Hurricane Irene was faxed to the Essex County Office of Emergency Services on September 6, 2011. The Village is currently under a Local State of Emergency and will continue to renew in five day intervals as needed. Disaster and Flood Damage forms are available in the Village Office for individuals or businesses that have sustained damages and would like to apply for possible FEMA funding. There is also a FEMA Assistance Center set up at the Moriah Fire Dept. and representatives from FEMA are available to help with the application process and provide further information. FEMA and SEMO representatives will be conducting a pre-applicants briefing on Wednesday September 14, 2011 at 9:00 am at the Public Safety building in Lewis. All municipalities and fire departments with Irene damage or costs related to response recovery are urged to attend. Trustee McDonough informed the Board that she and John Tromblee will be attending the FEMA pre-application briefing on behalf of the Village; the fire department will be included in the Village application.

Trustee McDonough also informed the Board that Don Jaquish has suggested contacting Kubricky Construction Company in regard to obtaining an estimate for repairs at the campground. The Army Corp. of Engineers has suggested waiting on beginning repairs to the beach and campground until FEMA views the damages. Trustee Rich suggested looking into updating the campground before the repair process begins, to modern standards. Mayor Guerin informed the Board that arrangements are being made to obtain dump trucks and a bulldozer from North Hudson to help with removing the fill from the Flatiron site and stockpiling it at the campground for future use; there is no charge for the fill. Mayor Guerin indicated that North Hudson will bill FEMA directly for their services and that the damages are currently estimated to be \$1.5 million.

The Board decided to postpone reviewing applications for a campground manager and directed the clerk to send each applicant a letter informing them of such, due to the current status of the campground and thanking them all for applying.

Mayor Guerin suggested tabling the matter of refunds to campers for the month of September. Trustee Brassard indicated that a decision needs to be made at this time. Marge Seguin informed the Board that the "Camper Agreement" states that no refunds will be issued for acts of nature. Trustee Brassard made a motion, seconded by Trustee McDonough; that no refunds will be authorized or issued to campers for the month of September due to closure. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No, none. All in favor, motion carried. The Board also decided that no refunds will be issued for monthly pump outs.

Old Business: Fuel Oil Bids were publicly opened and read aloud in the order in which they were received as follows:

- 1) Mineville Oil- \$3.67 per gallon
- 2) Shaw Fuel Oil- \$.40 cents over Journal of Commerce pricing.
- 3) Griffith Energy- \$3.42 per gallon
- 4) Gordon Oil- \$3.45 per gallon

The Board determined that Griffith Energy was the lowest responsible bidder and a motion was made by Trustee Viestenz, seconded by Trustee Brassard to award the fuel oil bid to Griffith Energy for the contract period of October 1, 2011 through May 31, 2012. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

One bid was received on the Information Booth that was declared surplus by the Board. The bid envelope was not marked as to the identity of the bidder. The bid was publicly opened and read aloud as follows:

Bidder- Gary Olcott Amount- \$301.00

A motion was made by Trustee Rich, seconded by Trustee McDonough to reject all bids. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A Zoning Committee meeting was scheduled for Tuesday September 20, 2011 at 6:00 pm. The committee consists of Trustees Brassard and Rich, Bill Ball and Jack Sheldon. Kelly King asked the Board what the status is of the Catch Penny building and both she and Linda Smyth asked why Bill Ball was not present for the meeting and felt that he should be. The Board agreed however, sometimes the Board meetings conflict with his schedule therefore it was suggested that they call to schedule a meeting with him. Trustee Brassard indicated that the Board will ask him to attend the monthly Board meetings and Trustee Rich suggested a monthly report in his absence.

Sandra Lovell asked how the Village plans to follow up with the recently adopted local law on certificate of Occupancy. Clerk Daly informed the public that letters and a copy of the law will be sent to local attorneys, real estate agencies, Essex County Real Property Services, Social Services and Village landlords to inform them that this law is now on file and includes applicable fines for violations. Ms. Lovell asked the Board if she may include this information in the Port Henry Fact Finder and ask residents to contact the Village if they know of a building that becomes vacant, the Board agreed.

New Business: A letter was received from Supervisor Scozzafava, regarding a Notice of petition that was served on the Town of Moriah Board of Assessment and Review and Assessors, from the Dollar General; they are challenging their current assessment of \$817,200 and asking for a reduction to \$400,000. If they are successful, the amount the Village receives in dollars would be reduced by \$3,980 (taxable rate per thousand). The Town has hired the law firm of Brennan & White from Queensbury to represent the Town in this litigation. An appraisal will also need to be done on this property prior to the court date. The Town is asking each taxing jurisdiction (Village, School and Town) to share in the cost to defend the current assessment and does not at this time know what the

final cost would be as they have not yet hired an appraiser. The Board discussed this matter and determined that the Village is not in a position to share in these costs at this time. A motion was made by Trustee McDonough, seconded by Trustee Brassard that the Village will not support or share in the cost of the litigation and assessment regarding the Dollar General. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A letter was received from Tom Edwards of 12 Greeley Lane, who is challenging a bill he received for \$2,035 (\$1,400 for a complete sewer hook up-with road crossing and \$635 for a complete water hookup-without a road crossing) to run water and sewer to his garage, that is currently being constructed. Mr. Edwards feels he should only be responsible to pay for the hook ups for water and sewer from the curb to his property, as it was discovered that both water and sewer already existed to that side of the road. After discussion regarding this matter, a motion was made by Trustee Rich, seconded by Trustee Brassard; that the bill will be split in half and Mr. Edwards will be re-billed for \$1017.50. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A Water/Sewer customer, Account No. 357, has declared bankruptcy and the May water/sewer bill has been discharged by the Bankruptcy Court. A motion was made by Trustee Brassard, seconded by Trustee Viestenz, granting the Treasurer authorization to write off this bill in the amount of \$341. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried

A Water/Sewer customer, Account No. 294, paid the May bill with a check that was returned for insufficient funds. The 10% penalty has been assessed to the account due to the attempted payment being late. Her bank has advised her of the insufficient funds check. Two letters have been sent to the customer advising her of this matter, one of which was a certified letter. The post office attempted to deliver the certified letter several times and returned it to the Village informing us the letter was "refused". The Board discussed this matter and decided against court action at this time due to the amount of legal expenses that may be incurred however, determined that the penalty does apply. The Board decided to notify the user/owner one more time of the past due amount and penalty owed to the Village and advise that if it is not paid, all outstanding amounts including penalties and fines will be re-levied onto the Village property taxes in April 2012. The applicable local law will be enforced and may result in the Village turning the water off on this account.

A Water Sewer Bill Request for Adjustment was received from Jennifer Obanion, Account No. 315, on August 11, 2011 and copies of such were distributed to the Board for review. Ms. Obanion claims she never received the Water and Sewer bill and therefore called in August to obtain the amount due. Ms. Obanion is disputing the \$31.00 penalty (10% of \$310), but has paid the original amount of \$310. The Board determined that there are no exceptions to be made regarding this matter, the penalty applies and request is denied.

A 30 Day Advance Notice to Municipalities was received from the King's Inn via certified mail on August 22, 2011, to inform the Village of their intent to renew their liquor license through the New York State Liquor Authority. Said notice is on file in the Office of the Village Clerk.

Trustee and Deputy Mayor McDonough suggested extending a Resolution of Appreciation to CP Rail, The Moriah Ambulance Squad, The Port Henry Fire Department and the Village Crew for their tireless efforts and help during the recent storm. A motion in support of this resolution was made by Trustee Brassard, seconded by Trustee Viestenz. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to approve the August 29th and September 12, 2011 bills for payment. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Abstract Distributions:

General \$50,742.50

Water \$6,557.36

Sewer \$32,803.26

Joint Activity \$13,671.18

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to adjourn the regular meeting at 9:02 pm, at which time the Board will enter into Executive Session to discuss personnel matters. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried

ADJOURNED

Village Clerk

EXECUTIVE SESSION

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

Mayor Guerin called the executive session to order at 9:04 pm.

Chip Perry addressed the Board regarding benefits for union employees. Mr. Perry, discovered in talking with Tom Quackenbush, the union representative, another issue regarding benefit accrual and wanted to bring it to the Board's attention.

Mr. Perry was informed that any employee who belongs to the union and pays dues is covered/represented by the union and agreement on day one of employment however currently, no benefits (sick personal, floating holiday) are accumulated until after a six month probationary period, per the Village Employee Policy. Due to the fact that this matter is not addressed in the union agreement, it only pertains to non-union employees as the Teamster's Agreement supersedes any Village personnel policy not included in the contract. After discussion, a motion was made by Trustee McDonough, seconded by Trustee Viestenz to amend the Village Employee Policy on page one, paragraph 3 regarding; "Benefits offered by the Village of Port Henry" to read as follows: All Village employees must work through a six month probationary period before their employment status becomes full time. During that six month probationary period, no benefits are realized by the **non-union** employee, except health insurance. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Rich, seconded by Trustee Brassard, to adjourn the session at 9:15 pm. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

