

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: AUGUST 13, 2012

TIME: 7:00 PM

PRESENT: Trustees Brassard, McDonough and Sheldon, Clerk Daly, Treasurer Jurkiewicz, Deputy Superintendent of Water and Streets; John Tromblee, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry, Port Henry fire Department Chief; Jim Hughes and Champ RV Park/ Campground Manager; Laurie Rodick.

ABSENT: Mayor Guerin and Trustee Rich.

ATTENDANCE: John Easter, Walt Mimas, Geraldine Mimas, John Viestenz, Jackie Viestenz, Jack Waldron, Margaret Parah, Sandra Lovell and Ann Tesar.

Trustee McDonough called the meeting to order at 7:00 pm, followed by the salute to the flag. Trustee McDonough explained that Trustee Rich was excused from the meeting, Mayor Guerin was absent due an allergic reaction and Deputy Mayor/Trustee Sheldon was en route. No official business may be conducted until a quorum is present.

DEPARTMENT HEAD REPORTS

John Tromblee provided a verbal report for the month of July 2012 as follows:

- There was one water break on Greeley Lane; the service line to the Michener residence, that was repaired.
- The Sump Pump Survey has been completed.
- Mowing and trimming of brush continues as needed.
- The pipe yard has been cleaned up.
- Main Street was cleaned and prepared for Champ Day on August 4, 2012.
- Three loads of pavement were laid a week or so ago.
- The sidewalks on Church Street are currently being replaced.
- The drain pipe for College Street was delivered last week. The delivery date for the structures is Monday August 20th. The only hold up may be in getting stone from the County as they are currently busy with the Moriah Center Bridge replacement as well as their own paving schedule. The stone may have to be purchased from a pit if need be.
- One tree was removed from the Mill Brook, below the bridge on the north end of the Village.

Trustee McDonough thanked the Village DPW for trimming back the brush along the roads.

Chip Perry read the Water and Wastewater Report for the month of July 2012 aloud as follows:

Water Treatment Plant

- Filtration plant is running well
- Five water complaints about taste and odor, followed up with consumers. There was some detection of musty odor. Explained to the customers that the extremely warm temperatures play a huge roll in water quality of drinking water and in the environment, i.e. our blue-green algae blooms.
- We need to discuss the placement of flushing hydrants on dead end streets. These streets are not being flushed, which can increase the possibility of and raise levels of some disinfection by product along with very poor water quality.

Wastewater Treatment Plant

- Wastewater treatment plant is running well.
- We continue our seasonal maintenance.
- No problems or complaints to report.

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

Mr. Perry indicated that he has received a record number of complaints this summer with regard to water quality and that as the temperature drops; we should see an improvement in the overall quality of the water.

Chip Perry indicated that one of the water complaints was from a resident on First Lane. Sediment was building up in the line causing the water to have a red tint. The resident was asked to run his outside hose for the weekend in an attempt to clear the line and will not be charged for the water usage to do so. Mr. Perry has not heard back from the resident and therefore assumes that the line has cleared.

Mr. Perry also reminded homeowners who choose to use and install in line cartridges and filters that these are maintenance items and they need to be changed periodically in order to prevent the build up of dirt, debris and algae.

Ann Tesar entered the meeting at 7:06 pm.

Jim Hughes asked if there was a water ban in the Town or Village at this time; Mr. Perry indicated that he is not aware of any water bans at this time.

Jim Hughes read the July 2012 Fire Chief's Report aloud as follows:

- PHFD has responded to forty (40) calls to date for 2012: (4) for January, (5) for February, (4) for March, (5) for April, (9) for May, (7) for June, (6) for July, and (0) for August.
- 2012 PESH Report to Date:

(40) Calls:	790.04 Man-hours
OSHA Training:	376.50 Man-hours
Additional Training/Participation:	946.51 Man-hours
2012 Total:	<u>2,113.05 Man-hours</u>

- OSHA Training for August: 1) Boater Safety / Water Rescue 2) Hose, Nozzle, Foam Operation
- Maintenance item: Engines 291 and 292 – Annual Pump Test performed on Friday, August 10th by Century Fire Apparatus.
- Request Village DPW assistance in the repair of dry hydrant stand pipe on north side of station.
- Thanks to Chip Perry in ordering Hydrant Static Pressure Gauge. All (79) hydrants to be tested and pressures recorded.
- PHFD participated in Chilson FD BBQ and Truck Display in July – captured 3 Awards for 1946 American LaFrance.
- On July 18th, 2012 completed Annual Fire Inspections for Mountain Lake Services facilities to include 5 Hummingbird Way, 3248 Broad Street, 14 Meachem Street, 4654 Route 9N Champlain House, 74 Spring Street, 4452 Route 9N Maple Knoll and Carriage House facilities, 8 St. Patrick’s Place, 10 St. Patrick’s Place, and 4325 Main Street Apartment.
- Port Henry Village and Bulwagga Bay Beach Emergency Plans: Met on 7/16 with Dan Benoit, Battalion Coordinator and Michael Blaise, Deputy Director of Essex County Emergency Services to discuss scope of plan. 2nd Meeting scheduled for August 22nd at 6:30 PM at our station to include Don Jaquish, Essex County Director of Emergency Services, Scott Edkin, NYS Office of Homeland Security & Emergency Services, Dan Benoit, Michael Blaise, Wanda Wade, Jack Waldron, and Chris Gebo, Chief of Vergennes, Vt. Fire Department.
- Held “Meet & Greet” with Moriah Fire Department on August 7th, 2012.
- PHFD will be hosting FASNY sponsored “Highway Traffic Safety Course” on October 10th, 2012.
- Fielded complaint of open burning/smoke issue on 7 Spring Street. Village may consider enacting own law to address issue.
- New Membership Application: Schuyler Sheldon – Need Village Board Approval.

Chief Hughes informed the Board that he has fielded several complaints in the last few weeks with regard to open burning resulting in smoke issues that are bothersome to neighbors. Further discussion ensued on this topic; no action was taken.

Deputy Mayor/Trustee Sheldon entered the meeting at 7:15 pm; thus a quorum was present and Village business could be conducted.

Laurie Rodick provided a verbal report on the Champ RV Park/Campground for the month of July 2012 as follows:

- The campground took in \$3,471 for the month of June and \$7,406 from July 9th through August 13, 2012.
- Reservations are coming in steady with the help of Labor Day fast approaching.
- There is one new seasonal camper and several requests have been received for non lakefront seasonal sites.
- Residents are utilizing the playground however the beach and snack bar usage is down considerably; the seaweed and zebra mussels may be a contributing factor.
- Requested to have the trash picked up twice a week during the hot weather; there have been issues with strong odors and bug infestation.
- Three boards need to be replaced on the deck leading to the office.

- The golf cart charger needs to be repaired as soon as possible.

On August 3, 2012 a bike tour of approximately 12-14 people took up residence at the campground; they were very appreciative of the beautiful beach. One of their tourists suffered an epileptic episode while there and one of the campers volunteered to drive the tourist to their next destination. The tourist sent a thank you letter to the camper.

PUBLIC COMMENT PERIOD

Ann Tesar indicated that an ARC van parks on the corner of Broad Street and blocks the view of traffic when pulling out of College Street onto Broad. The overgrown trees and brush on Broad Street also block the view of traffic coming down the hill when pulling out of College Street on to Broad Street. John Tromblee informed the Board that the trees and brush are on private property and that the Village will need to contact the property owner to obtain permission to cut it back, as the last time the Village did so, the property owner was not very happy. Trustee Brassard suggested that the Board craft a letter to Mountain Lake Services asking them not to park on the corner of Broad Street, near the intersection of College Street.

Ms. Tesar asked where and what is happening to the old Porter's sign that used to hang in the park. Sandra Lovell of the pH7 Committee indicated that the sign is being re-done and will be placed back in the park by Labor Day.

Ms. Tesar informed the Board that the language she has heard being used on Main Street is vulgar, offensive and loud. She listened to two people scream obscenities at each other from the liquor store across the street to the park for ten minutes one day.

Jackie Viestenz of the pH7 Committee informed the Board that the Farmer's Market has been successful again this summer. The pH7 Committee will sponsor a hula hoop contest on Saturday September 1, 2012; the winner will receive a free half hour horseback riding lesson.

BOARD DISCUSSION/REPORTS

Before addressing items listed on the agenda under recurring old business, Board members discussed the following matters: Trustee Brassard was approached by Stewart Jerdo, a Village property owner who asked if the Village would consider supporting a Rock Eater Competition, which could consist of an obstacle course set up along the lake, ending at the Van Slooten Marina. This type of competition is held annually in Plattsburgh and generates four to five hundred contestants who pay \$40 to \$50 per person to participate in the competition. The money raised could be used towards Labor Day and community events. The Board asked to be presented with further information to review.

Trustee Sheldon thanked Chief Hughes for lining up the Moriah Fire Department to help with erecting the flag at the campground. The Board will also send a thank you letter to the Moriah Fire Department.

Trustee Sheldon indicated that the Village Crew picked up branches from a tree on Jackson Street. The tree is a safety hazard and needs to be removed. He is attempting to get in touch with the property owner with regard to this matter.

Trustee Sheldon indicated that the electrical inspection for the campground will cost approximately \$1,000; which includes parts for the broken conduit, the repair of six outlets and includes the labor. Trustee McDonough motioned for approval for electrician Dick Melaney to perform the repairs and inspection. The motion was seconded by Trustee Brassard. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent; Mayor Guerin and Trustee Rich; motion carried.

A discussion was held with regard to three electric meters that need to be replaced at the campground due to inaccuracy. John Tromblee will replace the meters at sites 3, 38 and

85 and the camper's electric bills will be adjusted accordingly based on usage/billings for next couple of months with new meters.

Recurring Old Business: \$683.16 was received from the NYS Emergency Management Office (NYSOEM) which represents the State share for the emergency work performed by the fire department during hurricane Irene in August of 2011. \$7,214.13 was received from FEMA and NYSOEM for the expense with regard to the temporary road built at the campground to allow the campers to remove their property, after hurricane Irene in August/September, 2011.

The Village received a certified letter from the Colonial Surety Company on July 30, 2012; copies were distributed to the Mayor and Board. Colonial Surety Company has requested that no further funds be released to AP Reale & Sons, Inc. for the Port Henry Beach and Campground Restoration Project, without the express written consent and direction of the Colonial Surety Company.

The Zoning Commission member notice has been sent to the Times of Ti and Channel 17 for re-publication through September. To date, one letter of interest to serve on this committee has been received.

A request for an extension to complete the Sump Pump Connection Survey was submitted to the NYS DEC and approved via a Modified Order on Consent received that lists the new survey completion deadline date as August 31, 2012. A letter was sent to the NYS DEC on August 7, 2012 indicating that the Village has completed the Sump Pump Connection Survey and the results will be submitted with the Annual Report, due by May 31, 2013.

College Street is still currently closed at the intersection of Grove Street, pending repairs.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee Sheldon, to approve the July 9, 2012 Board minutes. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent; Mayor Guerin and Trustee Rich; motion carried.

The NYS Consolidated Funding Application for the 2012 Community Block Grant was submitted by Matthew McNamara, of the Essex County Community Development and Planning Office on July 13, 2012. A copy of the complete application is on file in the Village Office.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the August 27, 2012 payoff of the \$65,000 budget note pertaining to cash flow issues. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent; Mayor Guerin and Trustee Rich; motion carried.

A discussion was held regarding the water debt service charge included on the Village of Port Henry Water and Sewer bills. The service charge was raised \$11.00 in November of 2011 in anticipation of covering the cost to purchase new water meters, that to date has not been done due to the current financial situation the Village faces with regard to reimbursement from FEMA and the State Office of Emergency Management. Treasurer Jurkiewicz recommended reducing the water debt service charge by \$11.00 before the November 2012 Water and Sewer billing, if no further action has been taken to obtain the new meters. The \$14,000 that has been collected thus far may be put into a reserve for the purpose of purchasing the new water meters in the future. John Viestenz, former Village Trustee and Water Committee member agreed with the Treasurer's recommendation. The Board decided to table this matter. The Treasurer indicated that a decision will need to be made by October, for the November 2012 billing.

Laurie Rodick exited the meeting at 7:53 pm.

New Business: The July 2012 Accounts Receivable and Trial Balance Reports were presented to the Board for review. There is no Monthly Water Adjustment Report for July 2012, as no adjustments were made.

Jack Woods submitted a \$40.00 donation received from Kim Kolodzey on July 10, 2012, for flowers in the Village.

A Shared Services Resolution was received from the Town of Crown Point on July 19, 2012 and from the Town of Ticonderoga on July 25, 2012. The Resolutions are on file in the Village Office and copies were distributed to The Mayor, Board of Trustees, Chip Perry and John Tromblee.

A request from Tina Martin of the Salvation Army was received to schedule a third Coin Drop this year, as the first date requested in April was cancelled due to illness. The second Coin Drop was scheduled and held in June. At this time there are no more available Coin Drop dates left in 2012, therefore a letter will be sent to Ms. Martin informing her of such and indicating that she may submit a request for available dates next year, beginning in January, 2013.

Proposed Local Law No. 3 of 2012, titled; Unsafe Structure Law of the Village of Port Henry, as received from the Village attorney was distributed to the Mayor, Board of Trustees and Bill Ball, on August 8, 2012 for review. Copies are available for the public in attendance this evening and a copy will also remain on file in the Village Office for public inspection during normal office hours. The Board did not wish to make any changes or revisions to the proposed law presented. A motion was made by Trustee Brassard, seconded by Trustee Sheldon to schedule a Public Hearing for Monday September 10, 2012 at 6:45 pm, prior to the regularly scheduled Board meeting. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent; Mayor Guerin and Trustee Rich; motion carried.

The Board discussed the issue of a Village curfew. Trustee McDonough read aloud a Memo from the Village Clerk to the Mayor and Board of Trustees, for informational purposes only: A Village of Port Henry Curfew Resolution was adopted by the Village Board on June 1, 2001 however the Village does not have a local curfew law on file with the State of New York. Such a law would be necessary in order to enforce a Village curfew. After further research it was discovered that our surrounding communities and municipalities do not have any curfew laws on file either. In speaking with the Ticonderoga Town Clerk, she indicated that there was a State curfew that was repealed years ago and after much public backlash, it was deemed unconstitutional. The Attorney General's opinion states: "a Town may enact a juvenile curfew law pursuant to its home rule police powers if it proves that the provision bears a substantial relationship to an important governmental objective, but it may not charge parents with a violation, punishable by fine and/or imprisonment, if their minor children violate the curfew law." The Board deemed this matter mute and no action was taken.

A discussion ensued with regard to setting a curfew or posting park hours and the complaints pertaining to the offensive loud language that is used in the park and surrounding area. It was suggested that the Mayor/Board write a letter to the Police Department requesting their presence on foot periodically in the Village near the park and on Main and Broad Streets in an effort to deter inappropriate behavior.

Margaret Parah exited the meeting at 8:15 pm.

Trustee Sheldon informed the Board that he received a phone call from Thomas Eliopoulos, who will be in the area on Labor Day weekend. He has agreed to meet with Mayor Guerin, Trustee Sheldon, John Tromblee and Tony LaVigne of Essex County, to tour his property in connection with the drainage issues on College Street.

Trustee Brassard suggested scheduling a Special Meeting to discuss issues that have arisen this season with regard to the campground and the managers' position for next season. The Board scheduled a Special Meeting for Monday August 20, 2012 at 7:00 pm at the Village Hall.

Trustee Sheldon opened the floor for further public comment before adjourning.

John Viestenz asked if someone from the Village planned on attending the next Police Department meeting to relay and follow up with the Village's views in regard to the complaints received pertaining to the park curfew and the shouting of obscenities in the surrounding vicinity. Trustee Sheldon indicated that yes, a Village representative would attend the next Police meeting to further address these issues.

Mr. Viestenz asked what became of Mr. Ball's complaint at last months Board meeting with regard to the condition of the sand on the Village beach. Trustee Sheldon indicated that a meeting has been scheduled for August 30, 2012 between GPI, Mayor Guerin and Bill Ball to discuss this matter further. A discussion ensued pertaining to what was discussed at last months meeting with regard to the Beach Restoration Project. GPI has asked the Village to obtain a price on the beach sand from the place the Village purchased it from to replace after last year's spring flood. It was determined the cost was \$3,000 last May for approximately 500 yards including hauling and delivery. Sandra Lovell asked if the lowest bid contractor was chosen for the project and if so, was the contractor researched. Trustee McDonough indicated that the contractor was bonded, and their proposal lined up with the bid specifications and requirements however what was delivered was something else.

A motion was made by Trustee Brassard, seconded by Trustee Sheldon, to approve the July 30th and August 13, 2012 bills for payment. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent; Mayor Guerin and Trustee Rich; motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Sheldon, to adjourn the regular meeting at 8:30 pm, at which time the Board will enter into Executive session to discuss personnel matters. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent; Mayor Guerin and Trustee Rich; motion carried.

MEETING ADJOURNED

Village Clerk

EXECUTIVE SESSION

DATE: AUGUST 13, 2012

PRESENT: Trustees Brassard, McDonough and Sheldon, Clerk Daly and John Tromblee.

ABSENT: Mayor Guerin and Trustee Rich

Trustee Sheldon called the Executive Session to order at 8:40 pm.

The Board discussed the Temporary Laborer's position.

The Board approved the Employee Performance Review Sheet distributed for review on July 25, 2012. The Board directed the Clerk to modify the existing Village of Port Henry Employee Policy to read as follows: "All new employees will be evaluated every 30 days during the initial six month probationary period, then annually thereafter, by their immediate supervisor. The employee's immediate supervisor will complete an Employee Performance Review Sheet pertaining to each review and file such in the appropriate personnel file". The modified Employee Policy will be presented to the Board for approval at a regular Board meeting before implementation of this procedure begins. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent: Mayor Guerin and Trustee Rich; motion carried.

Upon motion by Trustee Brassard, seconded by Trustee Sheldon, the Board agreed to modify the current Treasurer's classified ad by adding "or equivalent accounting experience"; as well as re-advertising the position in the Press Republican, Times of Ti and additionally, the Post Star. The ad will also be posted on the Village website and Channel 17.

Trustee McDonough made a motion, seconded by Trustee Brassard, to adjourn the Executive Session at 9:00 pm. Yes; Trustees Brassard, McDonough and Sheldon. No; none. Absent: Mayor Guerin and Trustee Rich; motion carried.

ADJOURNED

Village Clerk