

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: FEBRUARY 13, 2012

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 and Code Enforcement Officer; Bill Ball.

ABSENT: Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Jack Sheldon, John Easter, Jackie Viestenz, Sandra Lovell and Linda Smyth.

The following copies were distributed to the Board for review prior to the meeting: the February 13, 2012 Meeting Agenda, the January 9<sup>th</sup> and 13<sup>th</sup> 2012 Board Minutes, the January 2012 Treasurer's Report, Perma Claims Experience Member Reports, Campground Profit Report, Water and Wastewater Report, DPW Report and the Fire Chief's Report. A list of other documents distributed to the Board prior to the meeting is listed in the February 13, 2012 Board Meeting file in the office of the Village Clerk.

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

#### DEPARTMENT HEAD REPORTS

Chip Perry read the January 2012 Water and Wastewater Plant Reports aloud to the Board as follows:

##### Water Treatment Plant

- Filtration Plant is running well
- Nothing to report as far as equipment failures/breakdowns
- No complaints to report
- DOH inspection scheduled for 2/16/12

##### Wastewater Treatment Plant

- AES has approximately 65% of the O&M Manual completed for the WWTP
- Sent DEC an updated schedule for the Order on Consent for Manhole #13. Waiting for approval from Region 5 lawyer and the order will be amended.
- Took down one of the treatment tanks to work on a pump. Inspected all equipment in tank, all is well.
- No equipment problems to report

##### Other Interests

Received two quotes for wireless internet:

- Combined Resource Group (CRG) - \$795 for equipment/installation and \$129/month for service.
- Broad Sky Network - \$1200 equipment/installation and \$99.95/month for service. Quote distributed with monthly report. (Two year service contract to receive the \$300 discount on equipment.)

As always, the Board and public were encouraged to visit both of the Village treatment facilities.

John Tromblee read the January 2012 DPW Report aloud to the Board as follows:

- The frozen water service was dug up and repaired at the Curran residence on Edgemont Road
- A curb stop was replaced at 6 Star Way
- Took Christmas lights down
- Erected 30 mph speed limit sign on the top of Broad Street
- A sewer main was jetted on Henry Street
- Snow plowing and salting has been done as needed
- Smoothed potholes at the train station and Sherman Park Place

A conversation with Fred Buck indicated that the only work that will be done in the Mill Brook will be north of the bridge and will involve a “catch all”.

Bill Ball provided the Board with a time sheet pertaining to code enforcement hours and corresponding duties performed. Mr. Ball informed the Board that he has been working on a few property maintenance issues that includes an abandoned property on Elizabeth Street, across from the Trow residence. The property maintenance law revision may take longer to implement than the Village can let this property go. In an emergency situation, the Village can notify the property owner on record and give 30 days notice. The Board needs to decide how they wish to proceed with this matter. It was decided that both he and Mayor Guerin would meet and take a look at the abandoned property on Elizabeth Street on Friday February 17, 2012.

Mayor Guerin asked Mr. Ball if he has addressed the property owner on Jackson Street that has numerous snowmobiles and nine cars in his yard. Bill Ball indicated that he has not spoken to the owner as there is no local law to address the issue. Mayor Guerin asked Bill Ball to send a letter to both the landlord and tenant regarding this matter. Mr. Ball indicated that he would be in the Village on Thursday February 16, 2012.

Trustee McDonough read the January 2012 Fire Chief’s Report aloud as follows:

- PHFD has responded to four (5) calls to date for 2012; (4) for January, (1) for February.
- OSHA Training for February – Ice Rescue Training.
- Firefighter William Blood has successfully completed Firefighter I Training on 1/31/2012. Chief Hughes attended graduation ceremony held at Schroon Lake Fire Department.
- Chief Hughes received invitation and attended Governor Cuomo’s 2012 Executive Budget & Reform Plan held at Plattsburgh State University on 2/3/2012.
- 2011 PESH Report:

(103) Calls:	968.42 Manhours
OSHA Training:	207.00 Manhours
Additional Training /Participation:	769.90 Manhours
Total:	<b>1945.32 Manhours</b>
- PHFD Mountain Lake Services Fire Damage Report Update:
  1. 16 foot roof ladder from Engine 292 (Replaced))
  2. One length of 100 foot 4 inch supply hose (Replaced)
  3. 1,600 feet of Attack Lines to be re-tested (Cost Approved – to be tested weather permitting)
- Station maintenance items: New thermostats installed in each bay. Conducted tour of building with Mayor Guerin on 2/4/2012 to discuss energy savings ideas.
- Communications: Received Rejection Letter from FEMA on 1/19/2012 in regards to 2011 Assistance to Firefighters Grant (AFG). Request denied to replace

seven (7) old, NFPA/OSHA non compliant, Self Contained Breathing Apparatus in the amount of \$46,214. Chief Hughes has appealed their decision and has requested specific reasons for rejection. More information to follow.

- Request motion and approval from Village Board to have funds from Equipment Budget earmarked for 5% match or \$2311 to be redirected for purchase of Emergency Escape Rope Rescue System mandated by New York State.

A motion was made by Trustee Viestenz, seconded by Trustee McDonough, to approve Chief Hughes request to have funds from the Equipment Budget earmarked for a 5% match or \$2311, to be redirected for the purchase of an Emergency Escape Rope Rescue System that is mandated by New York State. Yes: Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Mayor Guerin indicated that he and Jack Sheldon toured the firehouse with Chief Hughes on February 4, 2012. The thermostats were set on 60 degrees and there were some broken windows upstairs that the DPW has since boarded up.

#### PUBLIC COMMENT PERIOD

Jackie Viestenz informed the Board that the pH7 Committee is putting together a one page flyer on the Champ RV Park/Campground to be utilized as an advertising tool at boat shows, etc. if the Board approves. John Viestenz indicated that he would like to add the information in the flyer to the Village website. After discussion, it was decided that Trustee Brassard's phone number and e-mail address would be provided on the flyer as a contact for the campground at this time.

Jackie Viestenz informed the Board that the Town has enlisted the help of the prisoners to cut brush at the south end of Town.

#### BOARD DISCUSSION / REPORTS

Trustee McDonough informed the Board that even though the Village was denied grant funds through the Community Development Block Grant (CDBG), the application may be re-submitted. The Income Survey that was performed is valid for two years. It was decided that trustee McDonough will contact the Essex County Planning Department to advise them that the Village wishes to re-apply for this grant.

Trustee McDonough informed the Board that she recently met with John Usher from OSHA. It was pointed out to Mr. Usher and the other representatives present at the meeting that there were no check marks next to the required safety training for the Village. It was suggested that this be discussed further with Dick Ray and Sherri Raponi of PERMA when they perform the Village inspection.

Trustee McDonough also informed the Board that the Village needs to establish a "safety Coordinator" and asked Chip Perry if he would be willing to act as such for the Village. Mr. Perry informed the Board that he would be willing to help out but is not aware of exactly what the Village needs. Trustee McDonough asked if he and John Tromblee could handle the matter and determine what is required. Mr. Perry indicated that it would depend on the work load involved.

Trustee Brassard indicated that GPI has requested to have the phone service turned on at the beach house in the event there is an emergency. Everyone on site has Verizon as a cell phone provider and can not obtain service at this location. A motion was made by Trustee McDonough, seconded by Trustee Rich to have the phone and electricity service turned on in the beach house provided that GPI incurs all related expenses. Yes: Mayor Guerin, Trustees McDonough and Rich. No; Trustees Brassard and Viestenz. By a vote of three to two in favor, the motion carried.

Trustee Rich provided the Board with a Zoning Committee update as follows: the committee has reached a semi conclusion on two of the property maintenance laws for the Village. They will continue to fine tune the laws and then send the proposed law to the attorney's for final crafting in the legal format. The issue of levying property

maintenance expense cleanup costs on to Village property taxes will be included in the law, provided the attorney's agree and advise the Village to include such language to support the issue.

**Recurring Old Business:** A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve the January 9<sup>th</sup> & 31<sup>st</sup>, 2012 Board minutes. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Trustee Viestenz provided an update on the status of the Main Street Grant as follows: there is no current update available from Sharon Reynolds; Trustee Viestenz will touch base with her regarding this matter.

The contract for the Campground Restoration Project was awarded at a Special Meeting held on February 6, 2012 to AP Reale and Sons Inc., whom was deemed the lowest responsible bidder, in the amount of \$777,100.

The Campground Restoration Project was discussed with regard to financing. Treasurer Jurkiewicz indicated that the financing for this project is currently being worked on. The Village has borrowed \$65,000 in the form of a budget note and these funds were deposited into the Village account on February 10, 2012. The interest on this note is 2.5% and it must be paid in full by February 9, 2013. Reimbursement funds received from FEMA will be used to repay this note.

The Moratorium on Street Level Residential Development in the Village of Port Henry will expire on April 15, 2012. After discussion, the Board decided to extend the Moratorium an additional six months, while a Zoning Board of Commissioners is implemented as required. The Zoning Board will make recommendations to the Board regarding proposed zoning laws. The Board should consist of 5-7 people including one Village Board member. The Board of Trustees also decided to contact the attorney's to craft the local law to extend the moratorium. A Public Hearing will be scheduled in the near future. Mayor Guerin indicated that after the Board gets through the campground project and the budget then the Board will focus on seeking volunteers to serve as members of the Zoning Board of Commissioners.

Treasurer Jurkiewicz discussed the matter of FEMA reimbursement with the Board. FEMA form 90-91 indicates that the Village reimbursement amount for the North End Pump Station has been reduced. The Village will receive 87.5% of \$6,000 instead of the \$20,000 in damages that were submitted and signed off on. This decision is being appealed. The Treasurer informed the Board that there are no guarantees at this point that the Village will be reimbursed the 75% from FEMA for the costs of damages incurred to the campground and the Village will not know how much reimbursement will be received until all projects are submitted, reviewed and signed off on.

The Board discussed the annual letters that are mailed to campers who have turned in seasonal request forms. There were 44 request forms submitted for the 2012 season before the hurricane hit last August. The Board needs to determine the opening and closing dates for the campground as well as review and revise the rules as needed. Mayor Guerin suggested not mailing the letters yet and tabling these matters until March. It was determined that the campground will be restored to the original layout. After further discussion, the Board decided that the matters mentioned above could not wait until March and that the letters need to be mailed to the campers by the end of February. A Special Meeting was scheduled by the Board for Wednesday February 15, 2012 at 6:00 pm at the Village Hall to address the letter, set the opening and closing dates for the campground and beach and review and revise the rules as deemed necessary.

**Old Business:** To date, fourteen (14) out of the fifteen (15) "Out of Village Water Agreements" have been received and are on file in the Village office. No contact information can be obtained for the one remaining property owner that has not submitted the agreement. It was determined that the water is currently shut off at this property.

Proposed Local Law No. 1 of 2012; A Local Law to Override the Tax Levy Limit in General Municipal Law §3-C, was distributed to the Mayor and Board for review on this date. The Board of Trustees scheduled a Public Hearing for proposed adoption of this local law on Monday March 12, 2012 at 6:45 am at the Village Hall. The regular March Board meeting will be held at 7:00 pm, after the Public Hearing concludes.

**New Business:** The January 2012 Accounts Receivable, Trial Balance and Water Adjustment Reports were presented to the Board for review.

In order to move forward with the Manhole #13 plans, AES has advised the Village that an easement will be necessary in connection with the proposed pump station. The desired location for placement of the pump station is on Ray Burlingame's property, located at 5 Park Place. Mr. Burlingame has verbally agreed to grant such an easement in lieu of free water and sewer services for his property regardless of ownership. The Board deemed these terms as reasonably equivalent to the fair market value of the easement. A motion was made by Trustee Brassard, seconded by Trustee McDonough, to adopt a Resolution authorizing Mayor Guerin to complete and execute any documents associated with the easement, as well as authorizing the procurement of said easement in connection with a proposed pump station from Raymond J. Burlingame, Sr. over real property known as; 5 Park Place Port Henry, NY, Tax Map Parcel No. 97.72-3-60.000.

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

Nays: None.

Absent: None.

By a vote of five to zero, this Resolution was duly adopted on this 13<sup>th</sup> day of February, 2012.

A motion was made by Trustee McDonough, seconded by Trustee Rich, to adopt a Resolution appointing Betty Lamoria as the Village Historian, due to Joan Daby's recent retirement from the position. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The Port Henry Fire Department has submitted a request to hold Coin Drops on the following dates in 2012: (all Saturdays) March 3<sup>rd</sup>, June 30<sup>th</sup>, August 11<sup>th</sup> and October 6<sup>th</sup>. These dates have been reserved for the FD and marked accordingly on the office calendar.

The Chamber of Commerce has submitted a written request to hold Coin Drops on the following dates in 2012: (all Saturdays) May 26<sup>th</sup>, July 14<sup>th</sup>, September 1<sup>st</sup> and October 27<sup>th</sup>. These dates do not conflict with the dates reserved for the Port Henry Fire Department however, Board approval is required. A Motion was made by Trustee Rich, seconded by Trustee McDonough granting the Chamber of Commerce permission to hold Coin Drops on the dates listed above. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The Salvation Army has submitted a written request to hold Coin Drops on the following dates in 2012: (all Saturdays) April 14<sup>th</sup> and June 16<sup>th</sup>. These dates do not conflict with the dates reserved for the Port Henry Fire Department or the Chamber of Commerce however, Board approval is required. A motion was made by Trustee Brassard, seconded by Trustee Rich, granting the Salvation Army permission to hold Coin Drops on the above listed dates. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The old fire department overhead door that was recently replaced and the 1999 Highland Jr. Salter were recently declared surplus by the Board and placed out for bid. No bids were received on either item. Village Law § 102 states; "remains unsold after the municipality conducted a public sale and that has no market value can be discarded, destroyed or donated to not-for-profit organizations."

The Board scheduled a Special Meeting / Budget Workshop on Monday, March 19, 2012 at 6:30 pm at the Village Hall, to review the tentative budget for fiscal year; June 1, 2012 to May 31, 2013. The completed budget must be adopted and submitted by May 1, 2012.

Trustee Viestenz indicated that the new Village / Town website is up and running and is listed as follows: [porthenrymoriah.com](http://porthenrymoriah.com). A photograph of the campground restoration project has been added to the website with a paragraph pertaining to the project. The Chamber of Commerce has reorganized and has joined forces with both the Edge and pH7 Committees. Anyone may now join the chamber, membership is no longer limited to business's only, however business memberships are free. There is a link to the Chamber of Commerce on the website listed above regarding membership costs for individuals as well as families.

A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve the January 30<sup>th</sup> and February 13<sup>th</sup>, 2012 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Abstract Distributions:

General \$90,526.11  
Water \$7,952.23  
Sewer \$5,605.95  
Joint Activity \$23,755.83  
Capital \$938.75

A motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the regular meeting at 8:41 pm, at which time the Board entered into Executive Session to discuss a personnel matter. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

ADJOURNED

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Village Clerk