

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: JANUARY 9, 2012

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, Deputy Superintendent of Water and Streets; John Tromblee and Port Henry Fire Department Chief; Jim Hughes

ATTENDANCE: John Easter, Walt and Geraldine Mimas, Sandra Lovell, Kelly King, Jackie Viestenz, Linda Smyth, Willard baker and Jack Sheldon.

The following Reports / Documents were distributed to the Board for review prior to the meeting: the January 9, 2012 Meeting Agenda, the December 12, 2011 Board Minutes, the December 2011 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 documentation distributed to the Board prior to the meeting, is listed in the January 12, 2011 Board Meeting file in the office of the Village Clerk.

Mayor Guerin called the meeting to order at 7:04 pm, followed by the salute to the flag. Mayor Guerin thanked everyone for attending the meeting this evening.

DEPARTMENT HEAD REPORTS

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

- The clearing of trees from the Mill Brook at the campground is almost finished.
- A curb box was dug up and repaired at the old Wheelock garage located at 4242 Main Street.
- Three water services were shut off in December.
- A phone call was received on Sunday January 1, 2012 regarding a sewer backing up at the top of Broad Street. A lateral shared by two residents was dug up on January 3, 2012. The sewer jetter was used to clean the lateral and a clean out was installed for future use, if needed.
- The DPW was called out at 12:30 am on January 1, 2012 (during the Main Street MLS fire) for a water break on Spring Street. The repairs were completed at 8:30 am.
- Another call was received on the same day (January 1, 2012) at 12:00 pm for a water break on Oak Street. The repairs were completed by 4:00 pm.
- Chip Perry reported that there was extra water being used in the Village. Some vacant houses in the Village were checked and it was found that the Ligotino house located on 4267 Main Street had frozen and the pipes burst. The water was shut off at the curb. (A letter will be sent to the last known owner, advising them of the situation).

Mayor Guerin thanked Mr. Tromblee and the DPW on keeping up with everything.

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

North End Pump Station

- Replaced flow meter.

- Aqualogics programmed flow meter for operation. There is one small 20 minute job remaining; they will be contacted this week regarding such.

Water Treatment Plant

- Filtration plant is running well, there were no problems during the Main Street fire on January 1, 2012.
- Had some problems with a heating circulator; ordered new motor, waiting to be delivered.
- Will be starting yearly reports for NYSDEC.
- No complaints to report from the public.

Wastewater Treatment Plant

- Received a letter from NYSDEC, dated 12/19/2011, regarding operation and maintenance manuals (O&M manuals) for the WWTP. The Dept. has requested a copy of the O&M manuals. The Village/Town didn't purchase a set of O&M manuals to be prepared when the treatment plant was constructed in 2007. I looked in the original contract between the owners and AES to see if a set was to be provided, if owners wanted a set they were to be requested in writing. I contacted AES for a fee quote and spoke with Jim Dougan. He believes the fee will be around \$5000.00. I will be talking with Wayne tomorrow.
- Received two letters from NYSDEC dated 1/4/2012 regarding consent order # R5-20030818-370. I have not responded to the Departments letter on any of the items listed. If any of the Board members would like to meet to discuss the letters set something up and let me know. There are two or three engineering reports in the Village for the Trustees to review.
- It has been quite some time since an official has visited the MH 13 project, we should not be sitting on this with no forward progress. I do realize the beach is the most important factor being dealt with but we do have to show some type of forward movement on MH 13. Again if anyone would like to sit down and go over anything let me know.
- We had a fire alarm due to the generator running the weekly test and a boiler starting while the generator was running. There is a vacuum created when the generator starts and it sucked the exhaust from the boiler flume in to the boiler room setting off the smoke detector. The door has been sealed and is kept shut; there has not been another incident.
- All semi-annual maintenance is complete for the ultra violet disinfection equipment.
- Weekly and monthly preventative maintenance continues.
- Will be starting yearly reports for the NYSDEC.

Other interests

- I would like to look into getting some type of high speed internet at the WWTP. The Town Supervisor has been trying to get cable. Time Warner / CP Rail want over \$10,000 to cross the tracks. I have found a company, Hughesnet. I will check into it more this week.

- I need to get with John so he can schedule the workers for some safety training coming up in the next few months.

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

Wild Blue was another alternative suggested for high speed internet at the Wastewater Treatment Plant.

Mr. Perry informed the Board that the annual inspection will be done on the Wastewater Treatment Plant on February 7, 2012 and the Mayor and Board were invited to attend.

Ann Tesar entered the meeting at 7:12 pm.

Chief Hughes read the January 2012 Fire Chief's Report aloud to the Board as follows:

- PHFD has responded to One-Hundred-Three (103) calls for 2011: (4) for January; (5) for February, (6) for March, (15) for April, (11) for May, (4) for June, (9) for July, (29) for August, (9) for September, (3) for October, (5) for November, and (3) for December. 2012: (2) for January to date.
- Training: 206 Man-hours (OSHA Training); 766.5 Man-hours (additional training topics and member participation to include meetings, station/truck cleaning/maintenance, parades, etc.).
- Contributed to and submitted New York State Division of Homeland Security & Emergency Services FY 2011 HAZ MAT Grant Application in the amount of \$116,700. This is in support of a proposed consolidated Regional Dive Team that will include Essex, Warren, and Washington counties. Award announcements expected in March 2012.
- Received communication from IP Foundation that November application in the amount of \$1000 will be resubmitted in February 2012. This is in support of Emergency Escape Rope Rescue System.
- Completed and submitted Member Line Item Grant to Assemblywoman Teresa Sayward for a \$39,000 request towards the purchase of a Rescue One Boat and 4 wheel drive utility vehicle. I have been advised by her office that current budget discussions do not expect for any discretionary grant money funds to be available, however we are on record in case funds are made available.
- PHFD sustained damage to equipment as a result of January 2nd structure fire at 4322 Main Street. 16 foot roof ladder from Engine 292 and one length of 100 foot, 4 inch supply hose damaged. Replacements have been ordered.
- Station maintenance items to be scheduled: Thermostat(s) replacement; Modine Heater repair; Front window and Door replacement.

On behalf of the fire department, Chief Hughes informed Mayor Guerin that the letter of thanks that he wrote was very much appreciated. Mayor Guerin commended the department on no lives lost as a result of the Main Street fire on January 1, 2012.

Chief Hughes clarified that contrary to the newspaper report no firefighters were hit or injured during the fire; apparently it was a civilian directing traffic (under no authority of the fire department) who was apparently hit.

PUBLIC COMMENT PERIOD

Linda Smyth commented that the firemen saved the integrity of the Main Street building and is hoping that it will be restored to its original stature. Ms. Smyth asked if perhaps a letter to the building owner should be written to this effect. Mayor Guerin and Trustee Brassard indicated that the building will be restored. Chief Hughes indicated that it will be restored to code and that he would contact Bill Ball, to relay his concerns regarding a fire load on the third floor of this building.

Mayor Guerin indicated that the money the Village spent on the new pumper was money well spent, as it has been used in both major fires that have occurred on Main Street.

Both Linda Smyth and Kelly King commented on the Catch Penney and asked what the status is of this property is with regard to cleaning it up. Sandra Lovell expressed her grave concerns along with Ms. King with regard to the property posing a fire hazard due to the amount of items contained within. Ms. Lovell indicated that there has to be a way to get the owner to clean it up. Mayor Guerin indicated that the clean up process is in the beginning stages. Certain laws prohibit the Village from intruding on private property. Mayor Guerin further indicated that the Village is in the process of moving forward with new laws to address such issues.

John Tromblee informed the Board that the parking issue as well as the garbage on Locke Lane continues; even after "No Parking" signs were erected. Mayor Guerin indicated that he will contact the police regarding this matter.

Jack Sheldon informed the Board that while he has been out collecting signatures on his Trustee petition, people have been voicing their concerns to him regarding vacant abandoned buildings within the Village that may pose a safety hazard and are accessible to children. Trustee Viestenz indicated that this is a violation of building codes and that the Code Enforcement Officer should handle the issues. John Tromblee indicated that property maintenance complaints should be made in writing. Mr. Sheldon also informed the Board that the Anderson house on the corner of Broad and Stone Street has sold and the new owner will begin cleaning it up soon.

John Viestenz announced that VITA, (Volunteer Income Tax Assistance) program will again provide free income tax return preparation and free e-filing for area residents. The IRS-trained and IRS-certified volunteers will be working in Elizabethtown and in Port Henry throughout the week and in Port Henry and Schroon Lake on many Saturdays. This volunteer program is aimed at mid and lower-income taxpayers, especially working families that may be eligible for the Earned Income Tax Credit, but is open to anyone with incomes of \$50,000 and less (not counting social security). All services are "by appointment only". Please call 800-675-2668 (One Work Source in Elizabethtown) for more details or appointments at any of the sites. More information is available on the "yellow flyers" at the Village and Town offices. All services are free of charge.

BOARD DISCUSSION REPORTS

Recurring Old Business: A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the December 12, 2011 Board minutes. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Mayor Guerin informed the Board that he has not heard anything from Alan Hipps regarding the status of the Main Street Grant award.

A letter was received from Fred Mastroianni of Greenman-Pedersen, Inc., on December 15, 2011 regarding the request to add the electrical design and the preparation of the Construction Bid Documents. A scope of services and budgeted costs for the additional work was also enclosed. Trustee Brassard indicated that per FEMA requirements, the Village can not solicit multiple separate bids with regard to the campground Restoration Project.

Contract documents were received from GPI, for the Campground Restoration Project on December 27, 2011. Both bound copies are on file in the Village office. Kevin Cole, the project manager, suggested in the cover letter that the Village may want to forward these documents to our attorney's for review. The Board discussed this matter and decided that it will not be necessary to forward these documents to the Village attorney's for further review.

The Bid Proposal for the Campground Restoration Project will be published in the Press Republican on Monday January 16, 2012. A pre-bid meeting has been scheduled for Friday January 20, 2012 at 11:00 am at the Village Hall. A representative from GPI will be in attendance at this meeting. Bids will be opened on Friday January 27, 2012 at 2:01 pm at the Village Hall.

The Board discussed holding a Public Information Meeting before any contract is signed to review the bids and costs and inform the public of the possible financial impacts the project may have on the 2012-2013 budget. A Special Public Informational meeting was scheduled for Tuesday January 31, 2012 at 6:00 pm at the Village Hall.

The Village received a check on Tuesday January 3, 2012, from FEMA/SEMO in the amount of \$10,978.45. The check is for the road repairs that were completed by the DPW to the Village roads and the North End Pump Station area after the April storm damage. The total amount of these projects was \$12,546.80. This check will be deposited into Federal/State assistance revenue.

A letter was received from New York State Homes and Community Renewal regarding the application submitted by the Village for the New York State Community Block Grant for sewer line replacement on Elizabeth Street, the southern end of College Street, First, Second, Third, Oak and Ridge Lanes, in an amount up to \$600,000; the application was not selected for funding in this round.

Old Business: Zoning Committee Update/Report: A Memorandum was received on January 3, 2011 from Cathi Radner, of the Miller, Mannix, Schachner & Hafner Law Firm, with regard to Property Maintenance, including three examples of unsafe building laws to be used as references in implementing such a local law in the Village. Trustee Brassard indicated that the law would include and allow the Village to re-levy costs associated with demolition, property maintenance clean up, etc., onto property taxes.

To date, twelve (12) out of fifteen (15) signed and notarized "Out of Village Water Agreements" have been received and are on file in the Village office. Chip Perry agreed to pay a visit to the new property owner of 63 Stone Street, with regard to the agreement. Mayor Guerin indicated that he would then contact the two remaining property owners that the Village has not received signed agreements from.

The Board tabled the hiring of a Campground Manager for the 2012 season until the March 2012 Board meeting.

Trustee Viestenz informed the Board that the joint Town and Village website progress has been slower than anticipated, however the McEdge Committee has made visible progress and is still moving forward with this project. Trustee Viestenz believes the Town has agreed to pay for the work performed on the site up to this point; he will confirm this and report back on it after the next Town Board meeting.

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

Village Elections will be held on Tuesday March 20, 2012. There are two Village Trustee positions up for election.

A motion is needed to adopt a Resolution providing that there will **NOT** be a Village registration day pursuant to Election Law 15-118(3). Motion to adopt the Resolution was made by Trustee Brassard and was seconded by Trustee Viestenz. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion is needed to pass a Resolution identifying the Port Henry Firehouse, located at 14 Church Street as the polling place for the March 20, 2012 General Village Elections. Polls will be open from 12:00 pm to 9:00 pm. A motion to adopt the Resolution was made by Trustee McDonough and was seconded by Trustee Rich. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion is needed to pass a Resolution appointing three Election Inspectors for the March 20, 2012 General Village Elections, one of whom will be appointed as the Chairperson. A list of Certified Election Inspectors in the Village of Port Henry has

been obtained from the Essex County Board of Elections and distributed to the Board for review prior to the meeting. Inspectors will be paid at a rate of \$10.00 per hour. A motion was made by Trustee Brassard, seconded by Trustee Rich, to appoint the following persons as Election Inspectors for the March 20, 2012 General Village Elections:

1. Patsy McCaughin
2. John Easter
3. Louise Celotti

Yes; Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

The Board unanimously agreed that Patsy McCaughin will be appointed as the election inspector chairperson for the March 20, 2012 elections and Mary Gilbo will be appointed as an alternate/substitute inspector.

Per a grievance filed on December 13, 2011 regarding sick time benefit accrual and an agreement reached on December 28, 2011; "Employees will receive eight (8) hours of sick time at the end of the first month of employment, without having to complete the six (6) month probationary period." A motion is needed to pass a Resolution to approve five (5) days, or forty (40) hours each, of retroactive sick time for three Village employees represented by the Teamster's Agreement, effective immediately. A motion was made by Trustee McDonough, seconded by Trustee Rich. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A letter was received from Bill Groesbeck on December 14, 2011 and distributed to the Board for review. Mr. Groesbeck is disputing the \$150 campground electric bill he received. After review and discussion, the Board unanimously decided a letter will be written to Mr. Groesbeck informing him that the \$50 deposit he paid on his campsite for the 2012 season will be applied to his electric bill and the remaining balance will be billed to Mr. Groesbeck

A response to the letter sent to Sylvia Latterell on December 5, 2011 was received on December 28, 2011 and was distributed to the Board for review. Ms. Latterell is requesting that the Village deduct the \$50 deposit from her electric bill totaling \$55.71, leaving a balance due of \$5.71 which Ms. Latterell is disputing. After discussion and further review, the Board unanimously decided to apply the \$50 deposit Ms. Latterell paid on her campsite to the electric bill owed and to "write off" the remaining balance due of \$5.71.

The 2012 Legal Services Agreement between the Village of Port Henry and the Miller, Mannix, Schachner & Hafner Law Firm was received and distributed to the Board for review. A motion was made by Trustee Rich, seconded by Trustee McDonough to pass a Resolution authorizing Mayor Guerin to execute the agreement. Yes; Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Treasurer Jurkiewicz informed the Board that there are 13 remaining people (campers) that owe money on their electric bills for the 2011 season. The Board unanimously agreed and directed the Treasurer to apply the \$50 deposits they paid for their campsites to their electric bills and bill them for the remaining balance owed. No person(s) shall be permitted to camp for the 2012 season that has an outstanding bill.

A formal request was received from Courtney Mitchell, New York Race Director, on behalf of Ragnar Relay Services, to request permission for the 2012 Ragnar Relay Adirondacks to run through the Village of Port Henry on September 28 & 29, 2012. This event is a 200 mile overnight running relay race from Saratoga Springs to Lake Placid, NY. An information packet is included with the formal request. Ragnar Relay Services must obtain permission from the Town's and Village's before a permit is issued by Essex County for this event. The Board indicated that the proposal was professional and included detailed information regarding the event. The Board unanimously granted permission and approval for this event. Ms Mitchell will be informed of such.

A request was received from Tina Martin on behalf of the Salvation Army regarding available Coin Drop dates for 2012. Once dates are received from the Port Henry Fire Department and the Chamber of Commerce, the Clerk will advise Ms. Martin of the remaining available dates.

After a brief discussion regarding the 1999 Highlander Jr. Salter no longer in service, or needed for municipal purposes, a motion was made by Trustee Viestenz, seconded by Trustee Rich, to declare the 1999 Highlander Jr. Salter, as surplus, and place it out for bid. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

After further review and discussion, a motion was made by Trustee Brassard, seconded by Trustee McDonough, to adopt a Resolution authorizing Willard Baker, Sr., of 151 Switchback Road, to hook up to the Village's untreated water line temporarily, until Water District No. 4 is completed and available for use. Mr. Baker and the Village will enter into a written agreement prior to the hookup, that will fully protect the Village from all indemnities, liabilities, and costs associated with the temporary hook up to this line. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

A motion was made by Trustee Viestenz, seconded by Trustee Rich to approve the December 27, 2011 and the January 9, 2012 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Viestenz. No; none. All in favor, motion carried.

Abstract Distributions:

General \$44,511.20
Water \$6,749.56
Sewer \$67,043.49
Joint Activity \$3,989.02

A motion was made by Trustee Brassard, seconded by Trustee Rich to adjourn the meeting at 8:30 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

Village Clerk

