

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: NOVEMBER 13, 2012

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon, Clerk Daly, Treasurer Davenport and Deputy Superintendent of Water and Streets; John Tromblee.

ATTENDANCE: John Easter, Walt Mimas, Geraldine Mimas, Linda Smyth, Jackie Viestenz, John Viestenz and Janelle Jurkiewicz.

The following documents were distributed to the Board for review prior to the meeting: The November 13, 2012 Meeting Agenda, the October 15, 2012 Board Minutes, the October 2012 Treasurer's Report, PERMA Claims Experience Member Reports and the Campground Profit report. A list of other documents distributed to the Board for review prior to the meeting are listed in the November 13, 2012 Board meeting file in the Office of the Village Clerk. The November 13, 2012 Meeting Agenda was also made available to the public in attendance.

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

#### DEPARTMENT HEAD REPORTS

Chief Water and Waste Water Plant Operator, Carl (Chip) Perry and Port Henry Fire Department Chief, Jim Hughes, were not present at this month's Board meeting.

Mayor Guerin read aloud the October 2012 Code Enforcement Officers Report as follows:

- ⌘ Registered letters will be sent out this week to property owners John Bullock, Jr. of 33 Elizabeth Street and Lorraine Scorsome of 13 Spring Street, as neither have replied to regular mail.
- ⌘ Met with Whitney Russell from the State at the site of Nestor Rodriguez's property, located at 4109 Main Street. Mr. Russell indicated that the front porch roof needs to be removed and the ground floor and basement need to be secured. Spoke with Mr. Rodriguez on November 12, 2012; he indicated that he has someone coming to take care of these matters.
- ⌘ Working on files.
- ⌘ Working on Mountain Lake Services Main Street building, Bill Sayers and Aubuchin building alterations.

John Tromblee presented the Board with a verbal report for October 2012 as follows:

- ⌘ The campground has been closed up for the year.
- ⌘ The water break near Bulwagga Bay Drive will be addressed on Thursday. An outside contractor may be needed.

#### PUBLIC COMMENT PERIOD

Linda Smyth asked what Bill Ball is working on with regard to the Aubuchon and Mountain Lake Services building. Mayor Guerin indicated that he is inspecting both buildings to make sure the work being done conforms to our laws.

Ms. Smyth also asked what is happening with the basket store. Trustee Brassard indicated that it will come back in the future. Trustee Sheldon indicated that the electrical work is currently being performed.

Mayor Guerin informed the Board and public that instead of removing the flower boxes on the bridges, balsam and ribbons will be placed in them for the winter.

Jackie Viestenz indicated that Charlie Strack has placed the flower boxes in front of the Johnny Podres sign, in his garage for the winter.

Mayor Guerin called for further public comment; there was none.

## BOARD DISCUSSIONS/REPORTS

Trustee Brassard had the following to report:

- ⌘ The DPW was thanked for donating their time the past week to place the flags out in the mornings and remove them in the evenings, in tribute to fallen soldier Dane Venne.
- ⌘ The Christmas tree for the traffic circle will be donated again this year by Ben Winters.
- ⌘ The Certificate of Inspection for the electricity at the campground was received.
- ⌘ Trustee McDonough and Trustee Brassard met with the Village's health insurance representative last week.

Trustee McDonough reported the following:

- ⌘ After checking with the County with regard to funding for new water meters, it was determined that there is no additional funding available at this time. The County suggested checking back after the November 2012 elections to see if there may be any stimulus money available for such.

Trustee Rich reported the following:

- ⌘ An e-mail was sent out via the McEdge Committee with regard to soliciting more volunteers to serve on the Zoning Commission for the Village. To date, three letters of interest have been received.

A discussion ensued with regard to the purpose and responsibilities of the Zoning Commission. Trustee Rich indicated that after an explanation of the purpose and responsibilities of the Zoning Commission, there were four to six people that expressed interest in serving on the commission.

Trustee Sheldon had the following to report:

- ⌘ The generator for the shop and office is hooked up. The electrical will be inspected by the end of the week. Griffith Energy will hook up the gas to the generator, then inspect it and issue a certificate.
- ⌘ The burn barrels at the campground need to be picked up.
- ⌘ The campground electrical inspection has been completed and received.
- ⌘ The leak in the ceiling in the Village office will cost approximately \$1900 to repair, including labor and materials. It was pointed out that \$2500 was set aside for such and being that it is an emergency repair, no bid is required.
- ⌘ Supervisor Scozzafava and Councilman Carpenter agreed to implement a joint truck wash for the Town and Village.
- ⌘ A letter was sent to the NYS DEC indicating that the sewer repairs were completed on upper Third Street as required under the Order on Consent.

A letter of request was received from Walt Rushby asking for permission from the Village to tie in to Ed Bryant's sewer line across the road from his residence at 49 Brook Street. Mr. Bryant has agreed to the matter. John Tromblee indicated that some research will need to be done first to determine if the service can be provided. If the service is there, the standard rate on the fee schedule is \$1400 to dig across the road and it could be done but will most likely have to wait until the spring.

John Viestenz followed up on the e-mail he sent to the Mayor and Board with regard to a grant for office equipment that was mentioned at the last Town Board meeting. Mayor Guerin indicated that it may be a grant through NYSERDA and should be looked into. Trustee Brassard indicated that he will research the matter further.

**Recurring Old Business:** The Village received an additional letter from the Colonial Surety Company on October 25, 2012, confirming that the stop payment notice for the Port Henry Beach and Campground Restoration Project remains in effect.

The Board discussed the Beach/Campground Restoration Project with regard to the funds retained from the Campground/Beach Restoration Project. The New York State Department of Health has requested a yes or no answer; does the Village have leftover funds from this project? It was determined that the amount of remaining funds is \$38,117.98, less the amount to be retained by the Village of \$1,096.48, which leaves a remaining balance of \$37,021.48. The Board agreed that the NYS Department of Labor will be informed when we receive the form they are sending, that yes, there are leftover funds for this project however, no funds will be released until cleared with the Colonial Surety Company.

The Village received notice from the NYS Department of State, indicating that Local Law No. 4 of 2012; Unsafe Structure Law of the Village of Port Henry, was filed on October 5, 2012 and is in full force and effect.

**Old Business:** A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the October 15, 2012 Board Meeting minutes. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

The Village received a letter from the Sherman Free Library with regard to excavation of the foundation due to water seeping in to the basement. The Village verbally agreed to provide the equipment and manpower, along with the Town, and the library will pay for the necessary materials for the job. The library is currently compiling their 2013 budget and would like confirmation from the Village so that they may allocate the funds for this project. The library would also appreciate an estimate for the cost of materials for this project. A discussion ensued and the Board determined that the library should seek the advice of an engineer and obtain plans for the project. Library Director Jackie Viestenz agreed to such and the matter was tabled. Ms. Viestenz will get back to John Tromblee as progress is made in obtaining plans. In the meantime, Mr. Tromblee indicated that he will install a plastic gutter on the back of the DPW building in an effort to redirect any water run off from the roof.

Mayor Guerin spoke with Mike Diskin from Essex County with regard to the property located at 13 Spring Street. This property is currently on the 2013 Tax Sale list; the sale is scheduled for June of 2013. If the Village demolishes the building the cost incurred to do so will not be refunded for another year. Mr. Diskin suggested that the Village board up the windows; clean up the property, secure the building, etc. and then re-levy the cost associated to do so, on to the June 2013 property taxes. The Board agreed to do so.

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

A 30 Day Advance Notice of Renewal to a Municipality was received from Frank's Knotty Pine on October 19, 2012, in order to inform the Village as required, that the Knotty Pine is submitting a renewal application to the New York State Liquor Authority.

The Port Henry Fire Department Auxiliary would like to use the Christmas tree in the traffic circle this season as a Memory Tree, in which the public may purchase an ornament in memory of a loved one. The proceeds will be used to fund the auxiliary's annual toy drive. If there is an overflow of ornaments, they may be hung on the trees in the Village Park. A motion was made by Trustee McDonough, seconded by Trustee Sheldon to approve the request. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Linda Smyth addressed the Board to ask if lights will be hung on the Christmas tree in the traffic circle this year. Mayor Guerin indicated that he donated blue LED lights that

were used on last year's tree. Ms. Smyth indicated that she prefers white lights. Mayor Guerin informed Ms. Smyth that if someone wished to purchase and donate white lights for the tree, that they should feel free to do so.

Mayor Guerin informed the Board and public that running electricity to the park has not yet been completed but that he and Supervisor Scozzafava are working on the matter and have not forgotten, they have both just been extremely busy.

The 2012 Canadian Pacific Holiday Train will be making its annual stop in Port Henry on Friday November 30, 2012 at 5:30 pm. Non-perishable food donations will be accepted by the Town of Moriah Food Pantry at this event.

A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the 2012 Property Tax Re-levy in the amount of \$116,018.85. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

A motion was made by Trustee Rich, seconded by Trustee Brassard, to pass a Resolution approving the November 2012 Water and Sewer Billing in the amount of \$261,093.90, for the period of May 1, 2012 through October 31, 2012. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Trustee McDonough suggested offering a "Resolution of Appreciation" to Sandra Lovell and Louise Belden, for their time and efforts with regard to creating the new "historical dates sign" in the Village Park. A motion was made by Trustee Rich, seconded by Trustee Brassard to pass said Resolution. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Trustee McDonough suggested that the Board offer a "Resolution of Condolence" to the family of U.S. Army Reserve Staff Sergeant and Port Henry Fire Department Volunteer Firefighter, Dain Venne. A motion was made by Trustee Trustee Rich, seconded by Trustee McDonough to adopt said Resolution. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Trustee McDonough further suggested that the Board pass a Resolution requesting the Governor and Legislature of New York State, to provide special consideration for financial aid for schools and municipalities located within the Adirondack Park. (The Resolution recently adopted by the Ticonderoga School District was distributed the Board on November 7, 2012 for review.) Mayor Guerin agreed to bring this matter before the Board and indicated that all schools, municipalities will be adopting similar resolutions and the County is reviewing the matter as well. A motion to pass said Resolution was made by Trustee McDonough, seconded by Trustee Rich. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

A motion was made by Trustee McDonough to send a letter of support as requested by Champlain Valley Educational Services, in support of an application they are submitting to the US Department of Education for the Race to the Top District Level Grant competition. The motion was seconded by Trustee Rich. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Mayor Guerin suggested offering a Resolution of Appreciation to the Village DPW for their voluntary assistance in placing the flags out and bringing them in each night in honor of Dain Venne. A motion was made by Trustee McDonough, seconded by Trustee Sheldon. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

## SECOND PUBLIC COMMENT PERIOD

John Viestenz asked if the amount that the Village has currently billed for water is closer to what should be billed after raising the water rates seven to nine percent. Former Treasurer Jurkiewicz indicated that yes, it is closer to the amount the Village should be billing for water.

Trustee McDonough asked what the status is for reimbursement from FEMA. Treasurer Davenport read the response e-mail from Harry Gough, from the New York State Office of Emergency Management as follows:

***We submitted, to FEMA, a scope change for the Riprap wall driven by a condition of the DEC permit. Responses from FEMA usually take a few weeks, but the current disaster in NY City and NJ may slow this process down a bit. As soon as we receive word back from FEMA, that they approve the Scope Change, I will be able to finish the closeout and submit it to FEMA for payment.***

***We also submitted the restoration for the Beach damage to FEMA but this went in as an appeal. We are still waiting word back on this action as well.***

Linda Smyth asked what the status is on the pending Verizon cell tower. Trustee Brassard indicated that Verizon has received approval from the APA and is in the process of obtain the required permits from the State. Ms. Smyth asked who will negotiate the price for Verizon to lease the land that the tower will be erected on. Mayor Guerin indicated that both the Town and Village will be involved in such negotiations. Trustee McDonough indicated that the matter is also regulated by the FCC. Ms. Smyth indicated that she hopes the lease is negotiated so that we will get what is deserved. Trustee Brassard indicated that Verizon will initiate negotiations with the Village when the time comes. Trustee Rich indicated that the Village will certainly hold out if necessary.

Walt Mimas asked if there were any protestors at the Venne funeral. Mayor Guerin indicated that there were no protestors present at the services.

The next regularly scheduled meeting of the Village of Port Henry Board of Trustees will be held on Monday December 10, 2012 at 7:00 pm at the Village Hall.

A motion was made by Trustee Brassard, seconded by Trustee Sheldon, to approve the October 29<sup>th</sup> and November 13, 2012 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Abstract Distributions:

General \$42,607.12  
Water \$4,451.31  
Sewer \$1,799.79  
Joint Activity \$17,926.43

A motion was made by Trustee Brassard, seconded by Trustee McDonough to adjourn the meeting at 8:19 pm, at which time the Board will enter into Executive Session to discuss personnel matters. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

ADJOURNED

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Village Clerk

