

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: OCTOBER 15, 2012

TIME: 6:45 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough and Sheldon, Clerk Daly, Treasurer Davenport, former Treasurer Jurkiewicz, Deputy Superintendent of Water and Streets; John Tromblee, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry, Code Enforcement Officer; Bill Ball and Champ RV Park Manager; Laurie Carr.

ABSENT: Trustee Rich

ATTENDANCE: John Easter, Jackie Viestenz, John Viestenz and Margaret Parah.

Mayor Guerin called the Public Hearing to order at 6:47 pm followed by the salute to the flag.

Mayor Guerin informed the public that the purpose of said Public Hearing is to present proposed Local Law No.4 of 2012: Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, to the public for review and comment.

The proposed Local Law was distributed to the Board on September 18, 2012 and a copy thereof is on file in the Office of the Village Clerk and will remain open for public inspection during regular office hours. Copies of the proposed Local Law were also made available for those in attendance.

Mayor Guerin provided an overview to the public of the purpose for the Moratorium Extension, which will expire on April 15, 2013.

PUBLIC COMMENT PERIOD

John Viestenz indicated that this is the fourth moratorium extension and asked what the chances are of having a Zoning Commission in place before the expiration of this extension should it be adopted this evening? Mr. Viestenz sent out an e-mail requesting participation. The feedback he has received thus far with regard to implementing zoning regulations has been two to one, negative. It has also been stated as a fact to Mr. Viestenz that the Village does not need zoning with the Development Review Law that is on file as the Village has the right to regulate street level residential development in a portion of the Village. Mr. Viestenz further indicated that Village counsel advised the Village that the Development Review Law is not enforceable with regard to zoning regulations.

Linda Smyth entered the Public Hearing at 6:53 pm, followed by Ann Tesar at 6:54 pm.

Mayor Guerin indicated that the Village has moved forward in the last three years and that he will knock on doors and talk to people about stepping up and volunteering to serve on the Zoning Commission. Mayor Guerin indicated that if there is no Zoning Commission in place within the next six months that he will not consider extending the moratorium again. While there is no stipulation or requirement with regard to how many people are needed to form a Zoning Commission, the NYS Department of State recommends an odd number consisting of less than ten members.

Sandra Lovell entered at 6:56 pm. Ms. Lovell asked if there were enough people to form a Zoning Commission. Trustee Brassard informed her that there are currently three people who have stepped up, however two more are still needed. The Board agreed that a five person Zoning Commission is necessary. Ms. Lovell indicated that she would find the two people that are needed to form the commission.

Mayor Guerin called for further public comment; there was none. A motion was made by Trustee Brassard, seconded by Trustee McDonough, to adjourn the Public Hearing at 6:59 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

ADJOURNED

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: OCTOBER 15, 2012

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough and Sheldon, Clerk Daly, Treasurer Davenport, former Treasurer Jurkiewicz, Deputy Superintendent of Water and Streets; John Tromblee, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry, Code Enforcement Officer; Bill Ball and Champ RV Park Manager; Laurie Carr.

ABSENT: Trustee Rich.

ATTENDANCE: John Easter, Jackie Viestenz, John Viestenz, Margaret Parah, Linda Smyth, Ann Tesar and Sandra Lovell.

The following documents were distributed to the Board for review prior to the meeting: The October 15, 2012 Meeting Agenda, the August 20<sup>th</sup>, September 10<sup>th</sup>, 20<sup>th</sup> and 26; 2012 Board Minutes, the September 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 October 15, 2012 Board meeting file in the Office of the Village Clerk. The October 15, 2012 Meeting Agenda was also made available to the public in attendance.

Mayor Guerin called the meeting to order at 7:00 pm and thanked those in attendance for coming.

DEPARTMENT HEAD REPORTS

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

- Paving on College Street will be done on Tuesday October 16, 2012 and the Street will be opened back up soon after.
- The dock was pulled off of the pier for the season.
- To alleviate the flooding issue on Elizabeth Street, an 18 inch corrugated plastic pipe from a new structure installed a year ago, was connected to a previously unknown older structure. 130 foot of 12 inch line was installed across Jane McGrath's and the neighbor's property, from the brook to the new structure, to further help with flood relief. The top soil was laid down today and the seed and hay will be put laid down also to restore the properties to their original condition prior to the project.
- A swail was installed on Elizabeth Street at the intersection of Main Street, to eliminate the water run off from 9N from turning on to Elizabeth Street, thus adding to the flooding issue. Warning signs have been placed at the intersections to alert drivers to the dip in the road.
- Four days were spent paving the College and Elizabeth Street ditches in preparation of the County delivering the blacktop on Tuesday October 16<sup>th</sup> to complete the paving of College Street.

- Water meter readings are currently being collected for the November 2012 Water and Sewer billing; readings should be completed by the end of the month.
- Plow trucks are being prepared and serviced for the winter and will be completed before Mr. Tomblee goes out on leave at the end of this week.
- A day will be spent this week unhooking the sewer line at the residence on the top of Third Lane from the storm sewer and in to the actual sewer line. The NYS DEC has issued an Order on Consent for this to be completed by November 30, 2012.

Mayor Guerin provided a recap of the flooding problems and issues that occurred in the past on Elizabeth Street as well as the sewer issue at the top of Third Street.

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

**Water Treatment Plant**

- Filtration plant is running well
- Had boiler serviced, had to put in a combustion chamber
- No complaints to report
- Reading meters

**Wastewater Treatment Plant**

- We had two influent pump seal failures- one is back online the other is being repaired
- Fall maintenance is taking place on scheduled equipment

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

Chief Hughes was not present at the meeting, however did provide the September 2012 Fire Chiefs Report. The report was read aloud by Trustee McDonough as follows:

- PHFD has responded to forty-seven (48) 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, (0) for August, (6) for September and (2) for October.
- 2012 PESH Report to Date:

(48) Calls:	958.91 Manhours
OSHA Training:	424.50 Manhours
Additional Training/Participation:	1,197.01 Manhours
2012 Total:	<u>2,580.42 Manhours</u>

- OSHA Training for September: Jaws of Life Training – jointly trained with Mineville-Witherbee Fire Department
- OSHA Training for October – Chimney Fire Refresher Training
- PHFD hosted FASNY sponsored “Highway Traffic Safety Course” on October 10<sup>th</sup>, 2012. (46) Firefighters from Essex, Clinton, and Washington Counties attended.
- PHFD has scheduled an Emergency Vehicle Operator’s Course (EVOC) for November 16<sup>th</sup> and 17<sup>th</sup>, 2012.
- Port Henry Fire Department Auxiliary will be holding a Benefit Breakfast on Sunday, October 28<sup>th</sup> at the Knights of Columbus Hall from 7 AM to 11:00 AM.
- Maintenance Item: Fire Department roof still leaks; Request repairs to roof be performed at base of siren.

Trustee McDonough indicated that she received a visit at home from Diane Allen, of Meachem Street with regard to the Property Maintenance Complaint submitted on September 17, 2012. Mrs. Allen’s biggest complaint now, is that no-one has contacted

her regarding the matter after she has left several messages for the Mayor asking him to do so.

Mayor Guerin provided an over view of the issue and it was determined that the matter is a personal dispute between two neighbors. Bill Ball informed the Board that he has spoke with Mrs. Allen's neighbor Mike Boucher, and informed him that if Village vehicles are damaged while plowing due to the fence he has erected, that he will be held liable for the damages. Mr. Boucher informed Mr. Ball that he understood and would likely remove the fence after the dispute with Mrs. Allen is resolved.

Bill Ball informed the Board that the New York State Property Maintenance Law is very complex. Mr. Ball informed the Board that his boss from the State is coming up to take a look at the places that property maintenance complaints have been received on.

A lengthy discussion ensued with regard to property maintenance issues in the Village and the newly adopted Unsafe Structures Law.

Laurie Carr indicated that the campground is closed for the season and that all paperwork has been turned in to the Village office. The Board liaison will perform an inspection of the campground.

Sandra Lovell of the pH7 Committee informed the Board that she is excited to see that the Village is getting ready for the sign in the park to be erected.

Jackie Viestenz also of the pH7 Committee indicated that the "funky folk" are up throughout the Village, compliments of Bernadette Trow.

Trustee Brassard asked when the banners will be removed for the winter season. John Tromblee indicated that Ed Roberts will schedule the County's bucket truck in the near future in order to remove the banners.

#### PUBLIC COMMENT PERIOD

Linda Smyth asked how the Village will know if the law Unsafe Structures Law is on file. Mayor Guerin indicated that the State will contact the Village in writing indicating the file date. When the law is in full force and effect, the Code Enforcement Officer may then issue an Order to Remedy in which will allow the property owner fifteen days to reply with their intentions. The property owner must submit engineering plans to repair the structure or obtain a demolition permit. If the property owner does not comply within fifteen days then the Code Enforcement Officer will file a report indicating such and the Board of Trustees will then determine what course of action to take.

Former Treasurer Jurkiewicz informed the Board that some properties that fall into this category may be listed on the Essex County Tax Sale list. Mr. Ball indicated that the County would then end up paying for the demolition/clean up expenses.

Mayor Guerin addressed two properties on Rice Lane with Mr. Ball and was informed that both have been legally condemned, however they are not in danger of collapsing. The owner of each will be given fifteen days with which to comply.

Trustee Sheldon informed Mr. Ball that the eve's on the Bullock house on Elizabeth Street fell down in to the road and have since been removed. Mr. Ball indicated that he would like to see the Village crew put a snow fence up there. Mr. Ball informed the Board that the Village will have the right to tear it down, after a required Public Hearing is held. The Village will incur for the cost of the demolition. It was noted that this building is in danger of falling down and collapsing.

#### BOARD DISCUSSION /REPORTS

Trustee Sheldon informed the Board that he would like EJ Prescott to come and put on a demonstration with regard to the new water meters the Village would like to purchase.

The Town of Moriah is obtaining prices on a truck wash for its DPW. Trustee Sheldon suggested that the Village write a letter to the Town Highway Superintendent Jamie Wilson, in support of the truck wash as a shared service to be utilized by both the Town and Village.

Trustee Sheldon informed the Mayor and Board that the campground will be inspected on October 16, 2012. John Tromblee will work on the generator next week. Trustee Sheldon asked Mr. Tromblee if the roof at the firehouse could be tarred and Mr. Tromblee indicated that it is not high on his priority list at the moment as he is shorthanded and that the firemen could also tar the roof.

Trustee Brassard indicated that the Adirondack Park Association (APA) has approved the permit for the Verizon cell tower. Verizon is hoping to begin construction in the spring. The original lease agreement from 2006 provided for a payment of \$10,800 annually, to be split between the Town and Village, with increases in \$1,000 increments per year. The plan in 2006 called for the tower to be erected on the old water tower site in the Village of Port Henry. Supervisor Scozzafava is looking in to negotiating a new lease agreement with Verizon for the Town and Village, as the tower is now scheduled to be erected on the parcel next to the water tower.

A discussion ensued with regard to the Village purchasing new water meters. EJ Prescott gave the Water Committee a presentation on October 9, 2012 with regard to the type of digital meters and pricing that they have to offer. To replace all (approximately 450) water meters in the Village the cost will be \$205,000.

John Viestenz provided the Board and public with a brief overview with regard to this matter. The main reason for purchasing the new digital style meters is accuracy in billing. The water department does not collect enough through billings to fund itself. The Village water billings still contain 70 to 80 percent estimated readings, for various reasons, therefore the Village is only billing for 75% of the water that runs through the meters. The new meters meet all 2014 standards. There will be no more subsidizing; users will be billed for actual water usage with the new meters, thus increasing revenue to allow the water department to sustain itself. The new meters would also enable the Village to collect all readings in one day thus saving crucial time and money. New York State is in the process of mandating water meters for all Village and Towns. John Tromblee indicated that the new meters are lead free, they run on battery, are guaranteed for accuracy for twenty years, allow for a 45 day playback, and can detect leaking toilets or theft of water.

Funding for the new meters was discussed. EJ Prescott will provide the Village with an RFP to put the project out to bid as required. Former Treasurer Jurkiewicz indicated that the Village has collected \$14,000 to date as part of the water debt increase. The remaining amount could be funded via an annual note of approximately \$21,000. Water rates can not be raised again until next November following a required Public Hearing. The former Treasurer also suggested looking in to possible funding through the Environmental Facilities Corporation. Bill Ball suggested reaching out to the politicians during this election year as they may be able to budget funds for as a line item expense. Trustee McDonough indicated that she would contact to the County Planning Board to see if this project qualifies for funding. A motion was made by Trustee McDonough, seconded by Trustee Brassard to issue the RFP for this project when received for EJ Prescott. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

Margaret Parah exited the meeting at 8:03 pm.

**Recurring Old Business:** The Elizabeth and College Street updates were provided with the monthly DPW report.

The Water Meter Project was previously discussed.

To date, the Village has received three "letters of interest" to serve on the Zoning Commission.

**Old Business:** A motion was made by Trustee Brassard, seconded by Trustee Sheldon to approve the Board Minutes for August 20<sup>th</sup>, September 10<sup>th</sup>, 20<sup>th</sup>, and 26<sup>th</sup>; 2012. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

Five Property Maintenance Complaints were received between September 10<sup>th</sup> and October 15, 2012, for the following properties: Four, for 13 Spring Street and one, for 24 Meacham Street, all of which were previously discussed.

The Board discussed the FEMA Project Worksheet for the dam that was distributed on October 10, 2012. The Village will be receiving a check for approximately \$6,700 from FEMA for damages to the drinking water dam as a result of hurricane Irene. The completion date for repairs is February of 2013 and the Village will need to provide documentation showing that the repairs have been made. Jim Casey of FEMA has indicated that the Village may apply for an extension to complete the repairs if need be, or inform FEMA that the project will not be completed, before the check is cut. Mayor Guerin asked Mr. Tromblee how much the repairs will cost and was informed that the truck rental will cost approximately \$6,000, not including the concrete. After further discussion, a motion was made by Trustee McDonough, seconded by Trustee Brassard to apply for an extension with regard to this project, noting a completion date of July 1, 2013.

Laurie Carr exited the meeting at 8:13 pm.

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

Mayor Guerin appointed Cathy Law- Davenport to fill the position of Village Treasurer effective October 10, 2012.

The Board determined that there were no changes to be made to Local Law No. 4 of 2012; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, after holding the required Public Hearing. A motion was made by Trustee McDonough, seconded by Trustee Sheldon to pass a Resolution to adopt Local Law No. 4 of 2012.

Aye: Mayor Guerin, Trustees Brassard, McDonough and Sheldon.

Nay: None.

Absent: Trustee Rich

By a vote of four to zero, the above Resolution was duly adopted by the Village of Port Henry Board of Trustees on this 15<sup>th</sup> day of October, 2012.

Mayor Guerin publicly opened the one Fuel Oil Bid received and read it aloud as follows:

- 1) **Gordon Oil** - \$3.45 per gallon

A motion was made by Trustee Sheldon, seconded by Trustee McDonough to award the bid to Gordon Oil who was deemed a responsible bidder, at a fixed rate of \$3.45 per gallon from October 1, 2012 through May 31, 2013. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

The 2013 Certificate of Participation was received on October 9, 2012 from the Essex County Fire and Ambulance Plan, with regard to workers compensation insurance for the port Henry Fire Department. Copies were distributed to the Board for review. A motion was made by Trustee McDonough, seconded by Trustee Brassard, to renew the plan for two years. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

A Water/Sewer Bill Request for Adjustment was received from Lucille Trow, of 28 Elizabeth Street; Account No. 190, on October 12, 2012. Copies were distributed to the Mayor and Board as well as the account history. The outside meter was read three times and it was determined it was not working properly. The inside water meter was read and was inline with previous usage based on the account history. Mrs. Trow was billed for and paid \$728.28. The adjustment request was submitted late as she was under the assumption that her attorney had already submitted the request. Former Treasurer Jurkiewicz recommended an adjustment of \$378.78. A motion was made by Trustee McDonough, seconded by Trustee Sheldon to approve the request and to refund Mrs. Trow the \$378.78 that she was overbilled. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

A motion was made by Trustee Sheldon, seconded by Trustee Brassard, to cancel the November 12, 2012 Board Meeting due to the observance of Veteran's Day, and re-scheduled the meeting for Tuesday November 13, 2012 at 7:00 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

Mayor Guerin opened the floor for a second public comment period.

Linda Smyth thanked Janelle Jurkiewicz for her service to the Village.

Trustee McDonough offered a formal Resolution of Appreciation to Janelle Jurkiewicz for her dedicated service and commitment to the Village while serving as Treasurer for the past four years. The Mayor and Board of Trustees wished Janelle a very Happy Retirement.

A motion was made by Trustee Brassard, seconded by Trustee Sheldon, to approve the September 24<sup>th</sup> and October 15, 2012 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough and Sheldon. No; none. Absent; Trustee Rich, motion carried.

#### Abstract Distributions

General \$58,325.41  
Water \$9,364.73  
Sewer \$1,341.53  
Joint Activity \$17,439.34  
Trust & Agency \$1,043.14  
Capital \$300.00

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

ADJOURNED

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Village Clerk

