

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: APRIL 8, 2013

TIME: 6:45 PM

PRESENT: Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich, Clerk Daly and Port Henry Fire Department Chief; Jim Hughes.

ABSENT: Mayor Guerin.

ATTENDANCE: Walt Mimas, Geraldine Mimas, John Easter, Ann Tesar, John Viestenz, Jackie Viestenz and Janelle Jurkiewicz.

Deputy Mayor Sheldon called the Public Hearing to order at 6:45 pm, followed by the salute to the flag. Deputy Mayor Sheldon thanked everyone for attending the meeting and indicated that Mayor Guerin was home sick in bed.

Deputy Mayor Sheldon announced that the purpose of the Public Hearing was to present proposed Local Law No.2 of 2013; 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 January 16, 2013 and a copy thereof has been 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 are also available this evening for those in attendance.

A brief overview of the proposed Moratorium Extension was provided before the Deputy Mayor announced the opening of the public comment period.

Ann Tesar asked how far on Main Street the Moratorium covers. Deputy Mayor Sheldon indicated that it covers from sign to sign, as well as a portion of Broad Street between Main and College Streets. John Viestenz indicated that it refers to commercial buildings only on Main Street. There was no further public comment.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to adjourn the Public Hearing at 6:50 pm. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

ADJOURNED

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Village Clerk

ANNUAL ORGANIZATIONAL MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: APRIL 8, 2013

TIME: 7:00 PM

PRESENT: Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich, Clerk Daly, Treasurer Law-Davenport, Port Henry Fire Department Chief; Jim Hughes and Chief Water and Wastewater Plant Operator; Chip Perry.

ABSENT: Mayor Guerin.

ATTENDANCE: Walt Mimas, Geraldine Mimas, John Easter, Ann Tesar, John Viestenz, Jackie Viestenz, Janelle Jurkiewicz, Sandra Lovell, Linda DuRoss and Mike Metcalf from Everett J. Prescott, Inc.

Deputy Mayor Sheldon called the Organizational Meeting to order at 7:00 pm.

Oaths of Office were filed as a result of the March 19, 2013 Village Elections as follows:

Ernest Guerin as Mayor, for a third consecutive two year term, to expire on April 6, 2015.

Staley Rich as Village Trustee, for a second consecutive two year term, to expire on April 6, 2015.

Matthew Brassard as Village Trustee, for a second consecutive two year term, to expire on April 6, 2015.

**Deputy Mayor Sheldon announced the following appointments made by Mayor Guerin:**

Trustee John Sheldon as Deputy Mayor for one year, through April 7, 2014.

Denise Daly, as the Village Clerk for a two year term to expire on April 6, 2015.

Denise Daly, as the Registrar of Vital Statistics for one year, through April 7, 2014.

Cathy Law-Davenport, as the Village Treasurer for a two year term to expire on April 6, 2015.

Cathy Law-Davenport, as the Deputy Registrar of Vital Statistics for one year, through April 7, 2014.

Bill Ball, as the temporary Code Enforcement Officer, at a rate of \$15.00 per hour until the position is filled by a permanent appointment.

Tina Soloski and the Miller, Mannix, Schachner and Hafner Law firm, as Village attorneys as needed, on a per diem basis.

Christopher Wolfe, as the Health Officer for the Village of Port Henry, with Dr. Richard McKeever as a back up.

Trustee Ruth McDonough, as Safety Officer, for one year.

Betty LaMoria, as the Village Historian.

Art Brassard, as the Bingo Inspector at a rate of \$3.00 per game.

Deputy Mayor Sheldon announced the committee liaison appointments made by Mayor Guerin as follows:

Trustee Brassard – Fire Department, Water and Champ RV Park/Campground

Trustee McDonough – Administration and Finance

Trustee Rich – Zoning Laws/Regulations

Trustee Sheldon – Champ RV Park/Campground and DPW

**Other Annual Business:** Board meetings will be held the second Monday of each month.

The Press Republican and Times of Ti were designated as the official newspapers of the Village of Port Henry.

The Mayor will countersign checks along with the Treasurer; and be it resolved by the Board, that the Deputy Mayor is hereby authorized to sign checks in the absence of either the Mayor or the Treasurer.

The Office of Mayor and Superintendent of Public Works was combined by a Board Resolution dated February 22, 1966.

Village employees hired before July of 1976 are covered by a non- contributory plan with the NYS Employee's Retirement System. Personnel hired after July of 1976 are required to contribute 3% of their gross earnings, under the plan.

The salary of the Mayor is \$8,000 per fiscal year, payable in four quarterly installments from the General fund.

Each of the four Trustees will receive \$3,000 per fiscal year, also payable in four quarterly installments from the General fund.

Lifeguards will be paid at a rate of \$10.00 an hour for the 2013 season.

**The following resolutions were adopted by the Board:**

The Board reviewed the current Procurement Policy: A motion was made by Trustee McDonough, seconded by Trustee Brassard, to continue to abide by the current policy. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board reviewed the current Internal Control Policy: A motion was made by Trustee Rich, seconded by Trustee McDonough, to continue to abide by the current policy. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board reviewed the current Employee/Personnel Policy: A motion was made by Trustee Brassard, seconded by Trustee Rich, to continue to abide by the current policy. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board reviewed the Workplace Violence Prevention Policy; including the recommended changes from PESH. A motion was made by Trustee McDonough, seconded by Trustee Rich to continue to abide by the current policy. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board of Trustees authorized claims for public utility services, health insurance, postage and freight (including express charges), to be paid in advance of the regular monthly audit, on the last Monday of each month by motion from Trustee Rich, seconded by Trustee Brassard. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board determined that the mileage reimbursement rate for the Village shall be \$.505 per mile, by motion from Trustee Brassard, seconded by Trustee McDonough. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board of Trustees authorized officers and employees to attend training schools as needed and budgeted for, by motion from trustee Rich, seconded by Trustee McDonough. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board of Trustees designated Glens Falls National Bank as the official financial institution for the Village by motion from Trustee Brassard, seconded by Rich. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the Annual Organizational Meeting at 7:07 pm, at which time the Board will immediately conduct the regularly scheduled April Board Meeting. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

ADJOURNED

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Village Clerk

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: APRIL 8, 2013

TIME: 7:00 PM

PRESENT: Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich, Clerk Daly, Treasurer Law-Davenport, Port Henry Fire Department Chief; Jim Hughes and Chief Water and Wastewater Plant Operator; Chip Perry.

ABSENT: Mayor Guerin.

ATTENDANCE: Walt Mimas, Geraldine Mimas, John Easter, Ann Tesar, John Viestenz, Jackie Viestenz, Janelle Jurkiewicz, Sandra Lovell, Linda DuRoss and Mike Metcalf from Everett J. Prescott, Inc.

Deputy Mayor Sheldon called the meeting to order at 7:08 pm.

DEPARTMENT HEAD REPORTS

Chip Perry provided the Board with a verbal summary on the water and wastewater treatment plants for the month of March 2013 as follows:

Water Treatment Plant

- Nothing out of the ordinary to report
- No complaints received from the public for the month of March
- No equipment breakdowns to report
- The screen at the dam has been plugging up; the DPW as well as Chip and Pete have been cleaning it once or twice a week

Wastewater Treatment Plant:

- No equipment failures to report
- Will begin changing out the belts on the blower motors, as a couple of them have approximately 32,000 hours on them and are due for a change
- Continue the pressing of solids once a week; hauled approximately 80 to 90 yards last week

Mr. Perry asked if there were any questions and encouraged the Board and public to visit each of the treatment facilities.

Chief Hughes asked if the Village still offloads its solids to the farmers. Chip Perry indicated that the Village has never been able to do that and the Village no longer has a land spreading permit with Beebe's Farm.

Deputy Mayor Sheldon noted that both John Tromblee and Bill Ball were not in attendance at the meeting and the Board did not have a monthly report from these two departments.

Chief Hughes read the monthly Chief's Report aloud as follows:

- PHFD has responded to fourteen (14) to date for 2013: (3) for January, (6) for February, and (5) for March.
- 2013 PESH Report to Date:

(14) Calls:	207.44	Man hours
OSHA Training:	71.00	Man hours
Additional Training/Participation:	339.50	Man hours
2013 Total:	617.94	<b>Man hours</b>

- OSHA Training – March – Completed Hand Tools / Power Tools / Scene Safety
- OSHA Training – April – SCBA Recertification for all Officers / Interior Firefighters
- Chief Hughes participated in FASNY “Train the Recruiter” Program on 3/28 in Lewis, NY
- Chief Hughes will be attending OFPC “Recognizing Clandestine Drug Lab Operations” Training on 4/9/2013 in Lewis, NY.
- 2012 Assistance to Firefighter’s Grant Award – Received notification - Lost
- One recordable injury to report on 3/31/2013. Firefighter received puncture wound to hand while fighting brush / grass fire at 21 Third Lane.
- Port Henry Fire Department – Full Financial Disclosure Statement

Chief Hughes also reported the following in addition to the above: the Port Henry Fire department will be holding an “Open House” on April 27, 2013 from 10:00 am to 3:00 pm. The fire department will apply for the Assistance to Fire fighters Grant again in support of three or four SCBA’s.

A discussion ensued with regard to the financial disclosure statement for the fire department that was produced by Chief Hughes upon request of the Village Board. Upon further request, the relationship between the Village and fire department was clarified by Chief Hughes. Deputy Mayor Sheldon thanked Chief Hughes for the information he presented and indicated that the Board has a responsibility to provide accountability to the Village taxpayer and therefore requested a financial statement from the Port Henry Fire Department annually. Chief Hughes acknowledged the request and indicated that the Village Board does have the right to review the fire departments financial information. Further discussion ensued with regard to the fire department’s accounts and their purposes. Chief Hughes encouraged the public to tour the fire department at the open house or by contacting him to schedule a private tour.

Treasurer Law-Davenport addressed the Board with regard to the monthly Water Adjustment Report; there was an error in posting and no adjustment were made, therefore there is no Water Adjustment Report for March of 2013. The Accounts Receivable Report lists three outstanding receivables for properties located outside of the Village limits. The Treasurer asked for the Board’s permission to pay the Champlain Contracting invoice (#1255) received this afternoon in the amount of \$640.00; the Board granted permission to pay the bill.

Deputy Mayor Sheldon asked if the pH7 Committee had anything to report and it was noted that the pH7 Committee has a lot coming up. The Farmer’s Market is scheduled to open on June 26, 2013 and will be held in the parking lot of the former Boni’s Bistro.

#### PUBLIC COMMENT PERIOD

Ann Tesar asked if the history of the Village had ever been hung back up in the park. Deputy Mayor Sheldon indicated that it was and is located beside the Information Booth.

Ms. Tesar commented that she was just curious as she has not seen it and that it should have been placed back in its original location.

#### BOARD DISCUSSION/REPORTS

Trustee McDonough informed the Board that she and Deputy Mayor Sheldon met with Joe Cook from PESH as well as John Usher and Dick Ray from PERMA. Training has been scheduled for May 17, 2013 in half hour intervals from 9:00 am to 1:00 pm. Deputy Mayor Sheldon indicated that he and the two representatives from PESH went to the Wastewater treatment plant and met with Pete Towns to determine what training is necessary for those departments.

Trustee Brassard addressed the Board with regard to obtaining internet service at the campground and provided two written estimates. A discussion ensued with regard to other internet services that could possibly be utilized. The matter was tabled until more information is received.

The Board agreed to advertise the campground on Craigslist in the Capitol (Albany) district as well as; Burlington, VT, New Hampshire, Massachusetts, etc.

Upon the interviewing committee's recommendation, a motion was made by Trustee McDonough, seconded by Deputy Mayor Sheldon, to hire Joanna and William Baldwin as the Champ RV/Campground managers for the 2013 season. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

Deputy Mayor Sheldon obtained a verbal estimate from Joanna Baldwin of \$1300 or a free campsite, to paint all of the bathrooms at the campground and to stain and paint all the electrical panels. The Board discussed the matter and determined that per the Village Procurement Policy, two oral quotes are required.

The Board decided to advertise for a Deputy Superintendent of Water and Streets in the April 20<sup>th</sup> and 27<sup>th</sup> publications of the Press Republican and the Times of Ti. Applications will be due by May 3, 2013.

**Recurring Old Business:** A letter was mailed to Congressman Owens, Senators Schumer and Gillibrand and the Director of Economic Development, John Cardinal with regard to requesting their assistance in negotiating the successful resolution of the Village of Port Henry's applications to FEMA for the damage caused to our Village campground and beach by Tropical Storm Irene in 2011. A letter of reply was received from Congressman Owens on April 1, 2013 and distributed to the Board for review. Congressman Owens relayed that he has contacted the appropriate FEMA officials to express his interest on our behalf and will contact us upon receiving a response. The Village also received a response from Senator Gillibrand's office.

A letter was mailed to the New York State Environmental Facilities Corporation (NYSEFC) on March 27, 2013, with regard to the Village not receiving any correspondence on the updated Hardship Application that was submitted to the NYSEFC in May of 2012, with regard to the Manhole 13 Order on Consent.

The Zoning Commission held meetings on March 13 & 27, 2013. The minutes from said meetings have been filed with the Village Clerk and distributed to the Board for review.

Trustee Rich will provided the Board with a summarization of the Zoning Commission's progress to date as follows: The five members of the Zoning Commission make up an impartial group that is researching the Village's needs and wants with regard to zoning. The committee is currently working on establishing boundaries for a commercial zone and researching local land use laws. Action items include drafting letters for interviewing the public on specific topics with regard to zoning in the Village.

**Old Business:** A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the March 11, 2013 Board minutes. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board reviewed and approved changes to the initial proposed Collective Bargaining Agreement between The Village of Port Henry and the Teamster's Local 294, for the period of June 1, 2013 through May 31, 2018. The Board approved the proposed changes to the agreement on March 11, 2013. The revised agreement with said changes was received and distributed to the Board on March 15, 2013. The Board determined that there were no additional changes to be made to the agreement before its adoption. Chip Perry indicated that neither he nor the bargaining unit members have seen the agreement and asked if they could review it before it is adoption. The Board agreed to table the matter until the proper protocol is established. Mr. Perry will contact the union representative to obtain a copy of the agreement for review.

The Request for Qualifications for Engineering Services for the Elizabeth Street Sewer and Water Facilities Replacement through the Community Development Block Grant were due in the Village office by 3:00 pm on March 28, 2013. The four RFQ's were opened on April 1, 2013 per Mayor Guerin's permission and the Essex County Planning Office's request and the Planning office was given one copy of each proposal for review. The four RFQ's were opened in the order in which they were received as follows:

- 1.) 3/27/13 – C.T. Male Associates, P.C. - \$78,050.00
- 2.) 3/28/13 – AES Northeast, PLLC - \$74,227.00
- 3.) 3/28/13 – The Chazen Companies - \$82,440.00
- 4.) 3/28/13 – Fastech Technologies - \$80,020.00

The Board reviewed the RFQ's and discussed the Essex County Planning Office's recommendations. A motion was made by Trustee McDonough, seconded by Trustee Brassard, to award the RFQ to AES Northeast, PLLC, in the amount of \$74,227.00. Vote:

Aye: Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich

Nay: None

Absent: Mayor Guerin

By a vote of four to zero, the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on this 8<sup>th</sup> day of April, 2013.

The Water Meter Bid/Proposal was re-issued and due by 4:00 pm on Monday April 8, 2013. The bids were publicly opened and read aloud in the order in which they were received as follows:

- 1.) Everett J. Prescott, Inc. – base cost of \$95,000 with optional upgrades, totaling \$176,370.64.

Mike Metcalf, of Everett J. Prescott was in attendance and addressed the Board with regard to the bid by explaining that the first option allows for 550 water meters with the associated touch pads and reading equipment to obtain readings. The second option allows for the radio drive by reading system. Both eliminate the need to have customers "call in" water meter readings or having to make appointments to read water meters. It was noted that the new water meter system will save the Village thousands of dollars as well as additional time savings. The new system will increase revenue by obtaining accurate readings for actual usage and eliminate the need for estimated readings. It was confirmed that the Village could add on to the system in five years if necessary. The Board decided to table the matter to allow the Board to further review the bid received. Deputy Mayor Sheldon thanked Mr. Metcalf for his time in attending the meeting.

John and Jackie Viestenz as well as Mike Metcalf, exited the meeting at 8:44 pm.

**New Business:** The March 2013 Accounts Receivable and Trial Balance Reports were presented to the Board for review. There is no March 2013 Water Adjustment Report as no adjustments were made.

A motion was made by Trustee Brassard, seconded by Trustee Rich, to adopt Local Law No. 2 of 2013; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry. Vote:

Aye: Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich.

Nay: None.

Absent: Mayor Guerin.

By a vote of four to zero, the above listed Resolution was duly adopted by the Village of Port Henry Board of Trustees on this 8<sup>th</sup> day of April, 2013.

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to approve the Re-levy of the unpaid water and sewer billings for 2012 on to the 2013 Village property taxes as follows; Water; \$76,649.96, Sewer; \$52,855.15 for a Total of: \$129,505.11. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

The Board received a request from Ragnar Relay Events on March 20, 2013. Ragnar Relay will be holding another relay race this year in our area and is requesting permission to run through the Village on Friday September 27, 2013 between the hours of 8:00 pm to 12:00 am, per the proposal. The required Certificate of Insurance has been received and is on file. Board approval is required to authorize Mayor Guerin to sign the permission letter. The Board discussed the fact that a couple of verbal complaints were received after last year's event with regard to the noise level of the runners while in the Village. It was noted that some runners were heard laughing and speaking very loudly during the middle of the night while residents were trying to sleep. A motion was made by Trustee Brassard, seconded by Trustee McDonough authorizing Mayor Guerin to sign the permission letter on the condition that Ragnar Relay Events is more considerate in keeping the noise down while in the Village, or the Board will not allow the event to take place in the Village again.

A letter was received from CMJ Productions II, Inc. regarding a filming request in Port Henry. The information was distributed to the Board for review and it was noted that the Village does not issue filming permits. CMJ has indicated they will have a three member crew coming to Port Henry April 18<sup>th</sup> through the 22<sup>nd</sup> and would be filming the surrounding area outside of Port Henry, the lake front and various shots of local attractions within Port Henry. In addition, they will be interviewing some people in town; interviews will be scheduled prior to their arrival. The Board agreed to approve the request and granted permission for CMJ to film within the Village limits.

An e-mail was received from Rene Doane, requesting permission from the Village to get married on the Port Henry Pier. Ms. Doane was asked to contact the NYS Canal Corporation with her request as they own the pier. If the Canal Corporation grants her permission then the Village will need to speak with her regarding her responsibility for the clean up and garbage removal, as the Village is responsible for maintenance of the pier. The Board decided to table the matter pending a response from the Canal Corporation with regard to her request.

A Vendor License was issued by the Village Clerk to Mr. Ding-a-Ling Ice Cream, Inc. on March 21, 2013, for a six month period to sell ice cream from a Mr. Ding-a-Ling ice cream truck within Village limits, including the campground. The required documentation has been submitted in order to obtain a license for the 2013 season. The Board decided to request a meeting with the owner of Mr. Ding-A-Ling Ice Cream, to discuss some concerns with regard to operations within the Village of Port Henry. A letter will be sent on behalf of the Board requesting a meeting on either May 13<sup>th</sup> or June 10, 2013 at 6:45 pm.

A Property Maintenance Complaint was received on March 18, 2013 with regard to the property located at 14 Waldo Place. Copies were distributed to the Mayor, Board and Bill Ball for review.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the March 25<sup>th</sup> and April 8, 2013 bills for payment. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

**Abstract Distributions**

General \$26,030.13

Water \$5,886.47

Sewer \$1,161.24

Joint Activity \$8,152.90



The Special Meeting/Budget Workshop scheduled for April 15, 2013 has been cancelled. The Budget Workshop has been re-scheduled for Wednesday April 10, 2013 at 7:00 pm and will be held at the Village Hall.

The Board of Trustees will hold a Public Hearing to consider the tentative budget for the fiscal year June 1, 2013 to May 31, 2014, on Monday April 15, 2013 at 7:00 pm at the Village Hall. A copy of the proposed budget is on file in the office of the Village Clerk and will remain open for public inspection during regular office hours. A Special Meeting will immediately follow the Public Hearing on this date with regard to the adoption of the proposed 2013-2014 budget.

#### SECOND PUBLIC COMMENT PERIOD

There was no further comment from the public.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to adjourn the meeting at 9:06 pm. Yes; Deputy Mayor Sheldon, Trustees Brassard, McDonough and Rich. No; none. Absent; Mayor Guerin, motion carried.

ADJOURNED

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Village Clerk