

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: FEBRUARY 11, 2013

TIME: 7:00PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon, Clerk Daly, Treasurer Law-Davenport, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry and Code Enforcement Officer; Bill Ball.

ATTENDANCE: Chappy McMurtry, Jackie Viestenz, John Viestenz, Sandra Lovell and Linda Smyth.

The following documents were distributed to the Board for review prior to the meeting: The February 11, 2013 Meeting Agenda, the January 14, 2013 Board Minutes, the January 2013 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 February 11, 2013 Board meeting file in the office of the Village Clerk. The February 11, 2013 Meeting Agenda was also made available to the public in attendance.

Mayor Guerin called the meeting to order at 7:02 pm, followed by the salute to the flag and thanked everyone for attending the meeting.

DEPARTMENT HEAD REPORTS

Chip Perry read the monthly Water/Wastewater Report aloud as follows:

Water Treatment Plant

- Filtration plant is running well
- Nothing to report as far as equipment failures/breakdowns
- First round of quarterly samples will be taken tomorrow
- No public complaints
- DOH did the annual inspection of the water facility, refer to DOH letter
- Annual DEC report has been completed and filed with the State
- Annual water withdrawal report is being completed

Wastewater Treatment Plant

- DEC did the annual comprehensive inspection at the WWTP
- No equipment breakdowns or problems to report

Preventative maintenance will continue throughout the winter. As always, Mr. Perry encouraged the Board and public to visit both treatment facilities.

Chief Hughes was excused from this evening's meeting. Trustee Sheldon read aloud the monthly Chief's Report as follows:

- PHFD has responded to seven (7) calls to date for 2013: (3) for January, (4) for February.
- 2012 PESH Report to Date:

(7) Calls:	64.09 Manhours
OSHA Training:	0.00 Manhours
Additional Training/Participation:	4.00 Manhours
2013 Total:	<u>68.09 Manhours</u>

- OSHA Training - February – Surface Ice Rescue Training – Lecture / Hands-on.

- Building: Drop ceiling above foyer of front door entry collapsed on the morning of February 1st. Repairs complete.

Bill Ball reported verbally to the Board that he has been working on a couple of property maintenance complaints and has also been working with Bill Sayers. “Order to Remedy” violations have been issued to the property owners of 33 Elizabeth Street and 13 Spring Street.

Bill Ball provided the Board with a letter and photos pertaining to the Bullock property located at 33 Elizabeth Street. Mr. Ball recommends demolition of the existing structure as it is damaged beyond repair and threatens to collapse on to Elizabeth Street thereby endangering the general public. Mr. Ball also recommends consulting with the Village attorney prior to demolition of the structure. The cost of demolition was discussed and it was determined that it would be well over a year before the Village would receive reimbursement. Mayor Guerin and Mr. Ball decided to meet on Wednesday to contact the attorney as well as Essex County, to determine if this property will be included on the Essex County Tax Sale list before proceeding any further.

Mr. Ball informed the Board that the owners of the 13 Spring Street property did not sign for the Order to Remedy that was mailed via certified letter; therefore Mr. Ball posted the order on the structure. To date, it appears that a couple of the windows have been boarded up.

Further discussion ensued with regard to property maintenance issues. Trustee Rich asked if other municipalities have a separate fund set up for such issues and Mr. Ball indicated that yes, they do. Mr. Ball informed the Board that the number of property maintenance complaints the Village receives will likely increase in the future. Trustee Rich asked for the status of the complaint that was filed against the building next to the Ti-Kwon-Do building at the south end of town. Mr. Ball indicated that the owner was instructed to remove the front porch and to date, has not complied. Trustee Rich indicated that the matter needs to be re-addressed; Mr. Ball agreed.

Trustee Sheldon asked if the Village would need to obtain bids with regard to the demolition of the 33 Elizabeth Street structure. The Board determined that if the Village performed the demolition then no, the bid process would not be necessary. Clerk Daly indicated that if an independent contractor is to be used instead, then quotes must be obtained and the Village Procurement Policy must be adhered to.

Sandra Lovell addressed the Board on behalf of the pH7 Committee with regard to a letter from the committee to the Village Board dated January 30, 2013. Ms. Lovell read the letter aloud to the Board. Summarization; The Village DPW apparently re-painted the wooden trash bin containers red, which covered the tan paw printed decorated efforts of some of the pH7 Committee members this past summer. The pH7 Committee asked for an explanation as to why the containers were re-painted. Mayor Guerin indicated that the DPW paints and re-freshes in the winter as part of their general maintenance duties; they did not realize that the containers had just been painted. Ms. Lovell informed the Board that the current color of the bins detracts from the sign and mural in the park. Trustee Rich explained that the DPW operates on a maintenance level and is not yet accustomed to the subtle nuances and beautification efforts put forth by the pH7 Committee. Ms. Lovell indicated that there should then be more communication between the Village Board and the DPW. Mayor Guerin indicated that if the pH7 Committee had any of the tan paint left, he would have the garbage bins re-painted.

Linda Smyth asked if the Village streets and roads are swept annually and if so, along the curb also? Mayor Guerin indicated that yes, they are swept annually and along the curb as well.

PUBLIC COMMENT PERIOD

Linda Smyth commented that we are all ambassadors of the Town and that she would like to see everyone help and encourage new businesses and people as much as we can, in particular, the Diner. Ms. Smyth feels that it would be nice for people to stop in and say “hi, how’s it going?” Sandra Lovell mentioned the Firefly also. Trustee McDonough commented that she frequents the diner for lunch often. Trustee Rich indicated that she and Trustee Brassard discussed visiting the Firefly to look into obtaining a table and chair set for the DPW break room, as the Village prefers to keep their business local, when it is feasible to do so.

Mayor Guerin indicated that he and Trustee Brassard will be meeting with the Town, Edge Committee, Chamber of Commerce, Jim McKenna and the Essex County IDA on Wednesday.

Sandra Lovell asked what the status is on the Verizon cell tower. Trustee Brassard indicated that Verizon is currently working on soil tests and that no work is due to begin until spring. Mayor Guerin informed Ms. Lovell that Verizon will proceed after the lease is negotiated. Bill Ball indicated that that the Village has no say on the actual tower itself, just the building.

Sandra Lovell asked if it is the property owner’s responsibility to pay for costs associated with the clean up of a property and Mayor Guerin indicated that yes, it is the property owner’s responsibility.

Chappy McMurtry addressed the Board with regard to parking laws in the Village, particularly the overnight parking law. Mr. McMurtry asked why people have to move their vehicles. Mayor Guerin informed him the reason is in case it snows, so the roads may be plowed. Mr. McMurtry voiced his disagreement by informing the Board that he feels it is ridiculous and makes no sense at all. Upon his exit at 7:32 pm, he informed the Board that they would have more properties to demolish in the future. A discussion then ensued between the Board members with regard to this matter, as vehicles had recently been towed for being found in violation of the Overnight Parking Law.

BOARD DISCUSSION/REPORTS

Recurring Old Business: Jeff Kelly submitted a letter of interest to serve on the Village Zoning Commission. To date, the Village now has five (5) people willing to serve as Zoning Commission members. Trustee Rich indicated that she will set up a date with the commission members via e-mail to begin the zoning process. The Board took no further action.

Local Law No. 4 of 2012; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry is due to expire in April of 2013. The Board decided to proceed with extending the Moratorium by contacting the attorneys to have the required local law crafted. The Board will schedule a Public Hearing at a future date prior to its adoption.

The current existing Teamster’s Union Agreement is due to expire on May 31, 2013. A letter was received from the Teamster’s Local 294, on December 3, 2013 requesting that the Village set a suitable date for negotiations. It was determined that the Board will contact professional negotiator Dan McKillup, with regard to his availability to negotiate the Teamster’s Agreement on behalf of the Village. A meeting will be set up and a letter of reply sent to the Teamster’s. Trustees Brassard and McDonough will represent the Village Board in negotiations.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the January 14, 2013 Board Minutes. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none, motion carried.

The Board discussed the legal advice received from the Village attorney with regard to Martin Malone’s Town water bill issue. The attorney recommends that the Village pay for the water only portion of Malone’s water bill in lieu of a recorded easement, for the Village water transmission line that runs across Mr. Malone’s property. A motion was

made by Trustee Brassard, seconded by Trustee Rich to abide by the Village attorney's advice. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

The Board discussed the Bond Anticipation Note (BAN) for the Campground Restoration Project. The Board decided to move forward with restructuring the loan if no funds are received from FEMA by February 25, 2013. A motion was made by Trustee Rich, seconded by Trustee McDonough, authorizing Treasurer Law-Davenport to proceed with restructuring of said loan as necessary. Vote:

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

Nay: None.

By a vote of five to zero, the above listed Resolution was duly adopted by the Village of Port Henry Board of Trustees on the 11th day of February, 2013.

The Board discussed the 2013 Campground Manager's position for the Champ RV Park/Campground. Trustee Brassard contacted the previous applicants; two of the applicants contact numbers were no longer in service, one applicant has not returned his call and the remaining applicant confirmed that they are no longer interested in the position. The Board decided to re-advertise the position. The ad will be published in the Press Republican, Times of Ti and The Post Star. The deadline to submit letters of interest/resumes will be March 11, 2013, by 4:00 pm.

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

The Treasurer addressed the Board with regard to upcoming budget workshops and suggested holding the first workshop on Monday March 25, 2013. The Board agreed to hold a Special Meeting for this purpose on March 25, 2013 at 6:00 pm.

Sealed bids were requested via a legal notice published on December 18, 2012, for equipment to upgrade the Village of Port Henry existing Sensus Water Meter System. Bids were due on Monday February 11, 2013 by 4:00 pm and will be publicly opened and read aloud in the order in which they were received as follows: No bids were received. Chip Perry indicated that he would contact EJ Prescott, who prepared the Request for Proposals (RFP) for this project. No further direction was provided by the Board with regard to this matter.

The Board was copied on a letter from The New York State Assembly in Albany requesting that the Village of Port Henry pass a resolution in support of proposed Bills A.88 & A.824, mandating that banks provide contact information to municipalities for abandoned and foreclosed properties. A sample resolution and information pertaining to each bill was attached to the letter for review. A motion was made by Trustee Brassard, seconded by Trustee Rich to adopt a resolution in support of these two bills. Vote:

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

Nay: none.

By a vote of five to zero the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on the 11th day of February, 2013.

A Memo was distributed to the Board on January 16, 2013 with regard to passing a local law to override the tax levy limit (as was done last year) before the new fiscal year budget is passed. The Board has been presented with proposed Local Law No. 1 of 2013; To Override the Tax Levy Limit Established in General Municipal Law §3-C. The proposed law has been reviewed and approved by the Village attorney. A motion was made by Trustee McDonough, seconded by Trustee Sheldon, to schedule a Public Hearing for 6:45 pm on Monday March 11, 2013, prior to the regularly scheduled Board Meeting. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich & Sheldon. No, none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Sheldon authorizing the transfer of \$2,618 from the DPW reserve to the College Street reserve fund. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

A discussion was held with regard to cash flow. A motion was made by Trustee McDonough, seconded by Trustee Sheldon to pass a resolution authorizing Treasurer Law-Davenport, to proceed with securing a cash flow loan, if necessary. Vote:

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

Nay: None.

By a vote of five to zero the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on the 11th day of February, 2013.

Further discussion with regard to the cash flow issue ensued. A motion was made by Trustee McDonough, seconded by Trustee Rich to issue an immediate spending freeze. All purchases must be approved by Mayor Guerin via the Village office, effective immediately. Operating expenses are excluded. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Per a Board Resolution passed on May 11, 2009, the Port Henry Fire Department (PHFD) will be granted first choice annually on selecting Coin Drop dates. All other organizations must submit written requests to be approved by the Board of Trustees on a first come, first serve basis, pending availability of the date(s) requested.

The Port Henry Fire Department (PHFD) has submitted a written request to hold Coin Drops on the following dates in 2013: all Saturdays; April 6th, June 29th, August 10th and October 5th. These dates have been scheduled and added to the 2013 Coin Drop calendar.

The Town of Moriah Ambulance Squad submitted a written request to hold Coin Drops on Saturdays; May 25th and August 31, 2013. These two dates are available at this time. A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the above request. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

CAMPGROUND:

The Board discussed the following matters pertaining to the campground:

The Board will advertise for two certified lifeguards for the 2013 season. The rate of pay will be \$10.00 per hour and the deadline to submit applications will be March 11, 2013 by 4:00 pm.

The Board approved of the distribution of the 2013 “letter to campers” and Camper Agreement including the recently amended rates.

The Board made no changes to the “Ramp Rules” for the 2013 season.

The Board established the following 2013 operational dates for the campground

- Open - Friday May 10th
- Close - Sunday October 6th

The Board established the following 2013 operational dates for the beach:

- Open - Saturday June 22nd
- Close: Sunday September 1st

A motion to approve the above listed opening and closing dates for the campground and beach was made by Trustee Brassard, seconded by Trustee McDonough. 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 Zoning Commission meetings will need to be advertised. Clerk Daly indicated that the Zoning Commission guidelines will need to be reviewed and will be adhered to.

Mr. Viestenz commented that disagreeing is healthy when such is discussed in a civil manner and encouraged everyone not to hold back their opinions, as healthy debate is encouraged.

Trustee Rich indicated that there has been no DPW report for the last two meetings and in light of the newly established spending freeze, it would be good to know what the DPW has planned in the near future.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the January 29 and February 11, 2013 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Abstract Distributions:

General \$38,271.25
Water \$9,316.08
Sewer \$1,106.41
Joint Activity \$12,810.34

The next regularly scheduled meeting of the Village of Port Henry Board of Trustees will be held on Monday March 11, 2013 at 7:00 pm at the Village Hall.

A motion was made by Trustee Rich, seconded by Trustee McDonough to adjourn the meeting at 8:38 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk