

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: JANUARY 14, 2013

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon, Clerk Daly, Treasurer Law-Davenport and Port Henry Fire department Chief; Jim Hughes.

ATTENDANCE: Sandra Lovell, John Viestenz, Janelle Jurkiewicz, John Easter, Jackie Viestenz, Michael Mascarenas, Linda Smyth, Paul Kinslow, Jim Wojewodziec, Guy Raymond and Peter Green.

The following documents were distributed to the Board for review prior to the meeting: The January 14, 2013 Meeting Agenda, the December 10, 2012 Board Minutes, the December 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 January 14, 2013 Board meeting file in the office of the Village Clerk. The January 14, 2013 Meeting Agenda was also made available to the public in attendance.

Mayor Guerin called the meeting to order at 7:04 pm, flowed by the salute to the flag.

Mayor Guerin thanked everyone for attending the meeting.

DEPARTMENT HEAD REPORTS

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

- PHFD has responded to seventy-two (72) calls 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, (6) for October, (10) for November, and (10) for December.
- 2012 PESH Report to Date:

(72) Calls:	1,218.55 Manhours
OSHA Training:	815.50 Manhours
Additional Training/Participation:	1,585.51 Manhours
2012 Total:	3,619.56 Manhours

- Upcoming OSHA Training January / February – Ice Rescue Training
- Request Village Board review and approve NEW membership applications from Jason Drake, James Gregory, and Preston Vargo.

The Board reviewed the applications for the individuals listed above. A motion was made by Trustee Brassard, seconded by Trustee Sheldon, to approve the applications for membership for the Port Henry Volunteer Fire Department for Jason Drake, James Gregory and Preston Vargo. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Mayor Guerin indicated that Code Enforcement Officer Bill Ball issued Order to Remedy Violations to the property owners of 13 Spring Street and 33 Elizabeth Street.

Linda Smyth wished Mayor Guerin a Happy Birthday and was followed by a chorus of other well wishers.

PUBLIC COMMENT PERIOD

Sandra Lovell asked Mayor Guerin if he has spoken with Rick Dolliver, owner of the Velez Marina. Mayor Guerin indicated that he has not spoken with Mr. Dolliver but is aware of the fact that work is being performed at the marina.

Mayor Guerin announced that he is in the process of having tickets made up through the County, pertaining to vehicles in violation of the overnight parking law. The tickets will be distributed to the Moriah Police Department for issuance as needed.

Jim Wojewodzcic asked the Board why the beach at the campground is not open. Trustee Sheldon informed Mr. Wojewodzcic that it is usually open to the fishermen, but there is no ice at this time, therefore why open it, it only presents a safety issue. Prior vandalism was also mentioned also as a deterrent for opening the beach in the off season. Jim Wojewodzcic indicated that even when the beach is open for the season, there is a sign that reads "Campers Only beyond This Point". Mayor Guerin indicated that privacy is a concern for the campers that rent sites for the season and that in the off season, when the campground/beach is closed, the beach may be accessed by foot, but not by car. Mr. Wojewodzcic informed the Board that he does not agree; tax paying residents should have access to the area and be permitted to fish from the shore of the beach if they choose to. Mr. Wojewodzcic further indicated that the Town beach is open year round; they have campers stored there during the winter and do not seem to have any vandalism issues. Mayor Guerin indicated that if the water in the beach area freezes up then it will be opened. Mr. Wojewodzcic again voiced his disagreement and informed the Board that he feels it should be open now. Chief Hughes reiterated the vandalism that has taken place the past few years; the beach house windows were broken, the restrooms were broken into and vandalized, approximately twenty electric meters were broken and picnic tables were placed into the lake. Sandra Lovell indicated that she disagreed with Mr. Wojewodzcic, it poses a safety issue should therefore remain closed if the water in the beach area is not frozen.

Mr. Wojewodzcic asked the Board what the Village budgets \$3,000 towards Town cops for, what do they do for that money? Mayor Guerin informed Mr. Wojewodzcic that the Town Board oversees the police department, not the Village. The Village may ask the police for their assistance in taking care of certain things, but does not have any authority over the Town police department or their duties.

Mr. Wojewodzcic asked who is responsible for enforcing the two hour parking issue in the Village. Mayor Guerin reiterated that once the tickets that are being made up are distributed to the police, the issue will be enforced through fines in the amounts indicated on the tickets. Mr. Guerin assured Mr. Wojewodzcic that the Village is working it. Mr. Wojewodzcic exited the meeting at 7:18 pm.

Mayor Guerin announced that he has spoken with a representative from National Grid with regard to the broken pole on Rice Street and it will be repaired within the next couple of weeks.

Linda Smyth asked what the status is on the Mountain Lake Basket store. Trustee Brassard informed Ms. Smyth that they have submitted the changes to the insurance company and are waiting for approval to proceed.

Bill Sayers, owner of the old Aubuchon building, is currently reviewing plans with Village Code Enforcement Officer, Bill Ball

Trustee Rich indicated that she will look into the 2013 APA link with regard to the ruling on the aquatic invasive species permit. A discussion then ensued regarding seaweed in the swimming area at the Village beach as well as the invasion of zebra mussels. Chief Hughes commented on a chemical or sonar that is used in Lake George for such and suggested the Village look into it further.

Sandra Lovell suggested that all works in progress and future improvements that will be made with grant funds, including the grant funds Alan Hipps has been awarded, be used to make such projects “green”.

BOARD DISCUSSION/REPORTS

Recurring Old Business: Harry Gough of FEMA suggested the Village send a letter to Jim Casey, Disaster Assistance Officer for the NYS Division of Homeland Security and Emergency Services, to request a partial payment for the Village of Port Henry Campground Project, since FEMA has not yet granted our request for the Scope of Work change relating to the riprap wall, which has delayed the final closeout and subsequent final payment for this project. The letter was mailed to Mr. Casey on January 11, 2013. Mayor Guerin provided the public with a recap regarding this matter and indicated that the Village should receive a \$387,000 payment in a couple of weeks and that the entire matter should be cleared up within a couple of months.

The \$950,000 Bond Anticipation Note (BAN) for the Campground Restoration Project first installment, is due on March 5, 2013 in the amount of \$190,000 with interest, at 1.95% which equals \$18,525, for a total of \$208,525. It is mandatory that the interest is paid. The Board discussed the matter further. Former Treasurer Jurkiewicz informed the Board that there is no money in the budget for this payment however the interest payment was budgeted for. FEMA reimbursement funds that are received may not be used towards the interest payment. If the Village only receives a portion of the \$387,000 then the Board should consider rolling over the BAN and begin the process to do so by February 5, 2013. Trustee McDonough offered a motion, seconded by Trustee Rich to move forward with rolling over the remaining balance on the BAN by asking our attorney to provide the Village with available options to do so and then begin the paperwork. Yes; Mayor Guerin, Trustee Brassard, McDonough, Rich and Sheldon, No; none. All in favor, motion carried.

A letter was received from NYS Homes & Community Renewal on December 24, 2012 to inform the Village that the application submitted for the New York Main Street Program, was not selected for funding in this round.

An additional letter was received from NYS Homes and Community Renewal to inform the Village that it has been awarded the \$600,000 Community Development Block Grant Public Infrastructure Award. Mayor Guerin introduced Michael Mascarenas of the Essex County Community Development and Planning office, who provided a brief overview of the project. The Village applied for this grant for the past two years in a row and if awarded, planned to use the funds towards replacing water and sewer lines on Elizabeth, Street, the southern end of College Street and Oak, Ridge, First, Second and Third Lanes. Mr. Mascarenas indicated that his office will help with completing the contract as well as administering the grant. An RFP will be issued, and an engineer selected to provide the final project plans. A second Income Survey will also need to be completed as the original survey was conducted over two years ago. The Village will have two years to begin this project; work may begin on the late summer or early fall of this year. Mr. Mascarenas asked if there were further questions; there were none. Trustee McDonough suggested sending a letter of thanks to the Essex County Community Development and Planning Office for their assistance in writing and submitting the grant, on behalf of the Village of Port Henry.

Michael Mascarenas informed the Board that he recently sat in on the meeting with FEMA and the State Office of Emergency Management (SOEM) and assured the Mayor and Board that both entities were listening when the reimbursement for the Rip Rap was discussed as part of the Village of Port Henry Campground Restoration Project. Mr. Mascarenas offered to reach out to his contacts at FEMA and SOEM, including Bill Owens, with regard to this matter. Mayor Guerin thanked Mr. Mascarenas for attending the meeting this evening and for his continued assistance as well. Mr. Mascarenas exited the meeting at 7:45 pm.

The request for proposals to upgrade the Village water meter system has been published. Bids are due by 4:00 pm on February 11, 2013.

Evelyn Celotti has submitted a letter of interest to serve on the Village Zoning Commission. To date, the Village has received a total of four letters. Trustee Rich informed the Board that she is trying to organize an Informational Meeting with regard to the Zoning Commission. Trustee Rich has reached out to the public and has one more person that is interested in serving on the Commission.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the December 10, 2012 Board Minutes. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor; motion carried.

The Martin Malone water issue was discussed by the Mayor and Board. The Board determined that the Village attorneys will be asked to review the matter and offer their legal advice/opinion as to the Village's responsibility with regard to paying Mr. Malone's Town water bill. The matter was tabled until such information is received from the attorneys.

New Business: The December 2012 Accounts Receivable, Trial Balance and Water Adjustment Reports were presented to the Board for review.

A motion was made by Trustee Rich, seconded by Trustee Sheldon, to pass a resolution authorizing Sharon Reynolds of PRIDE, to re-apply for the 2013 New York Main Street Grant on behalf of the Village of Port Henry.

Aye: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon.
Nay: None.

By a vote of five to zero, the above Resolution was duly adopted by the Village of Port Henry Board of Trustees, on this 14th day of January, 2013.

The NYS Community Development Block Grant Agreement was received from NYS Homes & Community Renewal on January 7, 2013. Copies of said agreement were distributed to the Mayor and Board for review. A motion was made by Trustee Brassard, seconded by Trustee Rich, to pass a resolution authorizing Mayor Guerin to execute said agreement. Vote:

Aye: Trustees Brassard, McDonough, Rich and Sheldon
Nay: None
Abstained: Mayor Guerin

By a vote of four to zero, the above Resolution was duly adopted by the Village of Port Henry Board of Trustees, on this 14th day of January, 2013.

Village Elections will be held on Tuesday March 19, 2013. There are two Village Trustee positions up for election as well as the Office of Mayor.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to adopt a resolution providing that there will not be a Village registration day pursuant to Election Law §15-118(3). Vote:

Aye: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon.
Nay: None.

By a vote of five to zero, the above Resolution was duly adopted by the Village of Port Henry Board of Trustees, on this 14th day of January, 2013.

A motion was made by Trustee Rich, seconded by Trustee Sheldon, to pass a resolution identifying the Port Henry Firehouse, located at 14 Church Street, as the polling place for the March 19, 2013 Village Elections. Polls will be open from 12:00 pm to 9:00 pm.
Vote:

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

Nay: None.

By a vote of five to zero, the above Resolution was duly adopted by the Village of Port Henry Board of Trustees, on this 14th day of January, 2013.

A motion was made by Trustee McDonough, seconded by Trustee Rich, to pass a resolution appointing Patsy McCaughin, Louise Celotti and John Easter as the certified Election Inspectors for the March 19, 2013 Village Elections; Election Inspectors will be paid at a rate of \$10.00 per hour for their services and Patsy McCaughin will be appointed as Chairperson. Vote:

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

Nay: None.

By a vote of five to zero, the above Resolution was duly adopted by the Village of Port Henry Board of Trustees, on this 14th day of January, 2013.

A Property Maintenance Complaint was received on January 9, 2013 with regard to a sewer hole at the end of Spring Street that is missing its cover. Copies of the complaint were distributed to the Mayor and Board for review. Mayor Guerin indicated that this matter has since been taken care of; the cover has been replaced.

The Board discussed the campground rates for the 2013 season. It was noted that the Town Board decided at the January 10, 2013 Town Board meeting, that they will not raise their campground rates for the 2013 season. Trustee Brassard suggested raising the Village's rates by \$25.00 per site. Trustee Sheldon indicated that during the last rate increase in 2010, the Board decided to place \$75.00 from each seasonal site fee increase into a Capital Reserve Fund for future improvements. Former Treasurer Janelle Jurkiewicz, indicated that the Board may revisit that matter for the June 2013 budget year. Ms. Jurkiewicz recommended that the Board not raise the campground site fees for the 2013 season, as the Village's rates are already higher than the Town's and the Village was not at full capacity last year. After further review of the rates, the Board decided to raise the following daily transient site fees only: Non Lakefront - raised one dollar, from \$34.00 to \$35.00 and Tent Site – raised two dollars, from \$28.00 to \$30.00. All other rates will remain the same for the 2013 season. A motion was made by Trustee Sheldon, seconded by Trustee Brassard to move \$75.00 per seasonal site fee to the Capital Reserve Fund. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor; motion carried.

SECOND PUBLIC COMMENT PERIOD

Trustee Viestenz asked Clerk Daly who has requested an Independent Nominating Petition to run for Office in the March 19, 2013 Village Elections. Clerk Day informed Mr. Viestenz that Mayor Guerin has, as well as Trustees Brassard and Rich, all of whom to date, are running uncontested.

The Village's cash flow issue was discussed. Former Treasurer Jurkiewicz informed the Board that there is still approximately \$6,500 in the Capital Reserve Fund that may help with the cash flow issue. Trustee Sheldon asked when the campers are required to pay for their campsites. A \$150 deposit is due by the end of March, and full payment is due by May 1, 2012. The Village will also receive the property tax re-leivies from the County by April 1, 2013, all of which will additionally help with the cash flow issue.

John Viestenz asked the Board if there are any issues with the Accounts Receivable, Trial Balance or Water Adjustment Reports they were presented with for review. The Board indicated there do not seem to be any issues with the reports.

Janelle Jurkiewicz commented that there was no reference to the appeal for the beach project. Mayor Guerin indicated that that FEMA is currently in the process of reviewing the Beach Project, including the Rip Rap. To his knowledge, they are up to October in their review process, which is why the Village has had to request a partial payment.

John Viestenz asked the Board what the status is on the electricity to the Christmas tree and lights in the traffic circle. Mayor Guerin explained that there is a short in the electrical line at the pole near the Information Booth therefore the lights were turned off during the holiday season as a safety precaution, so no-one was electrocuted. The plan is to have this line wired directly from the pole to the Information Booth as well. National Grid will be placing outlets and switches on their poles in the near future however; the Village may still have to have the Christmas lights re-wired.

Guy Raymond addressed the Board by asking what qualifications the Board used in hiring for the recent laborer's position. Mr. Raymond was informed that the Essex County Civil Service Laborer's job description was used as a guideline for hiring. Trustee McDonough indicated that there were forty two original applicants for the position, twelve were interviewed initially and then five were called back in for a second round of interviews. Mr. Raymond informed the Board that he feels that they (Peter Green and himself) have been discriminated against. The Board asked in what capacity? Mr. Raymond feels that he was more qualified. The Board informed Mr. Raymond that there were a lot of factors that were considered in the hiring of an individual for this position such as; personality, how well you interviewed, the fit with the existing crew, longevity, etc. Mr. Raymond then implied that that age was a factor due to the use of the words long term, as in; "the Village looks at long term, down the road". The Board informed him that age was not a factor in the hiring process, nor were either of them discriminated against.

Peter Green then addressed the Board and asked if all of the members of the Village Crew were OSHA certified and if he could see their cards. Mayor Guerin informed Mr. Green that he was not sure if he is entitled to view the documents as the Village may not be permitted to release such information to the public under the Freedom of Information Law, being that it is of a personal nature, but that he would look into it. Mr. Green was also informed that the Village does not fall under OSHA, the Village is required to adhere to the NYS Labor Department PESH guidelines.

Mayor Guerin asked if there were any additional public comments; there were none.

A motion was made by Trustee McDonough, seconded by Trustee Sheldon, to approve the December 31, 2012 and January 14, 2013 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Abstract Distributions:

General \$39,960.85
Water \$14,631.12
Sewer \$68,680.63
Joint Activity \$13,219.84

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

A motion was made by Trustee Sheldon, seconded by Trustee Brassard, to adjourn the regular meeting at 8:47 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

Village Clerk

