

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: MARCH 11, 2013

TIME: 7:00PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon, Clerk Daly, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry, Deputy Superintendent of Water and Streets; John Tromblee and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Janelle Jurkiewicz, Walt Jurkiewicz and John Viestenz.

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

Mayor Guerin indicated that the purpose of the Public Hearing was to present proposed Local Law No. 1 of 2013; A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-C, to the public for review and comment.

The proposed law was distributed to the Board on January 16, 2013 and a copy thereof has been on file in the Village office for public inspection during regular office hours. A legal notice was published in The Times of Ti, on March 3, 2013, announcing the Public Hearing on this date. Copies of the proposed Local Law were also made available for the public in attendance.

Mayor Guerin read the proposed Tax Cap Law aloud and provided a brief overview

PUBLIC COMMENT PERIOD

John Viestenz commented that it is safe to have such a law in effect in case the budget should exceed the 2% levy. There was no other public comment.

A motion was made by Trustee McDonough, seconded by Trustee Sheldon, to adjourn the Public Hearing at 6:52 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: MARCH 11, 2013

TIME: 7:00PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon, Clerk Daly, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry, Deputy Superintendent of Water and Street; John Tromblee and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Janelle Jurkiewicz, Walt Jurkiewicz, John Viestenz, Sandra Lovell and Janet Hansen.

The following documents were distributed to the Board for review prior to the meeting: The March 11, 2013 meeting agenda, the February 11, 2013 Board Minutes, the February 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 March 11, 2013 Board meeting file in the office of the Village Clerk. The March 11, 2013 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

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 were taken, sample results are more than adequate
- No public complaints
- Changed a water meter at the Laundromat

Wastewater Treatment Plant

- Wastewater plant is running well
- Continuing with winter preventative maintenance schedule
- One pump failure, took pump off line and is ready for repairs

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

Mr. Perry advised the Board that a \$600 two inch water meter was purchased as an emergency replacement for the Laundromat.

John Tromblee presented the Board with a verbal monthly report as follows:

- There were four water breaks that were repaired within the last month. The most recent was on Grove Street, where a four inch water line was repaired
- Normal maintenance and snow removal has been conducted
- The 550 will be out of service for repairs and inspection on Wednesday
- A thorough inspection of the dam is necessary this spring

Mayor Guerin asked John Tromblee to take pictures of the dam during the inspection and Mr. Tromblee indicated that they could be compared to the prior pictures taken.

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

- PHFD has responded to nine (9) calls to date for 2013: (3) for January, (6) for February, and (0) for March.
- 2013 PESH Report to Date:

(9) Calls:	179.82	Manhours
OSHA Training:	62.00	Manhours
Additional Training/Participation:	53.00	Manhours
2013 Total:	<hr/>	294.82 Manhours

- Held OSHA Training – February 19th & 23rd – Surface Ice Rescue Training included (19) participants from Port Henry and Moriah Fire Departments in addition to Town of Moriah Ambulance Squad, Inc.
- OSHA Training – March – Hand Tools / Power Tools / Scene Safety
- Chief Hughes participated in Essex County HAZ MAT Training in Washington County on Saturday, March 2nd.
- 2012 Assistance to Firefighter’s Grant Award – still pending
- One possible recordable injury from 2/17/2013 structure fire at 169 Edgemont Road, Moriah, NY – fireman dismissed from scene due to High Blood Pressure.

Chief Hughes informed the Board that new NFPA guidelines mandate that EMS personnel are on fire scenes to evaluate firefighters. Mr. Boyle indicated that he was wearing a nicotine patch and the EMT performing the evaluation indicated that the nicotine patch may have contributed to the elevation in blood pressure. The EMT advised Mr. Boyle to go to the emergency room to be further evaluated and was released from the scene. Mr. Boyle went to the emergency room that evening and was released after his blood pressure was deemed under control. Chief Hughes is unsure if Mr. Boyle will go through private insurance or through PERMA with regard to this matter.

Chief Hughes also reported that a hydraulic hose on engine 292 was replaced under warranty by Desorcie. An odor of antifreeze was also detected on the new 2009 fire truck and it has been determined that there is an internal leak in the heating cores, which are approximately \$170 a piece to replace.

PUBLIC COMMENT PERIOD

Walt Jurkiewicz addressed the Board regarding concerns over an increase of dog feces in the island between the Mac’s parking lot and Main Street. There are limitless stacks of it underneath the snow melt and Mr. Jurkiewicz suggested that the Village Dog Law be enforced with regard to this matter. Janelle Jurkiewicz indicated that it is particularly bad in public areas such as the park, library and in front of Mac’s. A discussion ensued and the Board determined that a notice will be placed on Channel 17 and in The Times of Ti alerting the public to the problem and advising that dog owners found in violation of the local law will be fined accordingly. Mayor Guerin authorized the purchase of a second dog station for convenience in owners adhering to cleaning up after dogs in the Village. Walt Jurkiewicz exited the meeting at 7:25 pm.

Chip Perry asked the Board how long the current spending freeze is in effect for. The Board determined it will remain in effect through April 1st.

Janet Hansen addressed the Board with regard to issues concerning her November 2012 water bill. A lengthy discussion ensued with regard to the matter and Ms. Hansen reiterated her prior concerns to the Board and stated that the fines she was billed for are unfair. Mayor Guerin informed Ms. Hansen that she was billed in accordance with the Village of Port Henry Water Law. After listening to Ms. Hansen for thirty five minutes, the Board agreed, upon encouragement from some present, to table the matter until the water meter reading sheets may be reviewed with regard to this account, as there was other pertinent Village business to be discussed at this meeting.

BOARD DISCUSSION/REPORTS

Recurring Old Business: The Board has scheduled a Special Meeting/Budget Workshop on Monday, March 25, 2013 at 6:00 pm at the Village Hall, to review the tentative budget for fiscal year; June 1, 2013 to May 31, 2014. The completed budget must be adopted and submitted by May 1, 2013.

The Village received a partial payment from the NYS Department of Homeland Security, representing FEMA funds for the Campground Restoration Project, in the amount of \$250,000 on February 27, 2013. The Village of Port Henry spending freeze remains in effect, as receiving these funds does not help with the Village’s cash flow issue. The full \$250,000 was applied to the Campground Restoration Project loan as well as an

additional \$20,000 for a total of \$270,000. The \$19,000 interest payment on the loan was also paid. The new balance of the loan is \$680,000 and will be rolled over in a new five year Bond Anticipation Note (BAN).

Mayor Guerin indicated that Randy Douglass, Essex County Board of Supervisor's Chairperson as well as a couple of other County Supervisors met recently with Governor Schumer. Michael Mascarenas of the Essex County Planning Office sent the Village's FEMA reimbursement issue with them for review. The Rip-Rap and beach projects are currently still under review however Mayor Guerin indicated that he is optimistic that this matter will be cleared up quickly and that the Village should receive the remaining reimbursement funds within the next six months.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to pass a Resolution appointing the following individuals as members of the Village of Port Henry Zoning Commission: Evelyn Celotti, Jeff Kelly, Kelly King, Sandra Lovell and John Viestenz. 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 Board of Trustees on this 11th day of March 2013.

Letters will be sent to each member informing them of their official appointment to the Zoning Commission.

The Zoning Commission's inaugural meeting was held on February 27, 2013 at 5:30 pm at the Village Hall. The minutes of said meeting are on file in the Village office and will remain open for public inspection during normal office hours. Copies were also distributed to the Board on March 4, 2013.

The next Zoning Commission meeting has been scheduled for Wednesday March 13, 2013 at 4:30 pm at the Literacy Volunteers building, located at 3259 Broad Street. All Zoning Commission meetings are open to the public. Mayor Guerin indicated that while the meetings of the Zoning Commission are open to the public, there is no public comment period permitted. John Viestenz indicated that brief verbal and written comments will be accepted and that the commission will hold public hearings at a later time which will afford the public the opportunity to make comments and ask questions on the matter of zoning in the Village.

Trustee Rich requested discussing the following matters with the Board pertaining to the Zoning Commission:

- The Board's position on zoning
- Access of legal counsel for the Zoning Commission
- Obtaining a monthly summarization from the Zoning Commission on future plans and actions

The board determined that their position on zoning is that further direction is needed and agreed that a commercial zoning area should be established first, then determine if additional light zoning may be needed for the rest of the Village.

A discussion ensued with regard to the Village being deemed an Economic Development Zone and if that would have any impact in the Village establishing possible zoning regulations. It was agreed that Jody Olcott of the Essex County IDA's office would be contacted with regard to the matter.

It was determined that there may instances during the course of the zoning commission process when the commission may need to obtain legal counsel or advice and that in the event that does become necessary, the Board will be contacted and informed of such a head of time.

The Zoning Commission will file minutes of all meetings with the Village Clerk. Trustee Rich as the liaison, will provide a monthly summarization to the Board.

The 2013 Community Development Block Grant Agreement has been executed by Mayor Guerin. A Request for Qualifications (RFQ) has been issued for professional engineers licensed in the State of New York to submit proposals relating to the reconstruction of Sewer and Water facilities on Elizabeth Street in Port Henry. Proposals must be received by 3:00 pm on March 28, 2013. A copy of the full Request for Qualifications is on file in the Village office and will remain open for public inspection during normal office hours.

Proposed Local Law No. 2 of 2013; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, as crafted by the Village attorney, was distributed to the Board on March 1, 2013 for review. A motion is needed to schedule the required Public Hearing for Monday April 8, 2013 at 6:45 pm, prior to its adoption. A motion was made by Trustee Brassard, seconded by Trustee Rich, to schedule the public hearing for this date and time. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

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

No water meter bids were received last month as advertised for. A motion was made by Trustee McDonough, seconded by Trustee Rich to re-advertise the bid for equipment and software to upgrade the existing water meter system in the Village of Port Henry. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

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

A proposed copy of the 2013 Agreement between the Village of Port Henry and the Teamsters Local 294 was received from North Country Labor Professional Negotiator, Dan McKillip and distributed to the Board for review on March 8, 2013. The Board will discuss the proposed agreement in Executive Session at the conclusion of this meeting.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to pass a Resolution to adopt Local Law No. 1 of 2013: A Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-C. 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 this 11th day of March, 2013.

The Chamber of Commerce has requested permission to hold Coin Drops on the following Saturdays in 2013: June 15th, July 20th and September 21st. These dates are available and were scheduled upon approval by a motion from Trustee Rich, seconded by Trustee Sheldon. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Village Elections will be held on Tuesday March 19, 2013 at the Village of Port Henry Fire House, located at 14 Church Street in Port Henry. The polls will be open from 12:00 pm to 9:00 pm and registered voters of the Village are encouraged to vote. Candidates for office are as follows: Mayor; Ernest Guerin for a two year term, Trustees; Matthew Brassard and Staley Rich, each for a two year term. All candidates for office are running uncontested.

A 30 Day Notice to a Local Municipality for renewal of a liquor license through the New York State Liquor Authority was received via certified mail from the Port Henry Knights of Columbus on February 25, 2013 and is on file in the Office of the Village Clerk.

A request to waive the thirty day notice to municipalities was received from the attorney of the new owner of the former Boni's Bistro and Pub; Saleem Hayat via certified mail, who wishes to apply for his liquor license for the establishment; waiving the thirty day notice requirement will help to expedite the process. A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve the waiver. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; Trustee Sheldon. By a vote of four to one, the motion carried.

The 2012 Annual Water Quality Report received from the New York State Department of Health was published in the Times of Ti on March 2, 2013.

A Property Maintenance Complaint Form was received and distributed to the Board and Bill Ball on March 1, 2013, with regard to the area in front of Mac's Market on Main Street.

The Annual Organizational Meeting of the Village of Port Henry Board of Trustees will be held on Monday April 8, 2013 at 7:00 pm, following the Public Hearing on Local Law No. 2 of 2013 scheduled for 6:45 pm on this date also. The regular monthly meeting of the Board of Trustees will immediately follow the Annual Organizational Meeting.

A motion was made by Trustee Brassard, seconded by Trustee Rich, to approve the February 25th and March 11, 2013 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

Abstract Distributions:

General \$44,607.34

Water \$46,413.32

Sewer \$20,462.89

Joint Activity \$11,243.83

SECOND PUBLIC COMMENT PERIOD

Chief Hughes asked if budget item input has or will be requested and was informed that yes, input has been requested from each Village department head. Chief Hughes indicated that \$10,000 has been allotted for Scott Air Packs in the current budget and each pack costs approximately \$6,000. Chief Hughes is holding off on purchasing any additional needed packs until notification is received regarding the \$43,000 grant that the fire department applied for to purchase new air packs with. The 5% match for the grant is included in the \$10,000; if the fire department is not awarded the grant, will the Board approve the purchase of additional bottles also? Chief Hughes informed the Board that he intends to use the funds in the budget that had been designated for air packs and the 5% match. Mayor Guerin suggested setting up a reserve fund at the end of May for this purpose, so the fire department does not lose the funds. Chief Hughes also indicated that 1400 feet of hose will also need to be replaced in accordance with new NFPA standards.

Further discussion ensued with regard to air packs and the new carbon light bottles, as well as the new high band radios, which will be mounted in the fire trucks and the four chief vehicles. The fire department will be responsible for purchasing its own portable radios, which cost approximately \$750 each, on the low end.

Upon questioning by Trustee Sheldon, it was determined that the Village was granted an extension through July of 2013 with regard to the repair funds received from FEMA for the dam. John Tromblee indicated that there is a crack on the front facing of the dam's sleuth way.

A motion was made by Trustee Brassard, seconded by Trustee Rich, to adjourn the meeting at 8:49 pm, at which time the Board will enter into executive Session to discuss

the proposed collective bargaining agreement. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk

EXECUTIVE SESSION

PRESENT: Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon and Clerk Daly

Mayor Guerin called the session to order at 8:55 pm.

The Board reviewed proposed changes to the Teamsters Agreement as received from Dan McKillup, professional negotiator for the Village of Port Henry. A motion was made by Trustee Rich, seconded by Trustee Brassard, to approve all the proposed changes to the agreement. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Rich, to adjourn the Executive Session at 9:39 pm. Yes; Mayor Guerin, Trustees Brassard, McDonough, Rich and Sheldon. No; none. All in favor, motion carried.

ADJOURNED

Village Clerk