

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: OCTOBER 15, 2013

TIME: 6:45 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough and Rich, Clerk Daly and Deputy Superintendent of Water and Streets; John LaForest.

ATTENDANCE: Janelle Jurkiewicz, John Viestenz and Jackie Viestenz.

Mayor Guerin called the Public Hearing to order at 6:46 pm, flowed by the salute to the flag.

Mayor Guerin indicated that the purpose of the Public Hearing is to present proposed Local Law No.3 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 comments.

The proposed Local Law was distributed to the Board on September 9, 2013 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 of the purpose for the Moratorium Extension to the public.

PUBLIC COMMENT PERIOD

John Viestenz asked the Board what is the current status of the zoning law, after the meetings and hearing. Mayor Guerin indicated that the Village attorney is currently reviewing the law.

Trustee Brassard indicated that Julie Garcia is in the process of opening a law office up on Main Street in Port Henry.

There were no further questions or comments from the public.

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

ADJOURNED

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Denise C. Daly, Village Clerk

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: OCTOBER 15, 2013

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonough and Rich, Clerk Daly, Deputy Superintendent of Water and Streets; John LaForest, Treasurer Monette and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Janelle Jurkiewicz, John Viestenz, Jackie Viestenz, Linda Smyth and Ann Tesar.

The following documents were distributed to the Board for review prior to the meeting: The October 15, 2013 Meeting Agenda, the August 26<sup>th</sup>, September 9<sup>th</sup> and September 23, 2013 Board Minutes, the September 2013 Treasurer's Report and 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, 2013 Board meeting file located in the office of the Village Clerk. The October 15, 2013 Meeting Agenda was also made available to the public in advance, on the website and at the Board Meeting.

Mayor Guerin called the meeting to order at 7:00 pm and thanked everyone for attending.

#### DEPARTMENT HEAD REPORTS

John LaForest addressed the Board verbally with the monthly DPW Report as follows:

- Paving repairs are complete; used approximately 50 tons of blacktop
- The water lines at the beach are blown out and all electric meters have been secured and stored for the winter; the DPW will finish with the closure of the beach/campground this month
- Water meters are currently being read and will be completed by 10/25/13
- The DPW completed a Dig Request on Dock Lane
- There may be asbestos in the abandoned house on Elizabeth Street and Mr. LaForest asked for the Board's permission to obtain an estimate for asbestos removal
- Waiting for an estimate from Sam Meacham for demolition of abandoned house on Elizabeth Street. Mr. LaForest's estimate for demolition is \$1,350 and includes rental of equipment, insurance, the labor for two DPW employees and fuel
- The 1999 Dump Truck is leaking oil from the oil pan. Several area repair shops have refused to work on it due to the amount of rust underneath the truck; the engine will need to be removed to replace/repair the oil pan. Mr. LaForest received estimates of \$2,800 from M.A. Jerry without a tow and \$1,700 from Egglefield, plus \$350 for a tow. Both estimates are providing that no other problems are found while making said repair. The truck is needed for the winter.
- Mr. LaForest attended a meeting with FEMA on 10/16 at 1:00 pm with regard to the storm drain issues on College and Grove Streets.
- The DPW shop is running smoothly
- There are no other equipment failures to report

Mayor Guerin indicated that he contacted R & B Motors in Ticonderoga with regard to repairs on the 1999 Ford Dump Truck and received an estimate of \$1,500 to \$2,000 including the tow; repairs should be complete within a day or two. Mayor Guerin indicated that the Village does not owe anything on this truck and may get another four or five years out of it by making the necessary repairs.

Trustee Rich asked how much an asbestos test would run. Mayor Guerin indicated that the Village should confer with Code Enforcement Officer Bill Ball, to determine what the legal obligations are for asbestos removal before obtaining an estimate.

The quality of the sand at the beach was discussed and the Board decided to budget for obtaining new, finer sand next season for the beach area.

John LaForest further reported that that a new storm drain was installed last year on College/Grove Street. The new 24 foot drain is now plugged with dirt about six feet high which is causing the sidewalk to wash out. The Town Water Department dumped approximately 50,000 gallons of water down the storm drain and it could not be determined where it came out or went as the end of the storm drain is standing upright.

The Board decided to address the storm drain issue on the Hazard Mitigation Grant application, funded through the New York State Division of Homeland Security and Emergency Services, as this area is also deemed a truck route and it may help to bump the Village up on the list; there are 2,500 applicants, with \$5 million available in funds. Mr. LaForest indicated that the drain will be vacuumed out before winter. Mayor Guerin indicated that no more dirt is to be dumped over the bank.

Chief Hughes read aloud the monthly Fire Chief’s Report as follows:

- PHFD has responded to fifty-four (54) calls to date for 2013: (3) for January, (6) for February, (5) for March, (3) for April, (7) for May, (7) for June, (11) for July, (3) for August, (6) for September and (3) for October.
- 2013 PESH Report to Date:

(54) Calls:	569.81	Man-hours
OSHA Training:	251.00	Man-hours
Additional Training/Participation:	1,058.00	Man-hours
2013 Total:	1,878.81	<b>Man-hours</b>

- OSHA Training: September – Jaws of Life   October- Chimney Fire Refresher
- Completed and submitted Adirondack Park Regional Assessment Project Questionnaire on behalf of PHFD: (50) Volunteers with forty-five designated as “Active Status”- average age 50 years; (19) Interior Firefighters – average age 46 years; (25) Fireground support personnel with an average of 50 years.
- Engine 291 and Engine 292 were serviced and inspected at Essex County DPW in Lewis, NY on Monday, September 23<sup>rd</sup>.
- Chief Hughes will be attending the 2013 Hazardous Material Leadership Forum in Syracuse, NY on October 18<sup>th</sup> & 19<sup>th</sup>.
- Firemen installed new, thermo pane window in front of station to offset heat loss.
- Cleanup of station on 1<sup>st</sup> and 2<sup>nd</sup> floors is on-going.
- Purchase of Milnor 45 lb. Gear Washer Extractor moving forward. Meetings with contractors to include building supply, electrical and plumbing continue.
- Request Village Board approval for new Firefighter application from Christopher Lee.
- Chief Hughes was appointed Essex County Deputy Fire Coordinator by Public Safety Committee and approved by Essex County Board of Supervisors on September 9<sup>th</sup>, 2013.
- Request Executive Session to discuss personnel issue.

The Board reviewed the fire department application for Christopher Lee, previously approved by the Port Henry Fire Board. A motion was made by Trustee McDonough, seconded by Trustee Brassard, to approve the applicant for membership. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none, motion carried.

Chief Hughes informed the Board that the fire department had to cancel their last two scheduled coin drops due to a lack of member participation and asked for permission to re-schedule a coin drop in November or December of 2013. Clerk Daly confirmed the calendar is clear after the month of October; the Board approved the request.

The Board approved Chief Hughes’ request for an Executive Session to discuss a personnel issue. Mayor Guerin indicated that there were some new parts installed on the firehouse furnace and it should run more efficiently now. Chief Hughes indicated that he will look into available grant funds for new windows.

PUBLIC COMMENT PERIOD

There were no comments or questions from the public at this time.

BOARD DISCUSSION/REPORTS

Trustee McDonough indicated that the new “Welcome to Port Henry” signs have been erected at the north and south entrances to the Village, thanks to a generous benefactor. Trustee Brassard indicated that the sign on the south end of the Village needs to be relocated per the NYS DOT. Supervisor Scozzafava has submitted the necessary application. Mayor Guerin indicated that Willie Grant did a fantastic job designing the signs and also thanked Trustee McDonough and Supervisor Scozzafava for their help.

Trustees Brassard and Rich met with Chip Perry, regarding the Request for Proposal (RFP) for the installation of the new water meters. Mr. Perry is gathering the information that will need to be included and Clerk Daly will forward the proposed RFP to the Village’s insurance representative for review of the insurance requirements.

Trustee McDonough reported that the CP Rail Holiday Train will be arriving in Port Henry on Thanksgiving Day, November 28, 2013 at 5:00 pm.

Trustee Brassard reported the following on the campground: The campground closed for the season on October 6, 2013. The amount of seasonal campers increased this year. Trustee Brassard indicated that the water line at the campground needs to be repaired either now, or in the spring before opening. The gate system that Trustee Brassard was looking in to for the campground operates via a radio system and push button. Tony LaVigne of Essex County was contacted with regard to removal of trees at the campground; this was tentatively scheduled for the week after Thanksgiving pending there are no storms, otherwise it will be done before the campground opens in the spring. Interviews for the Campground Manager’s position will be held this week. A Special Campground Meeting will be held after the interviews are conducted. Trustee Rich is working on condensing the campground rules for the 2014 season.

Mayor Guerin indicated that he is still working on getting electricity to the traffic circle. John LaForest informed the Board that Tom Scozzafava has requested that the sidewalk be tore up in order to run the electricity, which may hinder getting the water line in at the campground at this time. Mayor Guerin indicated that Mr. Scozzafava is donating his time to run the electricity therefore the Village will work around his schedule.

Trustee Brassard indicated that there are two poles that still need to have the new outlets installed by National Grid. Apparently there was a problem with the work order. The poles are marked with caution tape; National Grid will complete installing the outlets on the two poles in the near future.

Mayor Guerin indicated that the Village should attempt to obtain water meter readings from all metered residents for the November Water & Sewer billing. The “meter readers” should go back to residences two to three times if need be and compile a list of those property owners who still need to provide a reading.

**Recurring Old Business:** Mayor Guerin informed the Board that he spoke with a representative at Congressman Owen’s office regarding the \$600,000 in FEMA reimbursement funds for the Village of Port Henry Campground and Beach Restoration Project. FEMA is re-evaluating the matter however the process has been delayed due to the recent furloughs. FEMA should have a ruling on the matter a few weeks after the government shutdown ends. Mayor Guerin indicated that his next call will be to the Governor.

A letter was sent to the NYS Department of Environmental Conservation (DEC) in response to the September 30, 2013 deadline for the Village to notify the NYS DEC in writing of its approach as to how the forty-three (43) sump pumps found to be connected to the sanitary sewer system will be handled. The Board determined that a letter will be sent to each of the 43 property owners found in violation, notifying them that they will have thirty days from the date of the letter to rectify the matter. The Village will then re-inspect the sump pump connection to ensure the property owners have complied with the mandatory request, as the Village could face fines up to \$10,000 for violations.

**Old Business:** A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the August 26<sup>th</sup>, September 9<sup>th</sup> and September 23, 2013 Board minutes. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none, motion carried.

The revised Village of Port Henry Employee Policy, as a result of changes made and authorized at the September 9, 2013 Board Meeting was distributed to the Mayor, Board and all Village employees on September 17, 2013.

The revised Champ RV Park Campground Manager Agreement, as a result of additions authorized at the September 23, 2013 Special Campground Meeting, was distributed to the Mayor and Board on October 8, 2013.

**New Business:** The September 2013 Accounts Receivable, Trial Balance and Unpaid Property Tax Reports were presented to the Board for review. There was no Monthly Water Adjustment Report for September 2013, as no adjustments were made.

The Village will be closed on Monday November 11, 2013 in observance of Veteran's Day. The Board cancelled the regularly scheduled Board meeting on this date and re-scheduled the meeting for Tuesday November 12, 2013 at 7:00 pm at the Village Hall.

The Board determined there were no changes to be made to proposed Local Law No. 3 of 2013; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry. A motion was made by Trustee Rich, seconded by Trustee McDonough, to pass a resolution to adopt Local Law No. 3 of 2013.

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

By a vote of four to zero, the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on the 15<sup>th</sup> day of October, 2013.

The Fuel Oil Bids were be publicly opened and read aloud in the order in which they were received as follows:

- 1) Griffith Energy      \$3.33 per gallon
- 2) Gordon Oil          \$3.45 per gallon

A motion was made by Trustee Rich, seconded by Trustee Brassard to pass a resolution to award the Fuel Oil bid to Griffith Energy, who was deemed the lowest responsible bidder. Vote:

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

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 15<sup>th</sup> day of October, 2013.

The Essex County Planning Department has notified the Village that the Community Development Block Grant (CDBG) awardees are requested to hold a Public Hearing. Mike Mascarenas, Anna Reynolds and Jim Dugan of AES will attend to give a briefing on the Elizabeth Street Project and answer any questions from the Board and public. The Board scheduled the Public Hearing for Tuesday November 12, 2013 at 6:45 pm, before the regularly scheduled Board meeting, by motion from Trustee Brassard, seconded by Trustee McDonough. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the September 30<sup>th</sup> and October 15, 2013 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none. All in favor, motion carried.

Trustee Brassard noted that the two bills for AES will be paid out of the General Fund, as the Community Development Block Grant Funds have not been released to date. AES granted the Village a thirty day extension to pay the two bills that were due in September. Treasurer Monette indicated that the paperwork requesting the release of the grant funds has been submitted to Essex County

**Abstract Distributions:**

General \$41,178.92  
Water \$8,705.81  
Sewer \$4,806.96  
Joint Activity \$16,745.68

**SECOND PUBLIC COMMENT PERIOD**

John Viestenz informed the Board that the Town of Moriah is also condensing their campground rules.

Mr. Viestenz also informed the Board that the Town decided to ask for a fixed variable rate for their fuel oil this year and asked the Board if it might be more cost effective for the taxpayer, for the Village to do the same. Mayor Guerin indicated that the Village prefers to obtain a fixed rate for budgeting purposes. The Board agreed and determined that the price of fuel oil has risen significantly the past few winters therefore the fixed rate does prove to be more cost effective for the Village taxpayer.

Mr. Viestenz extended a thank you to Chief Hughes for the way the fire department is legally structured with regard to budgeting and expenses. A discussion ensued with regard to the differences in the budgeting procedures for the Village and Town fire departments. Mr. Viestenz indicated that the Town has no control over the fire district's budgets and the public does not know what the budget is unless it attends the separate Fire District Budget Meeting, whereas the Village Board sets the budget for the Port Henry Fire Department as it is not a fire district and is municipally owned by the Village; therefore the public is aware of what the budget and expenses are.

A discussion ensued between Chief Hughes and the Board with regard to turn out gear expenses and the fire department's purchase of the new washing machine.

No further public comment was made.

A motion was made by Trustee Rich, seconded by Trustee McDonough to adjourn the meeting at 8:19 pm, at which time the Board entered in to Executive Session to discuss Village personnel matters and fire department personnel matters, as requested by Chief Hughes. Yes; Mayor Guerin, Trustees Brassard, McDonough and Rich. No; none, motion carried.

**ADJOURNED**

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Denise C. Daly, Village Clerk