

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: APRIL 14, 2014

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees McDonald, McDonough and Rich.

ABSENT: Trustee Brassard.

ATTENDANCE: Janelle Jurkiewicz, Andrea Anesi, John Easter, Jackie Viestenz, John Viestenz, Ann Tesar, Margaret Parah and Sandra Lovell.

The following documents were distributed to the Board for review prior to the meeting: The April 14, 2014 Meeting Agenda, the February 27<sup>th</sup>, March 10<sup>th</sup>, 24<sup>th</sup> and 31<sup>st</sup>, 2014 Board Minutes, the March 2014 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 April 14, 2014 Board meeting file located in the office of the Village Clerk. The April 14, 2014 Meeting Agenda was also made available to the public on the website and at the Board Meeting.

Mayor Guerin called the meeting to order at 7:01 pm, followed by the salute to the flag. Mayor Guerin thanked everyone for coming.

DEPARTMENT HEAD REPORTS

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

- PHFD has responded to twenty-four (24) calls for 2014: (10) for January and (4) for February, (8) for March and (2) for April to date.
- 2014 PESH Report:

(24) Calls:	260.70 Man-hours
OSHA Training:	93.50 Man-hours
Additional Training/Participation:	415.00 Man-hours
2014 Total:	<b>769.20 Man-hours</b>

- OSHA Training for April – SCBA Recertification / Training.
- Annual Firefighter Physicals in process.
- Maintenance: New battery needed for E-294 (Brush Truck).
- Chief Hughes requested and received copy of CP Railway's Density Report for our region.
- PHFD and Essex County HAZ MAT Team toured the Griffith Energy Facility on Saturday, April 5<sup>th</sup> at 9:30 AM for pre-planning purposes.
- PHFD has requested and scheduled a "hands-on" training event with CP Railway. Training to occur in the fall.
- PHFD and Auxiliary held a Benefit Pancake Breakfast on Sunday, March 30<sup>th</sup> and Sunday, April 13<sup>th</sup> at the Knights of Columbus Hall on Main Street.
- Request approval from Mayor and Village Board for new member application from Zachery Martin. PHFD Membership and Fire Board approved this application on March 13<sup>th</sup>, 2014.
- PHFD has received three (3) new member applications. Interviews to be arranged.

- PHFD, in conjunction with and in support of the Firemen's Association of New York State (FASNY) 2014 Recruit NY Program, will be hosting an open house on Saturday, April 26<sup>th</sup> from 9:00 AM to 3:00 PM.
- Request approval from Mayor and Village Board for the election of department officers for 2014/2015.
- Thanks extended to DPW team for cleaning Fire Department driveway.

A brief discussion was held regarding the trains running through the Village, it was noted that they seemed to have slowed down significantly as a result of the recent meeting between County officials and CP Railroad. Chief Hughes indicated that the Village and Town may have the authority adopt a local law to regulate the speed of trains through the eight mile corridor of our community. Chief Hughes is in the process of developing an evacuation plan with Vermont for the campgrounds. In the event of a railroad emergency, the camp grounds would become isolated and extrication would be necessary via Lake Champlain.

Chief Hughes presented an application for membership for Zachary Martin to the Board for approval. The application has been approved by the Port Henry Fire Advisory Board, and all background investigations have been completed. Chief Hughes informed the Board that he has three more applications that are pending Fire Board approval.

#### PUBLIC COMMENT PERIOD

Andrea Anesi, Director of the Sherman Free Library, introduced herself to recently elected Village Trustee Tom McDonald. Ms. Anesi informed the Board that it is National Library Week and presented the Board with a flyer/invitation and copy of the recent newsletter and encouraged the Board stop by the library on April 15<sup>th</sup> between 12:00 pm and 4:00 pm. Ms. Anesi also thanked the Board for their continued support of the Sherman Free Library.

Sandra Lovell asked about the plans to plant smaller trees along Main Street and a discussion then ensued. Jackie Viestenz indicated that the Board agreed to include the cost of one tree in the new budget and the pH7 Committee will obtain the lower plantings via donation. Trustee McDonald indicated that he would look into getting a tree donated. Ms. Viestenz informed the Board that the pH7 Committee has applied for a grant through the Honey Bee Foundation for the purpose of purchasing trees. Trustee Rich asked if the committee has addressed the matter with the community yet and was informed that they have not, but plan on doing so soon. Trustee Rich suggested placing collection/donation containers throughout the community in an attempt to raise money for additional trees. Ann Tesar asked if the trees will be planted in the ground and was informed by Ms. Lovell that yes, they will be. Ms. Tesar asked if there wasn't a problem in the past with the trees breaking up the sidewalks that ultimately led to their removal. Ms. Viestenz commented that that these trees will be much smaller and Mayor Guerin indicated that they will only get so big. Ms. Viestenz further commented that Frank Martin is helping with the advisement of what trees to use as he is knowledgeable of such.

Janelle Jurkiewicz asked Chief Hughes who the newly elected officers are for the fire department and Chief Hughes read the list aloud. The Board will be copied on the list.

John Easter asked if the people that live along the railroad tracks will be notified of the implementation of the evacuation plan. Chief Hughes commented that yes, they would also be notified. Chief Hughes further indicated that CP Rail is currently in compliance with all Federal regulations but is being watched closely by the State.

Margaret Parah informed Mayor Guerin that she will need the length and height of the fence at the beach to determine what the cost will be to replace it. Ms. Parah indicated that Cp Rail has not taken ownership to date.

Chief Hughes suggested educating the campers on the importance of staying off the rail road tracks as there is a \$250 fine that may be imposed for violators that also includes a \$137 court fee.

Chief Hughes also informed the Board that he is going to remove the “burn” for evacuation purposes. Mayor Guerin indicated that it is not the Village’s land that it is on; it may be CP Rail’s or Van Slooten’s property but the Village may be able to obtain a variance for evacuation purposes.

Janelle Jurkiewicz asked the Board when the windows in the Board room will be replaced. The new windows have been here for two years and need to be installed, as they will help reduce heating costs in the winter. Mayor Guerin indicated that an individual will be installing them in the near future as part of a community service requirement.

Margaret Parah asked if the Village has been notified of the sale of the Sagan’s building to Mountain Lake Services. Mayor Guerin informed Ms. Parah that the Village has not been notified of such. Ms. Parah indicated that they should be required to do so as it will be coming off of the Village tax rolls as a result of the sale. Ms. Parah also asked who will now receive the grant funds that have been allocated for the improvement of this building. Trustee McDonough informed Ms. Parah that the grant is transferable. Mayor Guerin indicated that it is a matching grant; therefore if Mountain Lake Services puts up the matching funds as the building owner, they will be permitted to utilize the grant funds for the facing/beautification of the building. Janelle Jurkiewicz commented that the Village receives \$1,000 annually for the properties owned by Mountain Lake Services under the Pilot Program. Ms. Parah commented that the Village is giving away Main Street. Mayor Guerin informed Ms. Parah that the Village has no control or authority over real estate sales in the Village and indicated that Mountain Lake Services maintains and makes improvements to all of the buildings they own. Ms. Parah further commented that there are too many tax exempt properties in the Village.

#### BOARD DISCUSSION/REPORTS

**Recurring Old Business:** A check was received from the New York State Division of Homeland Security and Emergency Services in the amount of \$137,277 which represents the remaining amount of reimbursement funds for the Campground Restoration Project as a result of the damages caused by Hurricane Irene in 2011. The Federal share is \$40, 457.75 and the State share is \$96,819.25. The Village is currently waiting for the State to schedule a formal closeout of the Beach and Rip Rap projects before further reimbursement funds will be received. Mayor Guerin indicated that the Village should receive at least 75% of the \$365,000 for the Rip Rap in May then receive the remaining reimbursement in approximately six months.

Trustee Rich, John Viestenz; Chairman of the former Zoning Commission and Trustee Brassard met on March 24<sup>th</sup> to review the questions and matters that needed clarification, per the Village attorney. Mr. Viestenz provided a brief recap of the meeting and indicated that most of the questions from the attorney were regarding land usage. The Board replied back to the attorney’s questions and asked for assistance with wording on a few matters. The attorney will review the responses and questions with regard to wording and get back to the Village in a couple of weeks. Trustee Rich suggested a meeting with the attorney so that the area may be viewed, which may help to provide them with a better understanding.

**Old Business:** A motion was made by Trustee Rich, seconded by Trustee McDonough, to approve the February 27th, March 10th, 24th and 31st, 2014 Board minutes. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

The Village received notification that Local Law No. 1 of 2014; to Override the Tax Levy Limit Established in General Municipal Law §3-C and Local Law No. 2 of 2014; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, were filed with the State of New York on March 31, 2014.

**New Business:** The March 2014 Accounts Receivable and Trial Balance Reports were presented to the Board for review. There is no March 2014 Water Adjustment Report as no adjustments were made.

A motion was made by Trustee Rich, seconded by Trustee McDonough to approve the re-levy of the unpaid water and sewer billings for 2013, on to the 2014 Village property taxes as follows; Water; \$75,470.26, Sewer; \$53,599.57, for a total of \$129,069.83. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

A Public Hearing was held on April 10, 2014 to present the proposed budget to the public for questions and/or comments. A motion was made by Trustee McDonough, seconded by Trustee Rich to pass a resolution to adopt the fiscal year budget for June 1, 2014 through May 31, 2014. Vote:

Aye: Mayor Guerin, Trustees McDonald, McDonough and Rich.

Nay: None.

Absent: Trustee Brassard.

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 14<sup>th</sup> day of April, 2014.

AES Northeast provided the Board with an award recommendation letter with regard to the public bid opening held on April 2, 2014 for the Elizabeth Street Water and Sewer Reconstruction Project. AES recommends the Village award the contract to John W. Sheenan & Sons, Inc. for the total amount of \$548,834.

A motion to award the bid by Board resolution to John W. Sheehan & Sons, Inc. in the amount of \$548,834; deemed by the Board to be the lowest, responsible bidder was made by Trustee McDonough, seconded by Trustee McDonald. The Board further authorized AES Northeast to provide the Contractor with a Notice of Bid Award. Vote:

Aye: Mayor Guerin, Trustees McDonald, McDonough and Rich.

Nay: None.

Absent: Trustee Brassard

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 14<sup>th</sup> day of April, 2014.

The Village Board determined by resolution that only Mueller fire hydrants shall be purchased from this day forward for use by the Village of Port Henry, by motion from Trustee Rich, seconded by Trustee McDonald.

Aye: Mayor Guerin, Trustees McDonald, McDonough and Rich.

Nay: None.

Absent: Trustee Brassard.

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 14<sup>th</sup> day of April, 2014.

The Village Board determined by resolution that it supports the Addison - Rutland Natural Gas Project and urges the Addison County Regional Planning Commission to recommend approval of the project, by motion from Trustee McDonough, seconded by Trustee Rich. Vote:

Aye: Mayor Guerin, Trustees McDonald, McDonough and Rich.

Nay: None.

Absent: Trustee Brassard.

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 14<sup>th</sup> day of April, 2014.

A Property Maintenance Complaint was received on March 14, 2014 with regard to the large victorian style house on Main Street, across from the Mobil store. Copies were distributed to the Mayor, Board and Bill Ball for review. The Board determined that the property is currently under renovations.

A letter was received on March 12, 2014 from George Latterell, a seasonal camper, asking if the Village would be interested in purchasing handmade picnic tables at a cost of \$125.00 each. The Board tabled this matter until a Special Meeting on the campground is scheduled.

An application for a vendor's license was received on April 10, 2014 from Jackie Viestenz, on behalf of the Adirondack Farmer's Market Cooperative, Inc. A motion was made by Trustee McDonough, seconded by Trustee McDonald, to approve issuing the license once all of the required documentation is on file, which will permit the Cooperative to hold a weekly Famer's Market within the Village limits for the 2014 season. . Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

A letter was received on April 10, 2014 from Deacon John Hanchett of the Lake Champlain Bible Fellowship Church with regard to a water problem in the basement of the church located at 6 Church Street. Mayor Guerin discussed the matter with Mr. Hanchett prior to this meeting and they have come to a viable solution; the church will, at their expense, dig down four to six inches and place plastic pvc pipe under the sidewalk so the water will run down the side of the road and into the drain.

Trustee Rich informed the Mayor and Board that this will be the third year that the Sherman Free Library is asking the Village and Town for help with their water drainage issue and asked if the library may be able to do the same thing the church is doing to eliminate the problem. Mayor Guerin indicated that he will talk to Supervisor Scozzafava regarding the matter. Trustee Rich indicated that the big question after receiving the engineering report was where the drainage will tie into.

A letter was received on April 10, 2014 from Jim Gilbo and Walt Jurkiewicz, requesting permission to use the beach house at the campground on Saturday May 17, 2014 from 12:00 pm to 3:00 pm in order for family and friends to honor and remember Dick Dickinson. The Board unanimously approved the request by motion from Trustee Rich, seconded by Trustee McDonough, with the understanding that there will be no alcohol permitted on the premises for this event and the group's organizers will be responsible for set and clean up as indicated in their request letter. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

### **Second Public Comment Period**

Trustee Viestenz asked the Board if they approved the application for membership to the Port Henry Fire Department that was submitted by Chief Hughes. A motion was made by Trustee McDonough, seconded by Trustee Rich to approve the membership application for Zachary Martin. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

Chief Hughes asked if there is a local ordinance on file with regard to a "Texas Hold Em" type of fundraiser. Trustee Rich suggested that he check the State laws regarding this matter and Mayor Guerin suggested he contact the Elk's Club in Ticonderoga.

Margaret Parah exited the meeting at 8:15 pm.

Trustee McDonald indicated that the Village should make the contractor for the Elizabeth Street Project aware of the fact that the Village uses Mueller fire hydrants only.

Mayor Guerin called for further public comment; there was none.

A motion was made by trustee McDonough, seconded by Trustee McDonald, to approve the March 31st and April 14, 2014 bills for payment. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

## Abstract Distributions

General \$34,941.20  
Water \$9,366.93  
Sewer \$2,075.05  
Joint Activity \$23,453.43  
Capital \$47,793.15

A motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the meeting at 8:16 pm, at which time the Board will enter into Executive Session to discuss personnel and litigation matters. It was noted that the Board may, at the adjournment of the Executive Session, enter back in to regular session if necessary. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

ADJOURNED

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Denise C. Daly, Village Clerk

## EXECUTIVE SESSION

Mayor Guerin called the Executive Session to order at 8:20 pm.

After discussions, a motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the Executive Session at 8:28 pm and enter back into regular session. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

EXECUTIVE SESSION ADJOURNED

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Denise C. Daly, Village Clerk

## REGULAR SESSION

Mayor Guerin called the regular session back to order at 8:30 pm.

After review of the lifeguard applications, a motion was made by Trustee McDonough, seconded by Trustee Rich, to hire Amanda French and Sydney Mitchell as life guards at the Village of Port Henry Champ RV Park & Campground Beach for the 2014 season. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

After reviewing a letter from attorney Viscardi on behalf of Erik and Janet Hansen with regard to Water and Sewer Account No. 430, the Board unanimously determined that it is not in the best fiscal interest of the Village to incur any unnecessary legal expenses by pursuing this matter further. Therefore, a motion was made by Trustee Rich, seconded by Trustee McDonough to refund the Hansen's \$149.50 as requested. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

A motion was made by Trustee McDonough, seconded by Trustee Rich, to adjourn the regular session at 8:40 pm. Yes; Mayor Guerin, Trustees McDonald, McDonough and Rich. No; none. Absent; Trustee Brassard, motion carried.

ADJOURNED

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Denise C. Daly, Village Clerk

