

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: OCTOBER 14, 2014

TIME: 6:45 PM

PRESENT: Deputy Mayor Brassard, Trustees McDonough and Rich and Clerk Daly.

ABSENT: Mayor Guerin and Trustee McDonald.

ATTENDANCE: Marge Seguin, Pat Tom, John Viestenz and Jackie Viestenz.

Deputy Mayor Brassard called the Public Hearing to order at 6:45 pm followed by the salute to the flag.

Deputy Mayor Brassard indicated that the purpose of the Public Hearing was to present proposed Local Law No.3 of 2014; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, to the public for review and comment.

The proposed Local Law was distributed to the Board on September 5, 2014 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.

Deputy Mayor Brassard provided an overview of the purpose for the Moratorium extension.

Public Comment Period: there were no comments from the public.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to adjourn the Public Hearing at 6:48 pm. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

ADJOURNED

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 14, 2014

TIME: 7:00 PM

PRESENT: Deputy Mayor Brassard, Trustees McDonough and Rich, Clerk Daly, Treasurer Monette, Chief Water and Wastewater Plant Operator; Carl (Chip) Perry, Champ RV Park & Campground Manager; Marge Seguin and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Pat Tom, John Viestenz, Jackie Viestenz, Ann Tesar, Dorothy Wilbur, Tim Bryant and Barbara Armstrong.

The following documents were distributed to the Board for review prior to the meeting: The October 14, 2014 Meeting Agenda, the September 3rd and 8th, 2014

Board Minutes, the September 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 October 14, 2014 Board meeting file, located in the office of the Village Clerk. The October 14, 2014 Meeting Agenda was also made available to the public on the website and at the Board Meeting.

Deputy Mayor Brassard called the meeting to order at 7:00 pm, followed by the salute to the flag and thanked everyone for attending.

DEPARTMENT HEAD REPORTS

Chief Hughes read the monthly Chief’s Report aloud as follows and noted that the number of calls that the PHFD has responded to is now 71.

- PHFD has responded to (70) calls for 2014: (10) for January, (4) for February, (8) for March, (6) for April, (4) for May, (6) for June, (11) for July, (7) for August, (10) for September and (4) for October to date.

2014 PESH Report:

(70) Calls:	569.02 Man-hours
OSHA Training:	270.00 Man -hours
Additional Training/Participation:	1,016.00 Man-hours
2014 Total:	<u>1,855.02 Man-hours</u>

- OSHA Training for October – Chimney Fire Refresher Training
- 2013 Assistance to Firefighter’s Grant – Program concluded. Received Non-Award Letter.
- Chief Hughes attended (2) Hour 2014 Assistance to Firefighter’s Grant Workshop in Saratoga Springs on September 12th, 2014.
- Received notification on 9/23/2014 from NYS DEC that PHFD has been granted an award of \$1000 under 2014 Volunteer Fire Assistance (VFA) Matching Grant. (This a matching grant which is targeted for purchase of 4 inch supply hose)
- Prepared and submitted on 9/17/2014 International Paper Foundation Grant requesting \$1000 towards the purchase of (1) STILL TS420 Quick-Cut Rescue Saw.
- Chief Hughes attended 2014 WEB Forum at Empire State Plaza in Albany, NY on October 1st. Investigated and discussed “Community Grant Opportunities” with representatives from New York State Office of Parks, Recreation and Historic Preservation for fire house restoration.
- PHFD hosted and completed CP Railway Training Part II on Wednesday, September 24th. This was “Hands-On” training involving 35 Firefighters from Port Henry, Moriah, Mineville-Witherbee Fire Departments, Essex County Emergency Services, Essex County HAZ MAT team, Essex County Sheriff, and local law enforcement personnel.
- Annual Pump Test performed by Randy Preston of Century Fire Apparatus on Engine 292 on September 19th. Engine 291 to be scheduled.
- Engine 294 – 1988 F250 back in service from repairs. Port Henry Service Center replaced master cylinder.
- PHFD Coin Drop scheduled for Saturday, October 4th from 9:00 AM to 1:00 PM. was canceled due to weather. Permission to reschedule needed.
- Received application for membership from Daniel Williams. Committee interviewed on 7/22/2014. Membership approved on 9/11/2014. Recommend Village Board approval.
- Received application for membership from Jeffery Maness. Committee interviewed on 10/7/2014. Membership approved on 10/9/2014. Recommend Village Board approval.

- Tremendous thanks to John Hickey and Village Board for use of village dump trucks in 2nd floor, fire station clean-up efforts.

Trustee Rich asked Chief Hughes in light of the recent, small, contained fire at Moriah Central School if there is, or if the school is included in, an Evacuation Plan in the event of a CP Rail disaster. Chief Hughes indicated that there is an Essex County Emergency Plan that the school may be included in however he is not aware of there being any individual evacuation plan with specific regard to the school. A discussion then ensued with regard to situational matters in the event of such a disaster and the increase in frequency of crude oil shipments by rail through our community. Chief Hughes encouraged the Board to look into implementing a local law with regard to establishing speed limits for the trains shipping such, as well as a noise ordinance. Tim Bryant suggested placing flashing speed signs near the railroad tracks to monitor the speed of the trains.

Chief Hughes asked the Board for permission to reschedule the Coin Drop that was cancelled on October 4, 2014 due to inclement weather. The Board agreed that the PHFD may choose another available date in November or December.

A motion was made by Trustee McDonough, seconded by Trustee Rich to approve the two applications for membership to the Port Henry Fire Department for Jeffery Maness and Daniel Williams, pending an investigation on Jeffrey Maness. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

Chief Hughes excused himself from the meeting at 7:15 pm.

Chip Perry indicated that he had no monthly report for September; all is well at both plants.

Tim Bryant indicated there is nothing new to report with the Chamber of Commerce either.

Jackie Viestenz of the pH7 Committee reported that the “funky folk” have been placed throughout the Village and that the DPW has stored the planting pots for the winter. Trustee Rich indicated that the flowers throughout the Village looked beautiful this summer and that people are beginning to take notice of them.

Marge Seguin provided the Board with her monthly Campground Profit Report. The last camper left the campground on Sunday October 12th and the campground is now officially closed for the season. Marge Seguin informed the Board that she will not be able to make it back next year to manage the campground and thanked the Board for their support. The Board thanked Ms. Seguin for her service to the Village of Port Henry.

PUBLIC COMMENT PERIOD

Dorothy Wilbur informed the Board that there was a big truck parked on Spring Street on Sunday October 12th that blocked off Broad Street and it was left there all day. Ms. Wilbur indicated that there used to be a sign on Spring Street that read” No Parking Here to Corner” and it is no longer there; a new one was requested. Ms. Wilbur also informed the Board that she had to have her property surveyed due to a problem with Mr. Carr, and that there is a ton of garbage at the green house, as well as muskrats. Deputy Mayor Brassard indicated that he will find out who owns the property and thanked the Village crew for mowing. Trustee Rich suggested placing a call to the police if the issue persists after the new sign is erected. Ms. Wilbur indicated that she did call the Town police however they are not available on Sunday.

BOARD DISCUSSION/ REPORTS

Trustee McDonough motioned for a Resolution of Appreciation for Sandra Lovell with regard to her four years of writing and publishing the “Fact Finder.” The motion was seconded by Trustee Rich. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

Trustees McDonough and Brassard met with Jody Olcott and Carol Calabrese of the Essex County IDA office with regard to future development of the old high school property now owned by Thomas Eliopoulos, Jr. who proposed a fifty year lease on the property as he will not sell it and asked if the Village was interested. Mr. Eliopoulos was informed that the Village will not be able to entertain such at this time. Mr. Eliopoulos indicated that a feasibility study suggests a motel/hotel on the site therefore he was put in touch with Jim McKenna with regard to future hotel/motel development.

Deputy Mayor Brassard provided a verbal report on the Village DPW as follows:

- The Village crew is currently reading water meters for the November Water and Sewer billing.
- Black top on First Lane has been repaired and shoulder work was completed at the Hyatt residence.
- The brook on Dock Lane was cleaned out.
- Sand for/at the Village beach was reclaimed.
- The equipment is currently being serviced and maintenance performed for winter.
- The crew will begin closing up the beach and campground for the winter.

Marge Seguin indicated that Randy Welch has already put the picnic tables away at the campground for the season.

Deputy Mayor Brassard encouraged property owners to call in their meter readings to avoid a \$100 fine if they have not seen the DPW at their residence to read the water meter.

Deputy Mayor Brassard reported that he met with a representative from The LaBarge Group who suggested that it would be in the Village's best interest to have another income survey performed which would cost approximately \$1,000 to \$2,000. The survey would be good for two years. The old income survey has the median household income (MHI) for the Village listed at \$54,000 which is inaccurate; the Town's (MHI) is listed as \$28,000. A motion was made by Trustee McDonough, seconded by Trustee Rich granting Deputy Mayor Brassard permission to contact PRIDE of Ticonderoga with regard to initiating a new income survey.

Recurring Old Business: Update/Status on FEMA reimbursement: The Village is currently waiting for the State to prepare the final closeout on the Campground Restoration Project before the remaining reimbursement amount of \$188,000 is received. The Village received a letter on September 30, 2014 from the New York State Division of Homeland Security and Emergency Services which indicates the Village will be receiving \$167,009 in FEMA reimbursement for the Beach/Campground Restoration Project.

Deputy Mayor Brassard suggested sending Congressman Owens and his assistant Chance, a letter of thanks with regard to their help and support in obtaining the FEMA reimbursement funds for these projects.

Deputy Mayor Brassard indicated that the State is coming on October 17, 2014 to review and collect the documentation with regard to the Campground and Beach Restoration Projects that will be submitted for the State's final project closeout.

The Village is currently waiting to hear back from the attorney with regard to additional questions and clarification on the proposed zoning regulations.

Update on Elizabeth Street Project; work has been completed for this year. The contractor will be back in the spring with regard to miscellaneous follow up and to lay the top coat of asphalt.

Old Business: A motion was made by Trustee McDonough, seconded by Trustee Rich to approve the September 3rd and 8th, 2014 Board minutes. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

New Business: The September 2014 Accounts Receivable, Trial Balance and Unpaid Property Tax Reports were presented to the Board for review. There is no Monthly Water Adjustment Report for September 2014, as no adjustments were made.

Deputy Mayor Brassard indicated that the Village will be closed on Tuesday November 11, 2014 in observance of Veteran's Day.

The Board determined that there were no changes to be made to proposed Local Law No. 3 of 2014: Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, therefore a motion was made by Trustee McDonough, seconded by Trustee Rich to pass a resolution to adopt said law. Vote:

Aye: Deputy Mayor Brassard, Trustees McDonough and Rich.

Nay: None.

Absent: Mayor Guerin and Trustee McDonald

By a vote of three to zero, the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on the 14th day of October, 2014.

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

- | | |
|--------------------|--------|
| 1) Griffith Energy | \$3.24 |
| 2) Avery Energy | \$3.16 |
| 3) Gordon Oil | \$3.09 |

A motion was made by Trustee Rich, seconded by Trustee McDonough to pass a resolution to award the 2014-2015 Fuel Oil Bid to Gordon Oil whom the Board deemed the lowest responsible bidder, in the amount of \$3.09 per gallon, per the contract period of October 1, 2014 through May 31, 2015. Vote:

Aye: Deputy Mayor Brassard, Trustees McDonough and Rich.

Nay: None.

Absent: Mayor Guerin and Trustee McDonald.

By a vote of three to zero, the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on this 14th day of October, 2014.

A 30 Day Advance Notice of Renewal to a Municipality was received from Frank's Knotty Pine on October 29, 2014 via certified mail, in order to inform the Village as required, that the Knotty Pine is submitting a renewal application for their liquor license to the New York State Liquor Authority.

The Board received a letter from the Moriah Fire District and a copy of a letter that was sent to the Town of Moriah Supervisor requesting an increase in the amount each fire district receives per year with regard to the Fire Protection Agreement with the Town, from \$26,000 to \$32,000. The Moriah Fire District asks the Village to send a similar request on behalf of the Port Henry Fire Department if the Village agrees with this reasoning. The Board determined that a letter of support with regard to the requested increase will be sent to the Town.

The Board was copied on a letter received from the Essex County Fire and Ambulance Plan on September 24, 2014 regarding a renewal offer to continue participation in the plan which provides Volunteer Firefighter Benefits Law and Workers Compensation Law coverage for the Port Henry Fire Department. After discussion, a motion was made by Trustee McDonough, seconded by Trustee Rich to opt for the three year renewal plan. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

A letter was received from Tina Soloski on September 29, 2014, informing the Board that she will no longer be handling municipal or village law and will need to terminate the arrangement for per diem services that she provides for the Village of Port Henry. Trustee Rich motioned for

a Resolution of Appreciation for Attorney Soloski's services to the Village. Trustee McDonough seconded the motion. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

The Village received a copy of a resolution that the Town of Moriah Town Board passed at their September Board meeting in support of "asking the Village Board to put forth a resolution to put a referendum on the ballot to dissolve the Village of Port Henry." The Village Board held a Special Meeting on September 22, 2014 at 7:00 pm at the Village Hall for the purpose of discussing the new laws/regulations with regard to dissolution. Trustees Brassard, McDonough and Rich attended the October 9, 2014 Town Board Meeting and read aloud a "formal response" to the Town Board with regard to entertaining dissolution; which included discussion, concerns and key points made at the Special Meeting.

A letter from the Town Board was received on October 6, 2014 cordially inviting the Village Mayor and Board of Trustees to attend a Community Meeting to discuss property and maintenance codes on Thursday October 16, 2014 at 7:00 pm at the Moriah Fire house. Trustee McDonough indicated that she would attend the meeting to represent the Village Board.

A discussion ensued with regard to the Town transfer station entertaining transitioning to a weigh station, thereby eliminating the use of garbage stickers. Trustee Brassard indicated that if this were to happen the Village would consider discontinuing garbage pick up.

A written request was received from Kellie Valentine; Chairperson for the Moriah Distinguished Young Women Program, requesting permission to hold a Coin Drop on Saturday November 1, 2014 or if that date is unavailable, on Saturday November 8, 2014. The Village Clerk has confirmed that both dates are currently available. The Board unanimously approved Ms. Valentine's request to hold a Coin Drop on November 1, 2014.

A motion was made by Trustee Rich, seconded by Trustee McDonough, to approve the September 29th and October 14th, 2014 bills for payment. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

Abstract Distributions:

General \$38,233.77
Water \$6,910.37
Sewer \$663.11
Joint Activity \$16,354.41
Capital \$82,752.35

SECOND PUBLIC COMMENT PERIOD

John Viestenz asked the Board what the amount is that the Village is due to receive from FEMA. Deputy Mayor Brassard indicated that the letter states the Village will receive \$167,009. Mr. Viestenz stated that the agenda lists \$188,000 as the amount of FEMA reimbursement funds that are owed the Village. Deputy Mayor Brassard indicated that Harry Gough from FEMA came up with the amount of \$167,009. Treasurer Monette indicated that she would double check on the figures.

Tim Bryant suggested that the Village Board visit the Google Maps website and leave a comment or click on the lower right hand corner of the web page to request to have the map of the beach updated as the map currently on the web page is from 2011, after the storms.

Mr. Bryant asked the Board what the estimated time frame is on implementing zoning laws and regulations in the Village. Trustee Rich indicated that the matter was tabled at the Special Meeting until the Village Board can determine what the Town's intentions

are. Mr. Bryant asked why the Board would wait. Trustee Rich indicated that the Village Board does not want to waste the taxpayer's money by moving forward if the Town is not going to entertain Town wide zoning should the Village dissolve. Trustee Rich informed Mr. Bryant that the attorney's are currently reviewing questions the Board has presented to them with regard to proposed zoning regulations. Trustee Rich indicated that the Village will be looking for community members to step up, as volunteers will be needed to serve on a Village Planning Board as well as a Zoning Board of Appeals. Mr. Bryant asked if the Village has made an attempt to advertise for these volunteers. Trustee Rich indicated that the Village has not reached that point yet but has discussed the matter and indicated that they will advertise for members to serve on a Village Planning Board and Zoning Board of Appeals as soon as it can be determined what role each Board will have with regard to zoning regulations as well as what the term limits and requirements will be for the appointed Board members. Trustee Rich confirmed that the Village does have plans to move forward with zoning and that it is in the process of such at this time. The Board has also just been informed that the Village does not necessarily need to have a formal comprehensive plan, as long as the best interests of the community are taken in to consideration.

Mr. Bryant asked the Board if the Village could put garbage pick up out to bid? The Board determined that this most likely could be done and that they will look into the matter further. Chip Perry indicated that the Village annexed garbage pick up from the Town in the past and sold green garbage stickers, and took the trash to a weigh station and the Village actually made money doing so. Trustee Rich motioned to put Village garbage pick up out to bid, seconded by Trustee McDonough, as soon as Trustee Brassard contacts the waste removal companies to research the matter further and obtain bid specifications. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

Marge Seguin asked the Board what a Resolution of Appreciation is. The Board informed Ms. Seguin that the purpose of offering a Resolution of Appreciation is to formally recognize an individual or organization for their service or help to the Village. The Resolution is also recorded in the official Board minutes.

Tim Bryant asked the Board if there is a street sweeping schedule for the business district? Deputy Mayor Brassard informed Mr. Bryant that the DPW sweeps the streets in the Village every spring. Chip Perry indicated that the DPW swept Main Street in the morning several times throughout the summer and that business owners should show some pride by taking responsibility and sweeping and cleaning out in front of their buildings and business's. Mr. Bryant suggested that the Village issue a press release asking business owners to do such and asked if the DPW could zip through with the street sweeper every couple of weeks. Deputy Mayor Brassard indicated that they may be able to accommodate this request at least once per month throughout the summer season. Trustee McDonough thanked Tim Bryant for his comments and suggestions.

Barbara Armstrong asked the Board if the sidewalk in front of the art gallery could be repaired. It is especially a hazard in the winter time as it gets very slippery and she has seen several people slip and fall in that location. Deputy Mayor Brassard indicated that there was a different material used in that one small section of sidewalk and that the DPW should be able to jack hammer it out and replace it with concrete.

Deputy Mayor Brassard asked if there was any further public comment before the meeting closes and there was none.

A motion was made by Trustee Rich, seconded by Trustee McDonough to adjourn the meeting at 8:21 pm, at which time the Board entered into Executive Session to discuss personnel matters. Yes: Deputy Mayor Brassard, Trustees McDonough and Rich. No; none. Absent: Mayor Guerin and Trustee McDonald. The motion carried.

ADJOURNED

Denise C. Daly, Village Clerk

