

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: JULY 13, 2015

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonald and McDonough, Clerk Daly, Treasurer Monette, Deputy Superintendent of Water and Streets; Daniel (Digger) Laing, Port Henry Fire Department Chief; Jim Hughes and Champ RV Park & Campground Manager; Norm Wright and Tammy McCarthy.

ATTENDANCE: John Easter, John Viestenz, Jackie Viestenz, Phil Smith, Lohr McKinstry; Press Republican, Janelle Jurkiewicz, Lance Galvin, Linda Smyth, Ann Tesar, Kelly Cooke, Ron Van Slooten, Jr., Rob DeFelice, Sandra Lovell, Frank Gilbo, Chris Pratt; Times of Ti and Dorothy Wilbur.

The following documents were distributed to the Board for review prior to the meeting: The July 13, 2015 Meeting Agenda, the June 8, 2015 Board Minutes, the June 2015 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 July 13, 2015 Board Meeting file located in the office of the Village Clerk. The 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 7:00 pm, followed by the salute to the flag and thanked everyone for attending.

DEPARTMENT HEAD REPORTS

Tammy McCarthy presented the Board with a verbal report on the Campground for the month of June 2015 as follows:

- Had a busy Fourth of July weekend; campground was full with the exception of three tent sites; collected \$4,811 for weekend. All events held went well.
- Manager thanked the Village for the boards and paint.
- A State inspection was performed on the campground and beach today (7/13/15) resulting in three small violations.
- Currently taking reservations for Labor Day weekend.
- Held a campground meeting on July 11, 2015; went well.
- Need key for hot water tank in bath house #4, received complaints hot water is too hot; needs to be turned down.

Ms. McCarthy asked the Board if the Village has ever considered installing small stand alone grills on the beach. Mayor Guerin indicated that the Village has never had them.

Ms. McCarthy and Norm Wright exited the meeting at 7:05 pm.

Chief Hughes read the June 2015 Chief's Report aloud as follows:

- PHFD has responded to thirty-three (33) calls for 2015: (4) for January, (6) for February, (3) for March, (5) for April, (6) for May, (6) for June and (3) for July to date.

2015 PESH Report:

(33) Calls:	222.24 Man-hours
OSHA Training:	488.50 Man-hours
Additional Training/Participation:	572.00 Man-hours

2015 Total:

1,282.74 Man-hours

- OSHA Training for July: – Hose, Nozzle, and Foam Operations.
- Five (5) Port Henry Firefighters completed OFPC 24 Hour Pump Operator training on July 11th (Gary Badore, William Blood, George Edwards, Mike Hughes, Jr., and Christopher Lee).
- PARADES: PHFD participated in Ticonderoga Annual 4th of July Parade and Camp Dudley's Annual Parade and Breakfast.
- GRANTS: Received \$500.00 from Stewart's Shop for the purchase of new Task Force Tip (TFT) nozzles; received \$250.00 from Ticonderoga Federal Credit Union for the purchase of new Task Force Tip (TFT) nozzles. Grants pending: DEC Volunteer Fire Assistance Grant; Georgia Pacific Foundation, CP Railway Foundation; 2014 Assistance to Firefighter's Grant – Awards are in process – still no news on department award.
- PHFD hosted 3.5 hour CP Railway – Railroad 101 Refresher Training on Wednesday, 6/24 at 6:30 PM at Port Henry Fire Station.
- MAINTENANCE ITEMS: 1) Engine 294 1988 Ford F250 Brush Truck's transmission has been re-built/repared by C & J Automotive of Queensbury, NY. Determined we need to reconfigure or purchase new rear tires to avoid future damage to rear end. Remains out of service while we trouble shoot electrical issues with column starter switch and tail lights. 2) Engine 291 1994 E-One Pumper was inspected and serviced by Essex County DPW; Engine 292 to be scheduled this week; 3) Rescue 298 1993 Ford Rescue Van – New exhaust system has been installed; 4) Team of Firemen painted front of building; 5) Annual Hose Inspection was performed by Adirondack Fire Services in June. 6,255 feet of hose tested. 145 feet of 1.75 inch and 100 feet of 4 inch failed; 6) Annual Fire Extinguisher Inspections and maintenance performed by Fire ProTec in June; 7) Three (3) NEW Task Force Tip Metro II Nozzles were purchased and installed on E292. Old Metro I nozzles transferred to E291. 8) New toilet has been purchased and installed in Men's bathroom.
- PHFD will hold their 2nd Coin Drop of the year on Saturday, July 18th from 9:00 AM to 1:00 PM.

Digger Laing presented the Board with a verbal report on the DPW for the month of June 2015 as follows:

- Picked up garbage and recyclables as scheduled.
- Installed a new sewer service for Mountain Lakes Services and Lee House buildings.
- When raining, have been hauling materials for the Spring Street water line replacement project, to site. Still need approximately 500 yards of talons.
- Paving is almost complete; have laid 72 tons in the Village to date, this season.
- Sewer plug on Lewald Street taken care of and fixed.
- Road side mowing in the Village continues throughout the season.
- Opened the beach, placed ropes and buoys in water; installed dock at pier.
- Rebuilt two storm drains on Greeley Lane.
- Repaired a water break on Meachem Street.
- Installed a bike rack at the Village Park.
- Installed new signs in the island in front of Mac's Market; urging pet owners to clean up after their pets.

Mr. Laing indicated that when all the materials are in for the Spring Street Project, a letter will be generated notifying residents in that vicinity of the upcoming project, a couple of weeks in advance. The water line will be off for approximately a half day (5-6 hours) for the insertion of a six inch valve. The Village will supply everyone with temporary water during this period from two fire hydrants connected to a one inch plastic pipe that will run to outside hose spickets; this will allow residents to have water throughout the remainder of the project. The project is scheduled to begin at the end of July/early August.

Mayor Guerin thanked all Department Heads for their reports.

Mayor Guerin indicated that the bike racks that have been placed in the park and at the beach were donated through the “Street Scape Program” with assistance from Meg Parker of Essex County.

Mayor Guerin called on the pH7 Committee and asked if they had anything to report. Sandra Lovell asked if new updated signs could be purchased and erected on the main road where the current campground sign is, indicating there is a “Public” Beach and Campground.

Linda Smyth asked the Board for an update on the lighting for Main Street. Mayor Guerin indicated that the Village is waiting on Sharon Reynolds with regard to this matter.

PUBLIC COMMENT PERIOD

Lance Galvin addressed the Board regarding his concerns with the Elizabeth Street Phase 2 Project. Mr. Galvin has been informed by the construction workers on site that there is no plan to install drains, sidewalks or curbs on his side of the street. Mr. Galvin indicated that a curb should be re-installed as there was an existing one on his side of the street before the project began. Mayor Guerin indicated that he would discuss the matter with the project engineer at the next progress meeting.

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

BOARD DISCUSSION/REPORTS

On June 26, 2015 Trustee Staley Rich submitted her written resignation as a Village Trustee, to the Mayor and Board effective immediately. Mayor Guerin indicated that he has not had an opportunity to speak with the rest of the Board with regard to appointing a replacement.

Update on Zoning Regulations: Mayor Guerin indicated that he would like to refer the Zoning Consultant Nan Stolzenburg, to Bill Ball and John Viestenz for further follow up with regard to zoning matters. Mayor Guerin asked Mr. Viestenz if he would agree to such and he indicated that he would.

Sanitary Sewer Reconstruction Project: A pre-bid conference was held on July 1, 2015 at 10:00 am at the Village Hall. Project Engineer AES issued a bid notice on behalf of the Village of Port Henry for the Trunk Sewer Reconstruction Project. Sealed bids will be received until 2:00 pm on July 15, 2015, at which time they will be publicly opened and read aloud. Mayor Guerin provided a brief recap with regard to the Manhole 13 project and issues.

- The Village of Port Henry sent a letter to the NYS DEC on June 12, 2015 requesting an amended project completion date of September 30, 2016, as the Village does not anticipate satisfactorily meeting the Order on Consent completion deadline of September 30, 2015. A reply has not been received to date.

Phase 2 Elizabeth Street Storm Water and Sidewalk Construction Project: The project start date was June 29, 2015. A Project Meeting was held on Friday July 10, 2015 at 9:00 am. The sidewalks and installation of new water meters will begin this week. The first coat of blacktop will be laid next week.

Dorothy Wilbur entered the meeting at 7:25 pm

Old Business: A motion was made by Trustee Brassard, seconded by Trustee McDonald, to approve the June 8, 2015 Board minutes. Yes; Mayor Guerin, Trustees Brassard, McDonald and McDonough. No; none. All in favor; motion carried.

A letter was received from the Essex County Treasurer on June 12, 2015 with regard to the refund of overpayment of property taxes for the years 2012, 2013 & 2014 paid by Old Chimney, LLC, otherwise known as the Van Slooten Marina, listed as Tax Map ID No. 97.80-2-1.003; as a result of a court ordered settlement reached on April 23, 2015 to reduce the total assessed value of the property from \$1,230,000 to \$550,000. A Board resolution is required to accept the figures provided by the County Treasurer and thereby authorize a refund from the Village of \$13,402.36 payable to Old Chimney, LLC. A motion to adopt said resolution was made by Trustee Brassard, seconded by Trustee McDonough. Vote:

Aye: Mayor Guerin, Trustee Brassard, McDonald and McDonough.

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 13th day of July, 2015.

As a result of the above settlement that reduced the assessed value of the Van Slooten Marina property, the Essex County Office of Real Property Tax Service recommends that the 2015 Village of Port Henry Tax Roll be corrected by adjusting the amount of property taxes due as follows: Reduced Assessed Value of \$550,000 x \$11.779 (2015 Village Tax Rate per \$1,000) = \$6,478.45; this is the Base Corrected Amount Due. A resolution is required to make this adjustment. A motion was made by Trustee Brassard, seconded by Trustee McDonald, to adopt said resolution. Vote:

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

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 13th day of July, 2015.

A resolution is required to solicit for bids on the purchase of a used 75 foot ladder or 100 foot platform Quint Fire Truck not to exceed \$231,000 as specified in the Port Henry Fire Department Aerial Bid Notice and Specifications that was submitted to the Board for review. Upon adoption of this resolution the Bid Notice will be sent to the Press Republican for publication on July 14, 2015 with a bid submission deadline of July 31, 2015. Bids will be publicly opened and read aloud on July 31, 2015 at 10:00 am. A motion to adopt said resolution was made by Trustee McDonough, seconded by Trustee McDonald. Vote:

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

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 13th day of July, 2015.

A letter was received from the Essex County Attorney with regard to the matter of Level 3 Communications, LLC v. Essex County; indicating that we have prevailed with respect to the issue of reimbursement to Level 3 of the 2010, 2011 and 2012 Town and County, Village and School taxes. A special thank you is extended to Essex County and Charli Lewis, for steadfastly fighting this lawsuit.

New Business: The June 2015 Accounts Receivable Report for Water and Sewer, Property Taxes, and the Monthly Water Adjustment Reports, were distributed to the Mayor and Board for review. There is no monthly Treasurer or Trial Balance Report as the year end books have not been closed to date.

As a precaution, the Village requested an extension of the filing deadline for the fiscal year ending May 31, 2015 from the Office of the State Comptroller on June 11, 2015. Telling and Associates is assisting the Village with the end of year audit/close and the process is taking longer than anticipated. A letter was received from the Comptroller's Office on June 25, 2015 informing the Village that an extension has been granted to the

Village of Port Henry for an additional sixty days with a deadline date of October 1, 2015.

A resolution is needed to authorize the cancellation of the Time Warner Cable 2015 Property Tax Bill in the amount of \$375.74 per the franchise agreement. Motion to adopt said resolution made by Trustee Brassard, seconded by Trustee McDonald; Vote:

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

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 13th day of July, 2015.

A Dissolution Petition was submitted to the Village Clerk on June 25, 2015. The Clerk determined the petition valid within ten days pursuant to General Municipal Law § 779 of Article 17-A; Subdivision 6. The Village of Port Henry Board of Trustees is now required to enact a resolution within 30 days in accordance with General Municipal Law § 777 of Article 17-A; Subdivision 2, therefore the Board will hold a Special Meeting on July 31, 2015 to enact a resolution to set a date to hold a Special Election within 60-90 days of the date of the adopted resolution; at which time the referendum (vote) on dissolution will be placed on the ballot. The Special Meeting will be held at the Village Hall at 7:00 pm and will allow for further discussion as well as questions and comments from the public with regard to the subject of dissolution.

Trustee Brassard informed the Board that he has received calls from two companies that perform dissolution studies who have indicated that the Village is eligible for a grant through the State who will pay for 90% of the cost with the Village liable for 10%. Trustee Brassard motioned to issue a Request for Proposals (RFP) with regard to updating the existing 2010 dissolution study. The motion was seconded by Trustee McDonough. Yes; Mayor Guerin, Trustees Brassard, McDonald and McDonough. No; none. All in favor; motion carried.

To date, one letter of interest has been received with regard to serving on the Planning Board. There are four more seats to be filled. If interested please submit a letter of interest to the Village of Port Henry Mayor and Board of Trustees.

Two Property Maintenance Complaint forms were received in June and distributed to the Board for review with regard to properties located at 10 Second Lane and 16 Elizabeth Street.

The Board determined that they will direct Bill Ball to send a letter to the property owner of 10 Second Lane but were informed that the owner of said property is deceased. Trustee Brassard indicated that he will weed whack in front of the house as it is located across the street from his.

The Board determined that they will ask Bill Ball to take a look at the property located at 16 Elizabeth Street, with regard to the bushes/trees, etc. overgrowing on to the neighboring property.

A Water/Sewer Bill Request for Adjustment Form was submitted by Robert Stahl on June 11, 2015 for Account No. 109; 4317 Main Street. The Board was copied on the request form and a customer history was attached for review. After review and discussion the Board denied the request by motion from Trustee Brassard, seconded by Trustee McDonald; it was determined that the usage is average for this account. Yes; Mayor Guerin, Trustees Brassard, McDonald and McDonough. No; none. All in favor; motion carried.

A Water/Sewer Bill Request for Adjustment Form was submitted by Ronald Van Slooten, Sr., with a letter on July 7, 2015 for Account No. 146; Van Slooten Marina. The Board was copied on the request form and letter and a customer history was attached for review. Trustee Brassard indicated that the Board will need to review the water law before making any adjustment. The Marina is currently being charged for three water

debt fees and three sewer debt fees and well as the flat business rate for water. Treasurer Monette informed the Board that this is how the account was set up in the system in 2007 based on prior billing records. Mr. Van Slooten, Jr., who was in attendance, informed the Board that there is one curb stop for water and one for sewer for the property, as well as a water meter that he installed in the manhole; and that the restaurant is open four hours a day, four days a week. Mayor Guerin indicated that the Board will need to review the matter and will make a fair adjustment at the next meeting. Ron Van Slooten, Jr. thanked the Board for their consideration in further reviewing the matter.

A letter was received from Cheryl Koch of 38 Rice Lane on June 17, 2015 and submitted to the Board for review with regard to requesting that the Village remove the cotton wood trees on the Port Henry Campground that cause medical problems for her mother and obstruct her view of the beach and lake. Digger Laing indicated that the Village just had five dead trees cut down at the campground and the cost was \$5,000. The Board determined that the village will not be cutting down any more trees at the campground and will inform Ms. Koch of such via a reply letter.

Frank Gilbo exited the meeting at 7:45 pm.

A letter was received from the Sherman Free Library on June 30, 2015 thanking the Village for its continued support of the library's services and the generous increase in the amount of financial support the library receives. The library's Annual Report to the community was also included for review.

A letter, proposed resolution, and copy of planting map were received from Jackie Viestenz on July 2, 2015 and submitted to the Board for review with regard to National Grid's 10,000 Trees and Growing Program, which assists communities in planting low growing trees under overhead electric wires. Last year the Village of Port Henry allocated \$300 towards the Japanese Lilac trees that were planted on Main Street. A resolution from the Village Board must accompany the application for the contribution of \$50 per tree from National Grid. Ms. Viestenz requested that the Board pass this resolution so that the Moriah Chamber of Commerce can receive this grant funding. A motion was made by Trustee Brassard, seconded by Trustee McDonald, to adopt a resolution to approve and endorse the application of the Moriah Chamber of Commerce to apply for contributory reimbursement under the 10,000 Trees and Growing Program for the project known as "Trees for Port Henry", located in this community. Vote:

Aye: Mayor Guerin, Trustee Brassard, McDonald and McDonough.

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 13th day of July, 2015.

The Village received written notice and pictures from Peter LaHart who camped with Darlene LaHart (Taylor) at the Champ RV Park and Campground from July 2 -5, 2015 on Site No. 11. Mr. LaHart reported that a tree limb broke off above their camper on July 3rd at 7:00 pm and fell on the slide out awning and camper, ripping the awning from the camper and causing a few scratches to the camper that he states he can buff out. The Board was copied on the e-mail and pictures as well as the signed Camping Agreement on file for these campers. After review and discussion the Board determined that the Camping Agreement was signed by Darlene LaHart (Taylor) which thereby releases the Village of the damages. Mr. LaHart will be informed of the Board's determination with regard to this matter.

The Village received a letter from the Executive Director of Mountain Lake Services on July 8, 2015 with regard to Richard Laing, an individual that receives support through Mountain Lake Services and is currently volunteering his time working with the Village of Port Henry DPW. Mr. Laing's goal is to eventually obtain employment in a similar environment. Mountain Lake Services understands that the Village of Port Henry assumes no liability for any harm or injury sustained while Richard Laing is volunteering and thanked the Village for providing him with this opportunity. DPW Deputy

Superintendent Digger Laing informed the Mayor and Board that Mr. Ling is doing a great job.

A letter was received from the Moriah Distinguished Young Women Scholarship Program informing the Village that they are pleased to be hosting the second annual "Be a Champ 5k Run/Walk" on Sunday July 19, 2015 as part of the Champ Day festivities.

Mayor Guerin informed the Board that the Village will be obtaining new baskets for the bridges next year with funding through the Essex County Safe Streets program.

A motion was made by Trustee Brassard, seconded by Trustee McDonough, to approve the June 29th and July 13, 2015 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonald and McDonough. No; none. All in favor; motion carried.

Abstract Distributions:

General \$57,281.31
Water \$17,758.44
Sewer \$2,781.64
Joint Activity \$15,763.85
Capital \$2,275.00

SECOND PUBLIC COMMENT PERIOD

Mayor Guerin informed the public that the Village is waiting to hear back from the New York State Department of Transportation with regard to changing parking on Main Street from diagonal to parallel to ensure the safety of residents. A flashing sign indicating the rate of speed that vehicles are traveling on Main Street may also be erected through funding from the Safe Streets program.

Mayor Guerin informed the public that the Village is applying for a grant to obtain funds for a parking lot above the Post Office on Broad street, which will help in increasing the number of parking spots in the Village that will be lost if the parking is changed.

The Village has also applied for grant funding to replace the water and sewer lines on Rice Lane; similar to the project that was completed on Elizabeth Street; also with grant funds.

Ann Tesar informed the Board that there is a line of sight issue when pulling out of Church Street and on to Main Street.

Kelly Cooke informed the Board that there has been a red truck on Henry Street doing approximately 60 miles per hour. The vehicle was recently pulled over. Mayor Guerin suggested getting the license plate number and calling it in should it happen again.

Linda Smyth suggested that the Village hold the Special Meeting scheduled for July 31, 2015 in a location other than the Village Hall. Ms. Smyth commented that after the last meeting with regard to the topic of dissolution that was held at the Village Hall, people complained that the room was too hot and some individuals felt intimidated. Mayor Guerin confirmed that the July 31st Special Meeting will be held at the Village Hall to start, however future meetings may be held elsewhere.

Janelle Jurkiewicz asked if the study has to be done after the vote (referendum) on dissolution is held. Trustee Brassard indicated that the Village can begin updating the 2010 study before hand.

Dorothy Wilbur asked if the Police Department could issue a police blotter to be printed in the weekly newspaper to make residents aware of issues in the community. Ms. Wilbur has had a problem with BB's and stones being thrown at her windows and breaking them. Trustee Brassard indicated that the Police Department issues a report at the monthly Town Board Meetings. Lohr McKinstry introduced the new editor of the

Times of Ti; Chris Pratt and indicated that a police blotter has appeared in the Times of Ti.

Jackie Viestenz asked what happened to the signs that used to be placed on Main Street in the crosswalks alerting traffic of pedestrians crossing. Mayor Guerin indicated that the signs were destroyed by vehicles hitting them.

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

The next monthly Board Meeting will be held on Monday August 10, 2015 at 7:00 pm, at the Village Hall.

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to adjourn the meeting at 8:10 pm. Yes; Mayor Guerin, Trustees Brassard, McDonald and McDonough. No; none. All in favor; motion carried.

ADJOURNED

Denise C. Daly, Village Clerk