

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: OCTOBER 13, 2015

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom, Clerk Daly, Treasurer Monette and Deputy Superintendent of Water and Street; Daniel (Digger) Laing.

ATTENDANCE: John Easter, John Viestenz, Jackie Viestenz and Janelle Jurkiewicz.

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.3 of 2015; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, to the public for review and comment.

This proposed Local Law was distributed to the Board on August 26, 2015 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 and indicated that the Village will move forward with implementing a zoning law regardless of the outcome of the October 27, 2015 Referendum on Dissolution.

Public Comment Period; there were none.

A motion was made by Trustee McDonough, seconded by Trustee McDonald, to adjourn the Public Hearing at 6:49 pm. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor, 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 13, 2015

TIME: 7:00 PM

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

ATTENDANCE: John Easter, John Viestenz, Jackie Viestenz, Janelle Jurkiewicz, Tim Bryant, Ann Tesar, Annemarie Adamowicz and Linda Smyth.

The following documents were distributed to the Board for review prior to the meeting: The October 13, 2015 Meeting Agenda, the September 14, 2015 Board Minutes, the September 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 October 13, 2015 Board Meeting file located in the office of the Village Clerk.

The Meeting Agenda was also made available to those in attendance and posted on the website at www.porthenrymoriah.com.

Mayor Guerin called the meeting to order at 7:02 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 Champ RV Park and campground for the month of September as follows:

- Prior to leaving the campground for the season the bathrooms were all cleaned; the picnic tables were stored (12 need to be replaced and five need additional boards).
- All seasonal electric bills have been paid in full.
- All receipts, bookwork and items stored at Village Hall have been turned in to the Village Office for the season.

Norm and Tammy thanked the Village Board, Clerk Daly, Treasurer Monette and the DPW for their help this season. The Board in turn, thanked both of them for their management of the campground. Trustee Brassard indicated that the Village will advertise for Campground Managers for the 2016 season in the near future and Norm and Tammy confirmed their interest in returning.

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

- The beach has been drained and closed for the season and the beach house has been boarded up.
- The Spring Street water line project has been completed; 1000 foot of 6 inch water main lines were installed including; 21 water services, 60 foot of 12 inch storm drain, 30 foot of 8 inch sewer line, and approximately 1800 foot of temporary water lines.
- 5 yards of concrete was used to repair 50 feet of sidewalk on Spring, Broad and College Streets.
- Streets were swept
- Truck maintenance was completed.

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

- PHFD has responded to fifty-four (54) calls for 2015: (4) for January, (6) for February, (3) for March, (5) for April, (6) for May, (6) for June, (7) for July, (7) for August and (8) for September and (2) for October to date. Average response time: 3.18 minutes; Average number of responders: 9.

2015 PESH Report:

(54) Calls:	456.52 Man-hours
OSHA Training:	864.00 Man-hours
Additional Training/Participation:	897.00 Man-hours
2015 Total:	<hr/> 2,217.52 Man-hours

- OSHA Training for October: – Chimney Fire Refresher Training.
- New High Band Radio Base Station has been installed at our department by Wells Communication.
- GRANTS: PHFD application for *Home Depot Foundation Grant* on 9/2/2015 requesting \$5000 for building weatherization project has been declined.
- 2014 Assistance to Firefighter's Grant: Chief Hughes proposes to present amendment to FEMA modifying grant award. Cost for five (five) self-contained breathing apparatus (approximately \$35,000) to be re-appropriated towards the purchase of new turnout gear.
- PHFD Coin Drop scheduled for October 10th, 2015 was postponed. PHFD respectfully requests new date.

Mayor Guerin indicated that should the Village dissolve, there will be no more Coin Drops.

PUBLIC COMMENT PERIOD

Jackie Viestenz extended her appreciation to John Hickey and the Village DPW for their help in getting the “funky folk” out for the season. Ms. Viestenz also commended the DPW on the Spring Street water line replacement project.

Linda Smyth asked if Spring Street will be paved the whole width of the street. Trustee Brassard and Deputy Superintendent Laing confirmed such.

A brief discussion ensued regarding the recent thefts in the area.

John Easter asked if there have been any complaints about the taste of the water recently and indicated that his water has a little bit of dirt like taste to it. Trustee Brassard indicated that he would inform Chip Perry and Pete Towns of the issue.

Tim Bryant asked the Board if there will be any supporting documentation with regard to how the consulting company arrived at the figures in the dissolution brochure that was mailed to Village residents. Trustee Brassard advised Mr. Bryant to ask his question or leave a comment on The Laberge Group's website as he may get a quicker response that way. Mr. Bryant also asked when the consultants will respond to the questions he e-mailed prior to the last meeting and if they will they be addressed on October 21st. Trustee Brassard indicated that his questions will be re-forwarded to Laberge via e-mail.

Tim Bryant provided the Board with documentation regarding real estate sales in the Village, which contradicts the comments made at the last dissolution meeting with regard to individuals not being able to sell properties located within the Village due to high property taxes.

Jim Hughes addressed the Board and public with regard to the Port Henry Fire Department; he is very concerned about future fire protection and indicated that there are serious things to consider regarding such. Port Henry provides fire protection at a rate of \$1.77 per thousand; Moriah Fire department's rate is \$2.06 per thousand. The Port Henry Fire Department has been providing fire protection since 1874. Chief Hughes indicated that there is a public misconception that the reason the dissolution petition came about was due to the proposed purchase of a ladder truck. The fire department met with the Village Board regarding the matter on three separate occasions and the misconception is simply not true.

Annemarie Adamowicz indicated that the presentation at the last dissolution meeting was difficult to see from the back of the room. She'd also like to see information presented in dollars and cents rather than percentages. Ms. Adamowicz also indicated that the property assessments drive property taxes up. The Village tax still remains lower than the School and Town. Ms. Adamowicz expressed her disconcert with residents of the Village that do not own property being able to cast a vote on the dissolution.

A discussion ensued between the Board and members of the public with regard to the proposed dissolution. Linda Smyth exited the meeting at 7:55 pm.

Tim Bryant expressed concern with organizations not adhering to the Certificate of Occupancy Law and indicated that it is also a Town and County wide issue.

BOARD DISCUSSION/REPORTS

Trustee Brassard addressed two requests for refunds from campers. The first from the Callahan's who paid an extra \$200 for an additional two week stay, while assuming that they could remain on the same campsite. The managers informed the Callahan's that the site was actually rented prior to their request and therefore asked the Callahan's to move to a different site. After the Callahan's relocated and were all set up they were informed they were on the wrong site. At that point they became frustrated and left and are now requesting a refund of \$200. A motion was made by Trustee Brassard, seconded by Trustee McDonough, to refund the Callahan's the \$200. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor, motion carried.

The second refund request was from the Snyder's. During the Labor Day weekend their tent almost caught fire due to transient campers lighting off fireworks. The Snyder's are requesting a \$90 refund. A motion was made by Trustee Tom, seconded by Trustee McDonough, to refund the Snyder's \$90. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor; motion carried.

Trustee Brassard read aloud a document he crafted with regard to Village taxes as follows:

"I just want to take a moment to present these numbers to everyone here tonight. Back in 2000 the tax rate in the village was \$9.04 this made your village tax on a 50K assessed home \$452.00, on 100K assessed home your taxes were \$904.00. In 2005 the tax rate was \$11.71 this made your village tax on a 50K assessed home \$585.50, and \$1,171.00 on a 100K assessed home. In 2010 the tax rate was \$10.01 this made your tax bill on a 50K assessed home \$500.50, and \$1,001 on 100K assessed home. Today village residents pay \$11.78 per thousand making a 50K assessed home \$589.00, and a 100k assessed home \$1178.00

So in 15 years your village tax rate has increased \$137.00 on a 50K assessed home, and \$274.00 on a 100K assessed home. So you please explain to me where the outrageous increase is. Almost everything you buy today compared to 15 years ago has seen a much larger increase then your village tax rates. Did rates go up .99 cents this past year Yes, but that was simply because the village residents that come to village meetings asked for a 5th guy to be added to the DPW crew, that was almost 80 of the 99 percent increase, the rest were state mandated items uncontrolled by the village board.

I have lived in this village my entire life and I bought a house in this village knowing I would have an extra tax, as did every one of you. This village was around many years, before anyone in this room today. So ask yourself, why did I buy my house in the village; some of you will say because it was handed down to me, others will say because I like the services I get in the village, others may say because I like to be closer to things such as a bank, store etc. Some maybe bought because of the beautiful view you have overlooking the lake, my point is you all live in this village for a reason or you would have bought a house out in the town or in a different town.

I close with this, is an increase of \$137.00 (on a 50K assessed home) or \$274.00 (on a 100K assessed home) over a 15 year period worth dissolving a government that you have 100% of your voice in or do you want to go to a government that you only have 25% of your voice in?, that has stated they most likely won't continue trash/recycling pick up, most likely won't plow the sidewalks in the winter, and have stated that they are still unsure about giving all village employees a job as it is a Town Board decision to be determined at a later time."

Trustee McDonough announced that the CP Rail Christmas Train is scheduled to arrive in Port Henry on Sunday November 29, 2015 at 4:45 pm.

Trustee McDonough indicated that a presentation from Tower Point has been received. Mayor Guerin indicated that the buyout would be the best option for the Village. Trustee Tom expressed concern regarding the taxes and assessment. The Board agreed to table the matter in order to review the presentation further and have the Village attorney and/or accountant review it as well.

Recurring Old Business: The fully executed copy of the Agreement to update the Village of Port Henry Comprehensive Plan and develop a Zoning Law was received on September 14, 2015 from Nan Stolzenburg of Community Planning & Environmental Associates.

The Village received the \$350 reimbursement contribution check and acceptance in to the program from “10,000 Trees & Growing” on September 17, 2015 for the seven trees that were planted on Main Street.

The revised Village of Port Henry Employee Policy as approved was distributed to the Board and all employees on September 18, 2015.

A thank you letter was received from the Moriah Robotics Club on September 22, 2015 for allowing them to hold a Coin Drop in the Village. The club was able to raise over \$400; enabling them to purchase kits to help expand membership and provide more Moriah students with the opportunity to learn about electronics and computer programming.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee McDonough to approve the September 14, 2015 Board minutes. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor, motion carried.

The Board was copied on two Bond Resolutions crafted by the Village attorney on September 23, 2015. Copies of the full Resolutions are on file in the Office of the Village Clerk and will remain open for public inspection during normal office hours.

The first was a Resolution Authorizing the Issuance of up to \$52,100 in Serial Bonds and/or, Bond Anticipation Notes, to pay for the Cost of a New 2016 Chevy Pick up Truck and Related Equipment, as budgeted for. A motion to adopt said Resolution was made by Trustee Brassard and seconded by Trustee McDonough. Vote:

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

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 the 13th day of October, 2015.

The second resolution was to: Authorize the Issuance of up to \$250,000 in Serial Bonds and or, Bond Anticipation Notes, to pay for the cost of a Used Fire Truck and Related Equipment. A motion to adopt said Resolution was made by Trustee Brassard, seconded by Trustee Tom. Vote:

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

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 the 13th day of October, 2015.

Dissolution Proposition: A referendum on the proposition of dissolution will be held on October 27, 2015 at the Port Henry Firehouse located at 14 Church Street in Port Henry. Polls will be open from 12:00 pm to 9:00 pm. Only registered voters of the Village of Port Henry will be permitted to cast a vote. The proposition shall read as follows on the official ballot: “Shall the Village of Port Henry dissolve? Yes_____ or No_____.”

Voter registration forms are available at the Village Hall and Sherman Free Library. A voter registration application form is processed within two days of being received at the

Essex County Board of Elections. It is each voter's individual responsibility to ensure they are registered to vote. If a name does not appear in the poll books or on the list of registered voters of the Village as received from the Essex County Board of Elections and can not be verified by the County Board of Elections after hours on the day of the referendum, the individual will not be permitted to cast a vote. Village Law does not permit affidavit voting. Individuals may call the Essex County Board of Elections to confirm registration at: 873-3474. The Board has determined that absentee voting will be permitted for those that qualify.

New Business: The September 2015 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 2015, as no adjustments were made.

The Board determined that there were no changes to be made to Local Law No. 3 of 2015: Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, therefore a motion to pass a Resolution to adopt Local Law No. 3 of 2015 was made by Trustee McDonough and seconded by Trustee McDonald.
Vote:

Aye: Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom
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 the 13th day of October, 2015.

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

- | | |
|------------------------------------|---|
| 1) Superior Plus Energy (Griffith) | No fixed rate provided (as was requested) |
| 2) Gordon Oil | \$2.04 per gallon |
| 3) Avery Energy | \$1.89 per gallon |

A motion was made by Trustee Brassard, seconded by Trustee McDonough to adopt a resolution to award the fuel oil bid to Avery Energy at a fixed rate of \$1.89 per gallon and deemed to be the lowest, responsible bidder. Vote:

Aye: Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom
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 the 13th day of October, 2015.

The Town of Moriah Dog Law; Local Law No. 1 of 2015 was received on September 18, 2015. The Town Animal Control Officer recommends the Village adopt the same local law so there are no discrepancies in enforcement issues within the Town and Village limits. The law has been modified to reflect the Village of Port Henry and distributed to the Board for review. The Village Board will hold a Public Hearing on the proposed local law on November 9, 2015 at 6:45 at the Village Hall, by motion from Trustee Brassard, seconded by Trustee Tom. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor; motion carried.

The next regularly scheduled Board Meeting will be held on Monday November 9, 2015 at 7:00 pm at the Village Hall.

The Village will be closed on Wednesday, November 11, 2015 in observance of Veteran's Day.

A motion was made by Trustee McDonough, seconded by Trustee McDonald to approve the September 28th and October 13, 2015 bills for payment. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor; motion carried.

Abstract Distributions:

General \$34,321.27

Water \$15,635.69

Sewer \$7,418.80

Joint Activity \$13,759.99

Second Public Comment Period

Digger Laing indicated that the Village has received a \$2,500 grant to install handicap entrances at George's Restaurant and Celotti's Wine and Liquors.

A motion was made by Trustee McDonough, seconded by Trustee Brassard, to adjourn the meeting at 8:35 pm. Yes; Mayor Guerin, Trustees Brassard, McDonald, McDonough and Tom. No; none. All in favor; motion carried.

ADJOURNED

Denise C. Daly, Village Clerk