

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: AUGUST 8, 2016

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth, Village Clerk; Denise Daly, Deputy Superintendent of Water and Streets; Daniel (Digger) Laing, Chief Water and Wastewater Operator; Carl (Chip) Perry, Port Henry Fire Chief; Jim Hughes and Code Enforcement Officer; Bill Ball.

ATTENDANCE: John Easter, John Viestenz, Jackie Viestenz, Sandra Lovell, Louise Belden, Pat Tom, Lohr McKinstry, Margaret Parah, Ann Tesar, Cathy St. Pierre, AnnMarie Adamowicz, Carol Genier, Nancy Gilbertson, Kim Gilbertson and Tim Bryant.

The following documents were distributed to the Board for review prior to the meeting: The August 8, 2016 Meeting Agenda, the July 11, 2016 Board Minutes, the July 2016 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 August 8, 2016 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 7:00 PM, followed by the salute to the flag and thanked everyone for attending.

DEPARTMENT HEAD REPORTS

Chip Perry provided a verbal report to the Board for the month of July 2016 as follows:

Water Treatment Plant

- The plant is running well.
- A few complaints were received with regard to a dirt taste in the water, it only lasted a couple of days and all of the samples came back fine.

Wastewater Treatment Plant

- Plant is running well.
- All samples are fine.

Manhole 13 Project

- The project is on hold for a few weeks while waiting on steel pipe.

Mr. Perry indicated that the beach was closed this past Thursday due to a report of blue green algae. The beach was re-opened on Saturday after the sample indicated the water was clear. Mr. Perry informed the Board that he has advised the lifeguards to contact the water department before closing the beach so a sample may be collected to confirm the algae is present. The water during the recent closure looked more like dirty water than blue green algae and no other surrounding area beaches experienced issues with blue green algae.

Digger Laing provided the Board with a verbal report on the DPW for the month of July 2016 as follows:

- Mowing and trimming continued for the season as necessary.
- Debris removal and clean up was performed after the storms.
- Water breaks were repaired as needed.
- Sewer breaks were repaired as needed.

- Hydrant flushing's were performed; there are two fire hydrants that need to be replaced; #69 and #70.
- 12 yards of top soil was spread in the Village.
- A few pedestals at the beach were repaired.
- 8 tons of blacktop was laid in the Village.
- The old, weathered, Lake to Locks signs were removed as requested.
- The Champ sign was re-erected; the State indicated where it was to be placed.

Three quotes for materials and supplies for the Rice Lane Water and Sewer Line Replacement Project were received as follows:

HD Supply \$29,367.70
 Ferguson \$31,558.84
 Vellano Bros. \$31,700

Trustee Smyth commented that she almost drove over the black material that was laid down on the property at the corner of Broad and Spring Streets. Mr. Laing explained that the owner of the property allowed the Village to store the pipe and materials on his property for the Spring Street water line replacement project last summer. The DPW covered the vacant lot with black stabilization fabric so the grass and weeds don't grow back up there, eliminating the need for the DPW to have to mow and trim the area. Ann Tesar asked why the Village is mowing private property and Mr. Laing reiterated that the owner permitted the Village to use the property to store pipe and materials there as needed and in exchange for the use of the property, the Village maintained it.

Chief Hughes read aloud the Fire Chief's Report for the month of July 2016 as follows:

PHFD has responded to forty-three (43) calls for 2016: (2) for January, (6) for February, (5) for March, (4) for April, (9) for May, (7) for June, (10) for July and (0) for August to date. Avg. Response Time: 2.57 minutes; Avg. Responders: 10.53.

2016 PESH Report:

(43) Calls:	509.90 Man-hours
OSHA Training:	393.50 Man-hours
Additional Training/Participation:	841.50 Man-hours
Total:	1,744.90 Man-hours

- *Training:*
 - August OSHA Training – *SCBA Confidence Training Course – August 15, 17, 22, and 24.*
 - Port Henry Firefighters Christopher Lee and Benjamin Hanson completed Firefighter I Training on 8/5/2016 (104 hours each).
- *Maintenance:*
 - Engine 291 and Engine 292 Annual New York State Truck Inspections completed on 7/25/2016 by Essex County DPW.
- *Grants:*
 - NY/Vermont Port Authority Grant Application (\$5000) - *Pending.*
 - 2015 Assistance to Firefighter's Grant (\$215,000) Decision/Award - *Pending.*

PUBLIC COMMENT PERIOD

Cathy St. Pierre asked why the "Village of Port Henry" sign was removed and replaced with a "Champ" sign at the south end of the Village, when the Village has not dissolved yet. Digger Laing indicated that the Village of Port Henry sign was removed due to its poor condition and indicated that if the Board approves, a new one may be ordered.

Sandra Lovell addressed the Village Board members Curran, Davenport and Smyth and asked them each to give her their reason(s) as to why they think we would be better off without the Village of Port Henry; without using lower taxes as one of their answers. Trustee Davenport commented that everyone in the room already had their minds made up at this point with regard to dissolution and they should not have to debate the issue further, as there was a lot of business to attend to on the agenda and he'd just as soon get to it. Ms. Lovell indicated that she was asking courteously and is attempting to find a balance with regard to the matter. Trustee Smyth indicated that she had made her statement at the public hearing and would not provide further comment on the matter at this point. Trustee Curran stated that he believes the Village of Port Henry needs a jumpstart; it has been stagnant since the mines closed, people won't buy real estate in the Village and he'd like to make it better for the children. Cathy St. Pierre commented that it is not true that people are not buying real estate in the Village, because you just purchased another house in the Village. Trustee Curran indicated that the taxes on the properties that he purchases are tax deductible.

Margaret Parah asked what the "people in the know", know, meaning the Town and Village.

Trustee Curran commented that the Village currently receives a \$600,000 grant every other year however upon dissolution there will be approximately fifteen other grants that the community as a whole will be eligible to apply for. Mayor Guerin indicated that the Village and Town can each apply for the \$600,000 grants currently as separate municipal entities. Trustee Curran indicated that grant funds are not guaranteed. Cathy St. Pierre commented that the \$300,000 Citizen's Empowerment Tax Credit (CETC) from the State as incentive to dissolve, is not guaranteed either.

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

BOARD DISCUSSION/REPORTS

Trustee Brassard reported that he and Supervisor Scozzafava met with representatives from the New York State Canal Corporation and identified areas at the pier that are in need of improvements/repair; including lights, tables, chairs, etc.

Trustee Brassard informed the Board that he has a meeting scheduled with representatives from "Safe Streets" with regard to a \$2,000 available grant to purchase new tables for the park and beach. Safe Streets will also be conducting a pedestrian and traffic survey on August 10th, while they are here.

Trustee Brassard attended a meeting with the New York State Troopers, Town of Moriah Police and Essex County Sheriff's Department regarding complaints received from the manager of the Velez Marina of people racing and causing noise disturbances and other issues at the State boat launch area late at night and in the early morning hours. The issues seem to have subsided since meeting with the authorities.

Trustee Brassard reported that the campground is very busy, electrical usage is up this season and that the beach was closed for the third time this past weekend due to Blue Green Algae.

Mayor Guerin called for a resolution to order materials for the Rice Lane project. A motion was made by Trustee Brassard, seconded by Trustee Curran to order the materials needed per the written quote from HD Supply, in the amount of \$29,367.70. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Recurring Old Business: Mayor Guerin provided an update on the Manhole 13 Project as follows: there is currently a hold up with CP Rail; when the steel pipe arrives that is needed the project will resume and will be completed by the end of August, early September.

Trustee Brassard provided an update on the Rice Lane Project as follows:

Bids for the Rice Lane Water and Sewer Line Replacement Project are due by 10:00 am on August 15, 2016, at which time the bids will be publicly opened and read aloud in the order in which they are received. The Laberge Group will then review each bid submitted and inform the Village by Friday August 19, 2016 what their award recommendation is.

The Board was provided with the draft Zoning Law on May 18, 2015 for review. The subject of whether or not the sign restrictions in the law are necessary came up. The Development Review Law includes language on signage and has been incorporated in to the draft zoning law. In the absence of a Planning Board; due to the lack of people interested in serving on such, the Village Board will serve as the Planning Board. A Zoning Board of Appeals will be appointed upon adoption of the zoning law and will consist of a three person body. The Board decided to meet with Nan Stolzenburg; the consultant hired by the Village (via a grant for implementing zoning), who has assisted with the development of the zoning law, to discuss and incorporate any proposed changes.

The Referendum (Vote) on the Dissolution Plan will be held on Tuesday August 16, 2016 at the Port Henry Firehouse. Polls will be open from 12:00 pm to 9:00 pm. Registered voters of the Village of Port Henry may cast a vote on the Referendum. Absentee ballot applications are available for those that qualify in the office of the Village Clerk. Village Law does not permit affidavit voting

In accordance with State Law the referendum shall read as follows on the official voting ballot: *“The voters of the Village of Port Henry having previously voted to dissolve, shall the elector initiated dissolution plan take effect? YES _____ NO _____.”*

For clarification purposes on the above Referendum: Voting **“YES”** means that you accept the Dissolution Plan. (The referendum passes and dissolution proceeds according to the plan). Voting **“NO”** means that you do not accept the plan. (The referendum fails and dissolution shall not take effect).

Old Business: A motion to approve the July 11, 2016 Board Minutes was made by Trustee Brassard, seconded by Trustee Curran. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

A letter was received on July 11, 2016 from Kellie Valentine with regard to negotiating her hourly wage of \$10.00 an hour for cleaning the Village Hall and Office. Ms. Valentine indicated that after taxes she only clears \$6.20 per hour. It was noted that Ms. Valentine does a fantastic job however the matter was tabled until the August 8, 2016 meeting in order to determine how much Ms. Valentine is requesting per hour. It has been confirmed that Ms. Valentine is requesting \$20.00 per hour. A motion was made by Trustee Brassard, seconded by Trustee Davenport, to increase Kellie Valentine’s hourly rate to \$20.00 per hour, effective immediately. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

New Business: The July 2016 Accounts Receivable, Trial Balance and Water Adjustment Reports were presented to the Board for review.

The Board scheduled a Special Meeting for Monday August 22, 2016 at 7:00 PM at the Village Hall for the purpose of awarding the Rice Lane Project bid and to meet with Nan Stolzenburg if available, to further review and discuss the draft zoning law.

The Board declared the 1987 John Deere surplus and the item was put out for bid with a \$4,000 reserve. Bids were accepted up to 3:00 pm on August 8, 2016 and were publicly opened and read aloud in the order in which they were received as follows: Carl Perry, Sr.: \$4525.00. A motion was made by Trustee Brassard, seconded by Trustee Curran to award the bid to Carl Perry, Sr., in the bid amount of \$4525.00. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

The Board discussed the timing of the Acting Treasurer dispersing funds for the Rice Lane and Manhole 13 Projects as needed per grant requirements. Once the grant funds are received in the Village's account, the Village is required to disperse the funds within five days to the contractor(s); therefore these disbursements will require action by the Treasurer on dates other than the end of the month, or the regular Board meeting. Disbursement checks always require two signatures and the Board will be presented with the payment(s) for review at each monthly meeting. A motion was made by Trustee Brassard, seconded by Trustee Davenport to grant the acting Treasurer the authority to cut checks for these grants as needed. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Copies of e-mail correspondence were distributed the Mayor and Board on August 2, 2016 from David Sullivan of the Northeast Bass Association who has requested permission to use the beach on September 8th & 9th, 2016 between the hours of 5:30 am and 7:00 am for their fishing event. Trustee Brassard indicated that this organization held another fishing tournament a few years ago and there were no issues or problems. A motion was made by Trustee Brassard, seconded by Trustee Smyth to grant permission as requested above. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

A Property Maintenance Complaint Form was received on July 14, 2016 with regard to 43 Brook Street and was distributed to the Mayor, Board of Trustees and Bill Ball for review. Bill Ball indicated that the property is currently in foreclosure. Trustee Brassard directed Mr. Ball to send a citation and the Board agreed.

Bill Ball addressed the Board with regard to his hourly rate of \$15.00 for providing Code Enforcement Services to the Village. Mr. Ball requested an increase to \$20.00 per hour. After further discussion a motion was made by Trustee Curran, seconded by Trustee Brassard, to pay Bill Ball \$20.00 per hour for the remainder of the fiscal year, or until the budget for such has been expended. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

The 127th Annual Port Henry Labor Day Celebration will kick off on Saturday September 3, 2016 beginning at 8:00 pm with a band or DJ at the Port Henry beach, followed by the fireworks display at 9:00 pm. The celebration continues on Sunday September 4, 2016 at 10:00 am on Church Street with a craft fair, children's games and activities, pony rides, etc., followed by the Labor Day Parade at 1:00 pm, down Broad and Main Streets.

A motion to approve the July 20, 25, 28, and August 8, 2016 bills for payment was made by Trustee Brassard, seconded by Trustee Curran. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Abstract Distributions:

General \$40,277.64
Water \$6,294.13
Sewer \$1,720.34
Joint Activity \$8,538.17
Trust & Agency \$1,296.31
Capital \$463,861.96

The next regularly scheduled Meeting of the Village of Port Henry Board of Trustees will be held on Monday September 12, 2016, at 7:00 pm.

Second Public Comment Period: Trustee Davenport indicated that he had looked in to hiring a monitor for the public referendum on the dissolution plan at a cost of \$75.00 and feels that it needs to be done. Clerk Daly informed the Board that the Village already has three (3) certified election inspectors for the Special Election/Referendum and the additional cost of a monitor is not included in the fiscal year budget. Trustee Curran indicated that there were some issues at the March election with the write in votes. Clerk Daly informed the Board that there were ballots in question with regard to write in votes at the March 15th General Village Elections and that's why she requested a re-canvass by

the Essex County Board of Elections. The same may be done if there are any issues with the upcoming Special Election on the dissolution plan referendum. Trustee Curran offered a motion to hire an election monitor for the August 16, 2016 Special Election; the motion was seconded by Trustee Davenport. Yes; Trustees Curran, Davenport and Smyth. No; Mayor Guerin and Trustee Brassard. By a vote of three to two, the motion carried.

John Viestenz asked who the adjustments were for on the monthly Water Adjustment Report and was informed the approved adjustment was for Ronald Van Slooten.

Tim Bryant commented on the detailed, thorough, draft zoning law presented by Nan Stolzenburg and indicated that zoning may mean one thing to one person and something else to another. Trustee Smyth commented that zoning should be open to allow for new businesses. John Viestenz commented that the draft zoning law is thick, complex and detailed, as the Development review Law is incorporated in it, which contains all the level of details. Mr. Viestenz indicated that after speaking with Ms. Stolzenburg regarding the level of detail included in the law, she convinced him that it is important to have a thorough zoning law. However Mr. Viestenz indicated that now is the time for the Board to address and discuss the level of detail included in the draft law if there are any concerns with it.

Trustee Curran asked to discuss dissolution at the Special Meeting on August 22, 2016; regardless of the outcome there will be a lot to do as Supervisor Scozzafava has to have a preliminary budget in place by November 1st. The Board agreed to add a discussion on dissolution to the meeting agenda.

Sandra Lovell commented that to say the vote will be very close brings about divisiveness; the very first dissolution vote was won by 44 votes in favor of keeping the Village of Port Henry. Ms. Lovell further commented that since then, the Village has been prosperous most likely due to the fact that we've had one Mayor for the past nine years and the Village has been better since he's been in office and she feels that he has been a great Mayor. Ms. Lovell indicated that the Town outside of the Village residents have many of the same problems and issues that we have in the Village and are no better off.

Cathy St. Pierre thanked the Village for making sure that the sewer issue on Bridge Street was repaired and indicated that there is still an issue with the neighbor's pit bulls being loose.

Digger Laing informed the Board that Rich Laing (Ricky) is doing a great job.

Mayor Guerin called for further public comment; there was none. Mayor Guerin thanked everyone for attending and called for a motion to adjourn. The motion was made by Trustee Davenport, seconded by Trustee Curran, to adjourn the meeting at 8:33 PM, at which time the Board indicated via the agenda that they would enter in to Executive Session to discuss a pending litigation matter. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

ADJOURNED

Denise C. Daly, Village Clerk