

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: JUNE 13, 2016

TIME: 6:30 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth.

ATTENDANCE: Nan Stolzenburg and Don Meltz; Community Planning & Environmental Associates, Janelle Jurkiewicz, John Viestenz and Jackie Viestenz.

Mayor Guerin called the Public Hearing to order at 6:31 pm, followed by the salute to the flag.

Mayor Guerin indicated that the purpose of the Public Hearing was to provide the public with the opportunity to make comments and/or ask questions with regard to the Village of Port Henry Comprehensive Plan, before its adoption.

Mayor Guerin introduced Nan Stolzenburg of Community Planning and Environmental Associates, who has helped in preparing the Comprehensive Plan, as well as the draft copy of the proposed Zoning Law for the Village.

Ms. Stolzenburg provided an overview of the Comprehensive Plan; which outlines what is going on now, where the Village wants to be in the future and how to accomplish such. The document is intended to be used as a long range guideline and outlines the Village of Port Henry's vision and goals for the community. The plan may be amended after its adoption by Board resolution, as the community changes and should be reviewed periodically.

Ms. Stolzenburg also presented the Board with a draft copy of the proposed Zoning Law and explained that zoning flows from the Comprehensive Plan. The draft law is based on recommendations from the former Zoning Commission.

The Development Review Law has been incorporated into the Zoning Law and is now integrated as one document in the form of a local law. Ms. Stolzenburg provided the Board with a list of highlighted local laws that the Village of Port Henry currently has filed with the State and advised that these laws should also be incorporated in to the Zoning Law.

Ms. Stolzenburg further advised the Board that after the Zoning Law is adopted a three to five person Zoning Board of Appeals must be appointed. Village Board members can not serve on the Zoning Board of Appeals. A Planning Board consisting of five to seven people may be implemented or the Village Board may be delegated to serve as the Planning Board. If the Board chooses to act as the Planning Board, then the Law must be amended to reflect such before its adoption.

Don Meltz reviewed the maps associated with the draft Zoning Law.

Public Comment Period: Trustee Davenport asked if considerations for Town zoning were looked into while developing the plan. Ms. Stolzenburg confirmed that the plan represents the Village only. Trustee Davenport indicated that the plan could be used as a template for future town wide zoning, should the Village dissolve.

Another public comment commended those that worked on the plan; it is impressive.

Trustee Brassard thanked Nan Stolzenburg and her associate Don for their assistance and attending the Public Hearing.

A motion was made by Trustee Curran, seconded by Trustee Brassard to adjourn the Public Hearing at 7:02 pm. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. 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: JUNE 13, 2016

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth, Treasurer Monette, Deputy Superintendent of Water and Streets; Daniel (Digger Laing), Port Henry Fire Department Chief; Jim Hughes, Code Enforcement Officer; Bill Ball and Champ RV Park Campground Managers; Norm Wright & Tammy McCarthy.

ATTENDANCE: Janelle Jurkiewicz, Gary Cooke, John Easter, Jackie Viestenz, John Viestenz, Barbara Bezon, Sandra Lovell, Andrea Anesi, Kyle Miller, Jackie Baker, Michelle Costello, Louise Belden, Cathy St. Pierre, Linda DuRoss, Carol Genier, Margaret Parah, Nancy Gilbertson, Kim Gilbertson, Jeff Kelly, Ruth McDonough, Dori Michener, Pat Tom, Ann Tesar, Phyllis Rounds, Tim Bryant and Keith Lobdell; The Times of Ti Sun Community News.

DEPARTMENT HEAD REPORTS

Digger Laing provided a verbal report on the DPW for the month of May, 2016 as follows:

- Garbage and Recyclables were picked up as scheduled.
- Repaired a water break on a service line on Rice Lane.
- Repaired a water break in Oak Street.
- The dock was installed at the pier with help from inmates at Moriah Shock.
- Worked with the State DOT to sweep Main Street.
- Flower pots were put out for the season for the pH7 Committee.
- Replaced shower heads and plumbing in the beach house.
- Installed a new water and sewer hook up at Harold Bigelow's property on Grove Street.
- Repaired storm pipe on Bridge Street that wasn't connected properly.
- Removed unsafe sidewalk in front of Joy Armstrong's house on Jackson Street.
- Removed a two foot root ball and repaired a sewer plug on Spring Street.
- College and Spring Streets were paved.
- Mowing and weed whacking continues as needed for the season in the Village including the cemetery.
- Selanoide in Loader was repaired.

Tammy McCarthy provided a verbal report on the Champ RV Park & Campground for the month of May, 2016 as follows:

- The seasonal campground opening went very well.
- There were 56 seasonal's for the month of May and Memorial Day weekend
- The campground was almost full on Father's Day weekend.
- There are only five sites left for the 4th of July and sites are filling fast for Labor Day.
- The manager's thanked Digger Laing and the DPW for all of their help with the opening and during the storm before the last one.

- Burning barrels are needed for campsites; some are in bad shape and need to be replaced.
- “No Trespassing” signs were requested for the campground.

Chief Hughes was on a fire call during the Department Head Reports however he read aloud the Chief's Report for the month of May upon his return, as follows:

PHFD has responded to twenty-eight (28) calls for 2016: (2) for January, (6) for February, (5) for March, (4) for April, (9) for May, and (2) for June to date. Avg. Response Time: 2.40 minutes; Avg. Responders: 11.36.

2016 PESH Report:

(28) Calls:	344.18 Man-hours
OSHA Training:	176.00 Man-hours
Additional Training/Participation:	700.50 Man-hours
Total:	1,220.68 Man-hours

Training:

- June OSHA Training – Boat 29 Water Rescue Training

Maintenance:

- Engine 292 / Engine 291: Annual inspections and maintenance were performed by Desorcie E-One Mobile Apparatus & Repair Service and completed this month.
- BOAT 29 – Annual maintenance, inspection, and repairs were performed and completed by Champlain Bridge Marina, Inc.
- Engine 294 (Brush Truck) – 250 gallon tank leaking – repairs to be arranged. Truck remains in service.

Grants:

- 2016 Volunteer Fire Assistance (VFA) Grant Application (\$2,400) - *Pending.*
- NY/Vermont Port Authority Grant Application (\$5000) - *Pending.*
- 2015 Assistance to Firefighter’s Grant (\$215,000) Decision/Award - *Pending.*

A motion was made by Trustee Davenport, seconded by Trustee Curran to approve the 2016-2017 Officers elected to the Port Henry Fire Department as presented. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Jackie Viestenz thanked the Mayor and Board on behalf of the pH7 Committee for their help with the funds for the annual flower plantings in the Village. Trustee Davenport requested a list of those that helped with the planting and watering, in order for the Board to formally thank them for volunteering their time to do so.

PUBLIC COMMENT PERIOD

Gary Cooke spoke with regard to the coterminous option under Home Rule Law in place of dissolution. Mr. Cooke indicated that this option provides tax relief for both Village and Town taxpayers by forming a coterminous Town/Village. The FACT group that has been formed will be mailing out a questionnaire in the near future.

Tim Bryant indicated that he spoke to the Laberge Group representatives with regard to Community Development Block Grants (CDBG). Should the Village dissolve there will only be one CDBG awarded to the community instead of the two (one for the Village and one to the Town) that we currently receive. Upon dissolution, the Village would be giving up \$600,000 in CDBG funds annually to get only \$300,000 in CETC (Citizen Empowerment Tax Credit) funding from the State, should dissolution occur. The Village would also transfer all Village assets to the Town upon dissolution while all current debt

will remain with the Village taxpayer. Mr. Bryant indicated that the Town Supervisor has stated that there will be no tax increase for Town outside of Village residents. In reality they will see a 3% increase at minimum and a 22 to 33% increase in assessed tax levy. Trustee Brassard indicated that the Town Supervisor has stated that he will offset any increase with the contingency fund. Dori Michener responded by indicating that may be so for the first two years however after that, we will see an increase. Mr. Bryant indicated that he has yet to see a positive to dissolving the Village of Port Henry.

Mr. Bryant asked who is responsible for liquidating the Village assets upon dissolution and if the taxpayers can file a legal in juncture with regard to any assets not liquidated. Trustee Brassard indicated that the Village Board will determine what assets will be sold. Cathy St. Pierre asked if a vote to liquidate assets would need to be unanimous. Mayor Guerin indicated that the Village would sell everything it possibly could upon dissolution to help off set the Village tax payer's debt before integrating in to the Town.

Pat Tom indicated that his research indicates that there are currently 560 Villages in New York State; ten have dissolved since 2010 and two are currently in the process of dissolution, the Village of Port Henry being one of them.

Sandra Lovell spoke with regard to her opinion that the quality of life and performance is more important than money or taxes.

Mayor Guerin called for further public comment; there were no further comments at the time.

BOARD DISCUSSION/REPORTS

Trustee Brassard reported that the Town arranged for National Grid to cut back the trees in the cemetery on Whitney Street; he wished they would have been cut all the way down however a possible safety hazard has been eliminated.

Trustee Smyth addressed the Board with regard to two old signs in the Village that are faded and no longer serve a purpose. One is located near Mac's Market and the other near the Champ sign on the south end of the Village. It was determined that the signs were originally placed there by Lakes to Locks and are Heritage Trail signs. The Board agreed to contact Lakes to Locks to look into having them removed. Mr. Laing informed the Board that Mark Bonfey of the NYS DOT will need to be contacted to obtain the necessary work permit before the signs can be removed.

Dori Michener asked if the handicap sign could be put back up at the pier. The Board and Mr. Laing indicated they should be able to do so.

Recurring Old Business: After review and via formal Resolution, the Village Board issued a negative declaration with regard to the SEQR Full Environmental Assessment Form (FEAF) Type I Action, upon adoption of the Comprehensive Plan, and as rationale that there will be no adverse impacts on the environment. Motion to adopt said resolution made by: Trustee Brassard, seconded by Trustee Smyth. Vote:

Aye: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth.

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 June, 2016.

A motion was made by Trustee Brassard, seconded by Trustee Curran, to adopt the proposed Comprehensive Plan. Vote:

Aye: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth.

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 June, 2016.

Mayor Guerin provided an update on the Manhole 13 Sanitary Sewer Project as follows: The bank was washed out due to water across the street from Gene's and Manfred Construction is currently working on repairs. Boring under the CP Rail tracks will begin in the next couple of days. A pump station will be placed by the train station to help alleviate the storm water and sewage issues in that area.

The Board discussed the issues with obtaining an easement for the Manhole 13 Project from Old Chimney, LLC (Van Slooten). The Board discussed and approved crafting an agreement between the Village and Old Chimney with regard to the Village being responsible for the maintenance of the solids tank being placed on the property that services the existing sewer connections. It was confirmed that the Town will have to honor agreements made by the Village upon dissolution however the agreement will need to be amended to name the Town instead of the Village.

The Board discussed and approved forgiving the sewer rent for the existing residential connection for the Van Slooten property in the amount of \$125 as well as the \$65 residential sewer debt fee, by motion from Trustee Brassard, seconded by Trustee Curran. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

Trustee Brassard provided an update on the Rice Lane Project that will be going out to bid in two weeks and is on schedule to date. There are approximately five homes in which measurements still need to be taken on how far down the water and sewer lines go. A letter will be crafted to these property owners. The project should be completed in September or October.

The Village declared the 1998 Ford Ranger surplus and put it out for bid in January of this year. The award to the higher bidder of \$301 fell through therefore Board approval is required to offer the surplus item to the next highest bidder in the original bid amount of \$200. Motion to approve made by Trustee Brassard, seconded by Trustee Curran. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

On May 18, 2016 a Petition for Referendum on the Village of Port Henry Dissolution Plan was received by the Village Clerk containing 242 signatures. In accordance with New York State General Municipal Law, Article 17-A, Section §785, on May 23, 2016 within ten days of the date of filing, the Clerk made a final determination that the Petition contained 221 valid signatures of registered voters of the Village of Port Henry, exceeding the required 25%, therefore the Petition was certified. The Mayor, Board of Trustees, Contact Person named on the Petition and the Laberge Group consultants were notified.

The Village Board is now required within thirty (30) days of the date of certification to enact a resolution setting forth a date to hold a referendum by the electors, on the question of whether the Dissolution Plan shall take effect; the referendum must be held not less than sixty (60) or more than ninety (90) days after enactment of the resolution. The suggested date to hold the referendum is: Tuesday August 16, 2016.

Upon motion by Trustee Brassard, seconded by Trustee Smyth, the Village of Port Henry Board of Trustees enacted a resolution to hold the Referendum on the Dissolution Plan on: Tuesday August 16, 2016. Vote:

Aye: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth.
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 June, 2016.

The Referendum, in accordance with General Municipal Law shall read as follows:

“The voters of the Village of Port Henry having previously voted to dissolve, shall the elector initiated dissolution plan take effect? YES _____ NO _____.”

The Board further determined that the Referendum will be held at the Port Henry Fire house located at 14 Church Street and the polls will be open from 12:00 pm (noon) to 9:00 pm.

There was a brief discussion with regard to the wording of the referendum that will appear on the ballot as indicated above. Mayor Guerin and Trustee Brassard explained that the wording is taken directly from the State Law and has to be worded as such in order to avoid a disqualification of the referendum.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee Curran, to approve the May 9, 2016 Board minutes. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

The 2015 Annual Water Quality Report for the Village of Port Henry was published in The Times of Ti Sun on May 21, 2016. The New York State Department of Health was notified and the required documents were filed. A copy thereof will remain on file in the Village Office and is posted in the Village Hall for public inspection during normal business hours. The report is also posted on the Village website.

New Business: The May 2016 Accounts Receivable and Trial Balance Reports were presented to the Board for review. There is no monthly Water Adjustment Report, as no adjustments were made.

The Board reviewed, discussed and approved a refund request of \$30.85 to Jane Raynor by motion from Trustee Brassard and seconded by Trustee Smyth, for the Water/Sewer billing difference at 48 Elizabeth Street; Account No. 189. This property used to be billed the flat rate and is now metered as a result of the Elizabeth Street Project. The refund amount reflects the billing difference. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

Information and documentation with regard to the September 2016 Annual Ragnar Relay Event was distributed to the Board for review on June 8, 2016. Ragnar Events is requesting permission to hold a relay run again this year through Port Henry on the weekend of September 23-24, 2016 during the hours of 10:00 pm on Friday, through 7:00 am on Saturday. A signed permission letter included in the information packet is requested. Discussion was held with regard to last year's event and the noise disturbances that occurred in the early morning hours. The Board determined that Ragnar Relay will be contacted regarding this issue before approval is granted, as this is not the first year that noise complaints have been received. The matter was therefore tabled until the July meeting.

The Village liability insurance proposal from TD Insurance Company has been presented to the Board for review. A motion was made to accept and approve the proposal as presented by motion from Trustee Brassard, seconded by Trustee Davenport. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

The Board reviewed, discussed and made decisions on the following Water/Sewer Bill Requests for Adjustments, as received:

- 1.) Account No. 51 – 15 Meacham Street: the property owner resides alone and was not living there full time during the billing period, yet the metered usage read higher than the normal minimum usage as reflected on the account history. The Board unanimously approved the request and the bill will be adjusted to reflect the minimum usage and the water meter will be inspected.
- 2.) Account No. 313 – 18 Spring Street: The property owner indicated higher than normal usage. The Board determined based on the account history that the current metered usage reflects the average of past billings and therefore declined the adjustment request.

A completed Vendor Permit Application, the fee of \$25.00 and the required insurance and documentation was received on May 30, 2016 from Keystone Fireworks, for the purpose of selling NY legal sparkler devices and July 4th novelties at 4242 Main Street (The old Wheelock garage) from June 27th through July 5, 2016. A motion was made by Trustee Brassard, seconded by Trustee Curran, to approve issuing Keystone Fireworks a Vendor License for the time period indicated above. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

A second Public Hearing is required for the Rice Lane Community Development Block Grant per Anna Reynolds of the Essex County Planning Office. The recommended date is Monday July 11, 2016 at 6:45 pm (before the regularly scheduled Board meeting). A motion was made by Trustee Brassard, seconded by Trustee Smyth, to schedule the Public Hearing for the above listed date and time. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

Trustee Brassard announced that the Village beach will be closed on Monday's and Tuesday's this season. The beach will be open from 10:00 am to 6:00 pm on the remaining days. The beach will be open on Monday July 4, 2016

The next regularly scheduled meeting of the Village of Port Henry Board of Trustees will be held on Monday July 11, 2016, at 7:00 pm, after the 6:45 pm Public Hearing on the Rice Lane CDBG.

A motion was made by Trustee Brassard and seconded by Trustee Davenport, to approve the June 13, 2016 bills for payment. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

Abstract Distributions:

General \$72,388.92
Water \$22,401.69
Sewer \$24,983.48
Joint Activity \$20,359.28

SECOND PUBLIC COMMENT PERIOD

John Viestenz asked the Board if a new employee had been hired for the DPW. Trustee Brassard explained the oversight in announcing such and confirmed that Ricky Laing was hired for 10-12 hours per week as a result of volunteering via Mountain Lake Services for the past six months. He has been an asset to the Village DPW during that time and was therefore put on the books to help out as needed.

Cathy St. Pierre asked the Village to send a letter to the property owner on Bridge Street with regard to the water issue and driveway washing out in to the street. The Board agreed to do so.

Phyllis Rounds addressed the Board with regard to a dead tree causing a safety issue behind her camper that is on the CP Rail fence. Trustee Brassard confirmed that he will look in to addressing the matter.

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

A motion was made by Trustee Brassard, seconded by Trustee Curran to adjourn the meeting at 8:25 pm. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

ADJOURNED

Denise C. Daly, Village Clerk