

REGULAR MEETING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: NOVEMBER 14, 2016

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth, Clerk Daly, Acting Treasurer Jurkiewicz, Water and Wastewater Chief Operator; Carl (Chip) Perry, Deputy Superintendent of Water and Streets; Daniel (Digger) Laing and Port Henry Fire Department Chief; Jim Hughes.

ATTENDANCE: Don Jaquish, Gabe Jaquish, Mike Stoddard, Mr. & Mrs. Tom Finnessey, Ann Tesar, John Easter, Carol Genier, Lohr McKinstry, Bill Bryant, Charlie Bryant, Walt Wojewodzic, Cathy St. Pierre, Sandra Lovell, Jackie Baker, Michelle Costello and Darren Dickerson.

The following documents were distributed to the Board for review prior to the meeting: The November 14, 2016 Meeting Agenda, Board Meeting Minutes for October 11th and 27, 2016, the November 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 November 14, 2016 Board Meeting file located in the office of the Village Clerk. The meeting agenda was also made available to those in attendance and is 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.

Mayor Guerin addressed the Board with regard to a couple of recent issues; the first being that the Board unanimously agreed to hire a Heavy/Motor Equipment Operator in anticipation of already being short one and possibly two, DPW members for the winter. The position was advertised, applications were received and the Board agreed to schedule interviews. Mayor Guerin indicated that a few of the Board members then changed their minds and decided that the Village would not hire an additional DPW employee after being informed that the Town Supervisor and Highway Superintendent were not agreeable and therefore decided to possibly utilize someone from Town Highway Department if need be, however it was pointed out that doing so would create a Village union issue. Mayor Guerin further indicated that the latest consensus is that the Village's water and wastewater operators will be utilized to help the DPW this winter with snow removal, which he doesn't have an issue with but noted that they would both be paid at a higher hourly and overtime rate than the Village would have paid to hire an additional DPW employee.

The second issue is the garbage and recyclable pick up. Mayor Guerin indicated that after discussing the issue for the past few months, the Board again unanimously agreed at the October 11, 2016 Board Meeting that garbage and recyclable pick up would end at the end of December, to allow for the DPW to focus on inventory and completing projects throughout the Village before dissolution occurs on March 31, 2017. It was also noted back in August that the Laberge Group was in favor of the Village proactively winding down its affairs to include the early termination of garbage and recyclable pick up. After hearing that the Town Supervisor and some taxpayers were against ending the garbage and recycling pick up in December of 2016, a majority of the Board members again changed their minds and now wish to continue the pick up through March of 2017. Mayor Guerin commented that he was tired of the Board passing resolutions and not following through with the decisions as voted on; it proves to be counter productive.

Trustee Brassard indicated that the reason garbage wasn't picked up this morning in the Village is because the Town Transfer Station's compactor was overflowing with garbage;

a picture of such was provided. The Village had to wait until the transfer station was cleared before it could dispose of any garbage. As far as ending the garbage and recyclable pick up in December, Trustee Brassard indicated that he is aware of and has heard the complaints from the taxpayers. Trustee Brassard reiterated that we all pay Village taxes for the DPW to work in the Village regardless of what services are provided or what work is performed. Trustee Brassard produced and read aloud a letter from the Laberge Group that states it is legal to end the garbage and recyclable pick up early if the Village chooses to.

Tom Finnessey addressed the Board with regard to the \$27,000 that is allocated in the budget for garbage. Acting Treasurer Jurkiewicz indicated that amount is allocated under "DPW Services"; there is not a separate line item for garbage and/or recyclable pick up in the budget. Michelle Costello read a passage from the Dissolution Plan that shows \$23,100 designated specifically for garbage and recyclable pick up. Mr. Finnessey indicated that by doing away with such, the Board is not following the plan. Trustee Brassard indicated that the Town isn't following the plan which allows for five DPW employees to transfer.

Walt Wojewodzic commented that the Mayor should run the Village the way he wants to; if you want to hire someone, do it; if you want to end the garbage and recyclable pick up early, than do so. Mrs. Finnessey indicated that the plan should be followed. Trustee Curran suggested keeping the 1999 Ford Dump truck that was put out to bid as surplus and continuing the garbage and recyclable pick up. Acting Treasurer Jurkiewicz informed the Board that the Village will be operating on very limited funds there will be no influx of cash until the property tax re-levy is received from the County therefore the cash flow is limited. Digger Laing informed the Board that thousands of dollars will need to be put into the 1999 Ford to keep it for hauling garbage.

Michelle Costello respectfully asked the Board to rescind the resolution to eliminate garbage and recyclable pick up at the end of December and to keep the truck. Further discussion ensued with regard to the condition of Village trucks and utilization of each. Trustee Curran motioned to proceed with selling the truck and continuing garbage and recyclable pick up through March 27, 2017. The motion was seconded by Trustee Davenport. Yes; Trustees Brassard, Curran, Davenport and Smyth. No; none. Abstained; Mayor Guerin. Motion carried.

Cathy St. Pierre provided a flyer/memo from Ace Carting Corp. who is offering senior citizen rates (55 and older) starting at \$12.00 per month for garbage and recycling pick up with can sizes ranging from 35 to 95 gallons. Mayor Guerin thanked her for the information.

Tom Finnessey commented that he has paid property taxes through May 31, 2017 and asked what will happen to the money for April and May after the Village dissolves in March. Trustee Brassard indicated that the Town will use any remaining funds to pay down the Village's bills. The State Comptroller has informed the Village and Town that no refunds can be issued. Acting Treasurer Jurkiewicz indicated that there will still be bills coming in after March 31st that will need to be paid and funds are allocated for such; there are also debt payments to make and a fire department that will need to be funded between March 31st and December 31, 2017.

DEPARTMENT HEAD REPORTS

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

- The water lines at the beach have been blown out and the sewer has been pumped out for the season.
- Water meters were read for the November Water and Sewer billing.
- Repaired water breaks on Bridge and Spring Streets and Oak Lane; new curbs/rods installed.
- Repaired sewer breaks on Main (Convent Hill) and Henry Streets that have been major issues (sewer has backed up 22 times on Henry St. and 12 times on Main St.)

- There was a sewer line collapse from Brook to Spring Street that was repaired; 270 feet of new 6 inch line was installed.
- The sewer jetter has been serviced and repaired at a cost of \$600; this is a shared service with the Town.
- DPW trucks, plows, salters, stieners and skidsteers have all been serviced and prepped for the winter.
- 243 yards of sand was hauled from the pier.
- The Moriah Shock inmates assisted in top soiling and seeding Brook and Spring Streets.
- Henry Street was patched/paved; using 8 ton of blacktop.

DPW Year to date:

- There have been 33 sewer breaks.
- There have been 10 water breaks.
- 100 feet of sidewalk has been replaced.
- 800 yards of sand was hauled (67 truck loads).
- 102 tons of blacktop (14.5 loads) was laid by the Village.
- 500 tons of blacktop was laid with assistance from the County.

Chief Hughes provided the Board with the monthly Fire Department Report as follows:

PHFD has responded to seventy (70) calls for 2016: (2) for January, (6) for February, (5) for March, (4) for April, (9) for May, (7) for June, (10) for July, (5) for August, (5) for September, (11) for October and (6) for November to date.
Avg. Response Time: 2.84 minutes; Avg. Responders: 9.94.

2016 PESH Report:

(70) Calls:	788.15 Man-hours
OSHA Training:	415.50 Man-hours
Additional Training/Participation:	1,303.00 Man-hours
Total:	2,506.65 Man-hours

Maintenance:

- Engine 294 – 1988 Ford F250 Brush Truck – Back in Service. New Brake cylinder and starter solenoid installed.
- Desourcie Mobile Service repaired Engine 292 front passenger side vent window and installed new air pressure alarm switch on Engine 291.
- Annual inspection of all ladders was performed by Fire Service Safety Testing Company on November 3rd, 2016. No issues or concerns noted.

Grants:

- 2016 Assistance to Firefighter’s Grant application completed. Requesting \$12,000 for a PPE Drying Unit. Request Village Board resolution for 5% match or \$600.00 if grant is awarded.

PUBLIC COMMENT PERIOD

Gabe Jaquish addressed the Board with regard to his concerns with the proposed Zoning Law. Mr. Jaquish and his partner Mark Stoddard plan on opening a craft brewery called Northern Harvest Brewing Company on Van Slooten’s property near the marina. Mr. Jaquish indicated that the proposed Zoning Law contains specific language that indicates the setbacks are 100 feet when the APA and DEC suggest that they should be 50 feet. The proposed law also states that the area they wish to open their brewery on will be deemed a one use plot. Trustee Curran indicated that he has emailed the zoning consultant with modifications to the proposed law to allow for the brewery to locate their business there. Mayor Guerin informed Mr. Jaquish that the wording can be adjusted in the proposed law if need be. Trustee Davenport asked Mr. Jaquish to provide the Board with a one page business plan containing bullet points that they may review with the

zoning consultant. Mr. Jaquish agreed and thanked the Board the Board for their consideration and cooperation.

Trustee Brassard requested the Board enter into Executive session with Chief Hughes at the close of the meeting; the Board agreed.

Trustee Brassard announced that he and Supervisor Scozzafava have been invited to Albany to attend a session to suggest improvements/modifications with regard to the process of Dissolution.

Recurring Old Business: Mayor Guerin provided an update on the Manhole 13 Project as follows: the last of the drilling has been completed and the main line has been connected. The project should be completed by the second or third week in December.

Trustee Brassard provided an update on the Rice Lane Project as follows: the project is winding down and just about complete. A base coat of asphalt has been installed and the top coat will be laid next spring. New regulations require five foot wide sidewalks to be installed. Other than a few minor complaints the project proceeded on schedule and turned out great.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee Smyth to approve the October 11th and 27th, 2016 meeting minutes. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

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

The Village Board declared a 1999 Ford F-350 and Asphalt Roller as surplus, each with a \$2,000 reserve. Bids were due by 4:00 pm on Monday November 14, 2016 and were publicly opened and read aloud in the order in which they were received as follows:

1999 Ford F-350

1. Dal Langworthy	\$3,269.39
2. Howard A. Swan, Jr.	\$4,602.00
3. R.G. Blaise	\$3,027.00
4. Paul Stephens	\$6,555.00
5. Andrew Ross	\$5,700.00
6. Scott A. Feeley	\$6,500.00
7. Bruce L. Geraw, Jr.	\$3,500.00
8. Bill Ball	\$3,210.00
9. Guy LaBelle	\$3,200.00
10. Gary Olcott, Jr.	\$3,500.00
11. Dick Finnessey	\$8,005.00
12. Arnold LaFountain	\$23,025.00
13. Stewart Jerdo	\$4,500.00
14. Darren Dickerson	\$3,678.00
15. Stephen L. MacKay	\$4,500.00

The Board determined that Arnold LaFountain was the highest bidder in the amount of \$23,025.00 however the Board was sure the bid amount was an error and decided to contact him to confirm. In the event that Arnold LaFountain withdraws his bid a motion was made by Trustee Brassard, seconded by Trustee Curran, to award the bid to the next highest bidder, Dick Finnessey, in the amount of \$8,005.00. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

One bid was received on the double barrel Asphalt Roller from Darren Dickerson in the amount of \$516.00. The Board rejected the bid due to the reserve not being met and decided to put the roller back out for bid as surplus.

Trustee Brassard announced that the Board would surplus the following additional equipment; all items will be sold "As is, with No Warranty" and no reserves.

- 1.) One Double Drum Asphalt Roller; new 9 hp motor with chain drive, excellent condition, 3 work hours
- 2.) One Gravely walk behind sweeper, approximately 30 years old
- 3.) One EZ GO Electric Golf Cart
- 4.) One Pump out Wagon; 275 Gal with pump
- 5.) 1986 Ford F-600 Flatbed; 2x4, 370-2V, 7903 miles

A motion was made by Trustee Brassard, seconded by Trustee Smyth to approve the 2016 Property Tax Re-levy in the amount of \$134,059.46. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Curran to approve the November 2016 Water and Sewer billing in the amount of: \$233,187.28 (\$124,930.19 for water and \$105,130.00 for sewer) for the billing period of May 1, 2016 to October 31, 2016. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

The Board reviewed Water/Sewer Bill Requests for Adjustments received as follows:
Account No. 379 – 18 William Street: single person resident, lives alone, billed for family flat rate, no meter. A motion was made by Trustee Brassard, seconded by Trustee Curran, to adjust this account to a single flat rate. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none, all in favor, motion carried.

Account No. 99 – 274 Whitney Street: meter reading two and half times greater than 9 year average; no leaks in toilets, faucets, washing machine or outside hose connections. A motion was made by Trustee Brassard, seconded by Trustee Davenport to adjust this account to reflect an average usage of 21,000 gallons. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

A Property Maintenance Complaint Form was received on October 14, 2016 and distributed to the Mayor, Board, DPW Deputy Superintendent and the Code Enforcement Officer for review with regard to the sidewalks on Main Street in front of the law office. Mr. Laing indicated that this section of sidewalk is very uneven and will be painted to alert pedestrians. Trustee Curran indicated that the Town was just awarded a \$100,000 grant to re-do the sidewalks in the Village. Mayor Guerin indicated that the Village has received a \$78,000 grant for sidewalks and that the issue should be taken care of.

Bill Bryant submitted a letter and plans for a residential solar system to be placed on his property located at 6 Dock Lane. Copies of such were distributed to the Board for review and discussion. Bill Bryant asked for the Board's approval to proceed with the project in order to obtain a building permit from the Code Enforcement Officer. Mr. Bryant informed the Board that the solar project will be completely fenced in and the area will be zoned as commercial. A motion was made by Trustee Brassard, seconded by Trustee Curran to approve the solar panel project and granted permission to proceed. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Curran, to approve the October 31, 2015 and November 14, 2016 bills for payment. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried

Abstract Distributions:

General \$44,486.84

Water \$23,726.64

Sewer \$17,160.96

Joint Activity \$16,246.36

Trust & Agency \$889.84

Capital \$335,101.53

A Public Hearing has been scheduled for Tuesday November 15, 2016 at 7:00 pm at the Knights of Columbus on the proposed establishment of a joint Village/Town Fire District.

The Village of Port Henry will be closed on Thursday November 24, 2016 and Friday November 25, 2016 for the Thanksgiving holiday.

The CP Rail "Christmas Train" will make its annual stop at the train station in Port Henry on Sunday, November 27, 2016 at 4:45 pm. Non-perishable food donations will be accepted by the Town of Moriah Food Pantry. Mr. Laing informed the Board that material will be hauled down to the train station as there is currently a muddy mess in that area.

The next regularly scheduled Village Board Meeting will be held on Monday December 12, 2016 at 7:00 pm at the Village Hall.

SECOND PUBLIC COMMENT PERIOD

Chief Hughes noticed that heavy stone has been placed up in some driveways and tamped on Rice Lane and asked if those driveways will be blacktopped as a result of the recent water and sewer line replacement project. Digger Laing indicated that the driveways that were paved before the project began will be re-paved.

Trustee Smyth asked where the "Welcome to Port Henry" and "Champ" signs are. Mayor Guerin indicated that they are both still up however were re-located at the request of the State.

Cathy St. Pierre asked the Board if there will be a public meeting with the Laberge Group prior to the dissolution date of March 31, 2017. Ms. St. Pierre also asked how long the Village will be liable for any debt and if that information will be made available to the public prior to dissolution. Acting Treasurer Jurkiewicz indicated that some of the long term debt is a result of health insurance premiums for retirees and a long term workers compensation case. Mayor Guerin indicated that a meeting could be scheduled.

Cathy St. Pierre commented that she hopes the Town will pay down the Village water and sewer debt with any remaining funds left from the two months of property taxes that Village residents have paid that they will not be receiving any refunds for.

Trustee Curran presented the Board with a diagram of a proposed 18 inch wooden sign that his daughter Heather Curran would like to install outside of her cake shop on Main Street. A motion was made by Trustee Brassard, seconded by Trustee Davenport to approve the placement of the proposed sign. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none, all in favor, motion carried.

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

A motion was made by Trustee Curran, seconded by Trustee Brassard to adjourn the meeting at 8:26 pm, at which time the Board entered into Executive Session to discuss personnel matters pertaining to the formation of the Port Henry Fire District. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

ADJOURNED

Denise C. Daly, Village Clerk