

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: OCTOBER 11, 2016

TIME: 6:15 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran and Smyth, Clerk Daly, Acting Treasurer Jurkiewicz and Code Enforcement Officer Bill Ball.

ABSENT: Trustee Davenport.

ATTENDANCE: John Viestenz, Jackie Viestenz, Sandra Lovell and Nan Stolzenburg; Community Planning and Environmental.

Mayor Guerin called the Public Hearing to order at 6:18 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 2016; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry, to the public for review and comment.

A copy of the proposed local law 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 proposed Moratorium Extension.

Public Comment Period: Trustee Curran asked if the Moratorium included Broad Street. Trustee Brassard indicated that the Moratorium does not affect Broad Street residential properties in place prior to adoption of the Zoning Law.

A motion to adjourn the Public Hearing at 7:08 pm was made by Trustee Brassard and seconded by Trustee Curran. Yes; Mayor Guerin, Trustees Brassard, Curran and Smyth. No; none. Absent; Trustee Davenport, motion carried.

ADJOURNED

Denise C. Daly, Village Clerk

PUBLIC HEARING OF THE VILLAGE OF PORT HENRY
BOARD OF TRUSTEES

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

DATE: OCTOBER 11, 2016

TIME: 6:20 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran and Smyth, Clerk Daly, Acting Treasurer Jurkiewicz and Code Enforcement Officer Bill Ball.

ABSENT: (upon opening of hearing) Trustee Davenport.

ATTENDANCE: (upon opening of hearing) John Viestenz, Jackie Viestenz, Sandra Lovell and Nan Stolzenburg; Community Planning and Environmental.

Mayor Guerin called the Public Hearing to order at 6:22 pm and indicated that the purpose of the Public Hearing was to present the Village of Port Henry Zoning Law to the public for review and comment.

A copy of the Draft Zoning Law 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 to those in attendance.

Mayor Guerin introduced Nan Stolzenburg, owner/consultant for Community Planning and Environmental, hired by the Village to assist in crafting the Zoning Law. Prior to Ms. Stolzenburg coming on Board the Village formed a Zoning Commission who worked to develop an initial plan for zoning. Ms. Stolzenburg worked with the prior members of the Zoning Commission and the Village Board to implement a Comprehensive Plan for the Village of Port Henry, which is also a vital tool in crafting a zoning law.

The Zoning Law incorporates the Development Review Law that was adopted by the Village Board in 2007. Some amendments were made to make this portion of the Zoning Law clearer, easier to understand and more business friendly than the previous version. The 2007 Development Review Law will be repealed and replaced by the Zoning Law once adopted. Ms. Stolzenburg provided an overview of the Draft Zoning Law as follows:

Article 1 – Purposes and Scope; outlines what the Village is hoping to accomplish

Article 2 – Zoning and Map Districts; outlines the six (6) zoning districts

Article 3 – District Purposes, Uses and Regulations; outlines what land uses are permitted

Article 4 – Regulations for all Districts

Article 5 – General; Planning Requirements

Article 6 – Development Review; Site Plan Review

Article 7 – Uses and Structures; nonconforming

Article 8 – Zoning Board of Appeals

Article 9 – Planning Board (the Village Board will serve as the Planning Board)

Article 10 – Enforcement

Article 11 – Amendments; how to change the law in the future.

Article 12 – Definitions; for clarity purposes

Ms. Stolzenburg explained that the draft law may appear to be long or complicated however these are all necessary components of a zoning law and this one is not as complicated as some are. Ms. Stolzenburg credited the Zoning Commission's prior work and commended their efforts in outlining the districts. Ms. Stolzenburg explained that the Zoning Law is a document that is meant to be reviewed annually and amended as needed to fit the needs of the community.

Ms. Stolzenburg provided the Board with the SEQRA Type 1 Negative Declaration forms; the Board will have to adopt a resolution to authorize the Mayor to sign the SEQRA form; hereby declaring that the adoption of the Zoning law will not have any significant adverse environmental impacts.

Charlie Bryant entered the hearing at 6:30 pm.

Public Comment Period: Trustee Brassard asked for clarification on what a majority vote consists of pertaining to protests/petitions on zoning. Ms. Stolzenburg indicated that a majority vote would consist of a like vote of at least three members of the Village Board plus one, for a total of four like votes.

Sandra Lovell conveyed that zoning should prove to be beneficial in drawing business. Ms. Stolzenburg concurred and explained that business's want to know what the rules are, it gives them confidence to invest in a community (including franchises) where there are clear guidelines on what they need to do and the process is outlined in the zoning law. Ms. Stolzenburg added that the zoning law does not restrict residential development.

Trustee Smyth asked who an individual or business needs to see first with regard to development. Ms. Stolzenburg indicated that they will need to contact the Code Enforcement Officer (CEO) first to obtain a building permit. The Zoning Board of Appeals (ZBA) comes in to play when a permit is denied by the Planning Board, thus the CEO is not able to issue a building permit and therefore the matter will be referred to the ZBA. Ms. Stolzenburg recommended that the Village Board attend training on these matters in the future.

Trustee Smyth asked what was changed in the Draft Zoning Law as a result of her meeting with Mayor Guerin and CEO Bill Ball? Ms. Stolzenburg indicated that the zoning district maps were modified, language was simplified and consolidated to eliminate repetitions and reference State law where applicable, the setbacks were reviewed and changed to 20 feet, clarified that anything in the Use Table with a "P" does not require review, amended the sign requirements, addressed off street parking, multi purpose dwellings and outdoor sales.

Trustee Davenport entered the hearing at 6:45 pm, followed by Louise Belden at 6:52 pm, Daniel (Digger) Laing at 6:55 pm and Ray Bryant at 7:00 pm.

Jackie Viestenz asked for an explanation of the different colors on the zoning maps that were displayed for the hearing. Nan Stolzenburg explained that all parcels are color coded as assigned by the assessor's and helps in mapping current land uses in a snapshot view.

Trustee Smyth asked if there is language in the zoning law pertaining to the maintenance and aesthetics of windows in the Village. Ms. Stolzenburg indicated that there is language with regard to something being built but nothing addressing retail street windows being maintained a certain way. Bill Ball commented that such would fall under site plan review. Trustee Smyth clarified that she was referring to windows in buildings already here. Ms. Stolzenburg indicated that language could be included under non residential design structures stating that once a dwelling receives an occupancy permit windows must be maintained, cleaned and kept aesthetically pleasing. John Viestenz suggested defining what is not acceptable or allowed. Ms. Stolzenburg indicated that she will add such language to the draft law and the Board approved.

Sandra Lovell commented that there are certain structures here now that require maintenance and are not aesthetically pleasing and suggested adding language to address those issues. Ms. Stolzenburg indicated that those issues fall under property maintenance, not zoning.

John Viestenz commented that it has been three long years since the Zoning Commission finished the Final Report and thanked the Village Board for their work. Mayor Guerin thanked Mr. Viestenz for his assistance as well.

Charlie Bryant asked if the Zoning Law pertains only to the Village limits and Mayor Guerin indicated that the proposed zoning is only for the Village however the Town is willing to keep the zoning going within the Village limits upon dissolution.

Mayor Guerin indicated that Ms. Stolzenburg has done a great job and thanked her for her help with this endeavor. John Viestenz stated that all of his questions have been answered. Ms. Stolzenburg indicated that she will forward the step by step procedures that will need to be taken in order to adopt the Zoning Law.

A motion to adjourn the Public Hearing at 7:08 pm 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.

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 11, 2016

TIME: 7:00 PM

PRESENT: Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth, Clerk Daly, Acting Treasurer; Janelle Jurkiewicz, Code Enforcement Officer; Bill Ball, Deputy Superintendent of Water and Streets; Daniel (Digger) Laing, and Port Henry Fire Chief; Jim Hughes.

ATTENDANCE: John Viestenz, Jackie Viestenz, Sandra Lovell, Ann Tesar, Louise Belden, Ray Bryant, Charlie Bryant and Tim Bryant.

The following documents were distributed to the Board for review prior to the meeting: The October 11, 2016 Meeting Agenda, Board Meeting Minutes for September 13th and 19, 2016, the October 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 October 11, 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 7:08 PM and thanked everyone for attending.

DEPARTMENT HEAD REPORTS:

Digger Laing provided the Board with a verbal report on the Village DPW for the month of September a follows:

- 94 ton of pavement was laid by the Village, 430 ton by the County; William Street has been repaved and 500 feet of Brook Street. 200 foot of shim was also installed on Spring Street.
- Closed beach and campground; dock has been removed for the season
- Reading water meters for the November billing
- Currently working on a sewer plug on Henry Street
- The Manhole 13 water line has been relocated
- The Rice Street project is well underway and progressing according to schedule

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

PHFD has responded to fifty-six (56) 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 and (3) for October to date. Avg. Response Time: 2.58 minutes; Avg. Responders: 10.05.

2016 PESH Report:

| | |
|------------------------------------|--------------------|
| (56) Calls: | 678.38 Man-hours |
| OSHA Training: | 411.50 Man-hours |
| Additional Training/Participation: | 1,142.50 Man-hours |

| | |
|--------|---------------------------------|
| Total: | <hr/> 2,232.38 Man-hours |
|--------|---------------------------------|

- *Training:*

- October OSHA Training – *Chimney Fire Refresher Training*
- *Maintenance:*
 - Engine 294 – 1988 Ford F250 Brush Truck – Remains out of service until further notice – brake failure issues.
 - Installed NEW curb stop in Engine 291 Bay.

PUBLIC COMMENT PERIOD: There were no comments from the public at this time.

BOARD DISCUSSION/REPORTS: Trustee Smyth indicated that she'd like to wash and store the banners for the winter.

Trustee Curran stated that he has spoke with Rice Lane property owner Hugh Phillips who has asked to have his line blown out. Mr. Laing indicated that he has also spoke with Mr. Phillips and what he is requesting a bleeder curb.

The Board discussed the cut off date for picking up garbage and recyclables in the Village as a result of dissolution. Digger Laing indicated that if the Board puts the 99 Ford out for surplus, the DPW will be down to one truck which will not prove feasible or efficient for continuing the garbage and recyclable pick up through March 31, 2017.

Trustee Curran indicated that he has spoke with several taxpayers who are upset about the possible early elimination of garbage and recyclable pickup in the Village and would like to retain the services through March 31, 2017. Trustee Brassard indicated that the taxpayers pay taxes for the DPW to work in the Village regardless of what those duties are and that they will still need to pay the \$2.50 for transfer station stickers regardless of when the Village decides to terminate the services. Trustee Brassard further commented that the DPW has a lot of other work to do in the Village before the March 31, 2017 dissolution date and the garbage and recyclable pick up consumes a good amount of their time.

After further brief discussion, the Board unanimously agreed to eliminate the pick up of garbage and recyclables by the Village at the end of the year. This will allow enough to advertise the matter and for residents to prepare for the change. A motion was made by Trustee Brassard, seconded by Trustee Curran, to pass a resolution stipulating that the last day garbage will be picked up in the Village will be Tuesday, December 27, 2016; and the last day that recyclables will be picked up in the Village will be Wednesday, December 28, 2016. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

The Board discussed putting the 1999 Ford F-350 Dump truck and the Asphalt Roller out for surplus each with a \$2,000 reserve. A motion was made by Trustee Brassard, seconded by Trustee Davenport to surplus both items with bids due by 4:00 pm on November 14, 2016. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

The Board discussed the hiring of a Heavy Equipment Operator (HEO) after passing a resolution to do so last month, advertising for such and receiving applications for the position. The reason for discussion was that it has been brought to the Village's attention that approximately \$12,000 is needed to fund the joint fire district that was not previously budgeted for. Mayor Guerin asked why the Town can't cover it. Acting Treasurer Jurkiewicz explained that the Town can not tax the Village in January while it is still operational; the plan was to use unexpended funds to fund the fire district per the NYS Department of State however the Village attorney advises against such. Ms. Jurkiewicz indicated that the Village may not be able to pay off the fire truck early as there are a lot of other variables and unknowns at this time. Trustee Curran suggested hiring someone part time for the winter for snow removal. Mayor Guerin recommended moving forward with hiring an HEO; the Village needs to run through March 31, 2017 and an extra person will be needed during the winter months. Trustee Brassard indicated that a CDL

will be required upon hire. It was decided that Trustees Curran and Davenport will schedule and hold the interviews.

Trustee Brassard informed the Board that during a meeting with Town officials and per the State Comptrollers Office, it was determined that the Village will have to bill for Water and Sewer in March of 2017 however Village residents will not pay a Town water bill until August of 2017.

Recurring Old Business: Mayor Guerin provided an up date on the Manhole 13 project as follows: there have been some setbacks; they are currently drilling 5 to 6 feet per day, it is a slow process but is moving forward. Trustee Brassard asked what the status is on the Van Slooten easement. Mayor Guerin indicated that he is meeting with Mr. Van Slooten's son on Friday and if they are not agreeable to the original terms presented, their situation will remain as it currently is.

Trustee Brassard provided an update on the Rice Lane project as follows; there was an issue with the hot water heater at the Koch house on Rice Lane; Luck Brothers took care of it. The water is in, the pressure has been tested and once hooked up, Luck Brothers will begin the sewer portion of the project. Where there was once a 2 inch main, there is now an 8 inch main. A binder will be laid on the road this year and paving will be completed next spring/early summer.

Bill Ball exited the meeting at 7:50pm.

Old Business: A motion was made by Trustee Brassard, seconded by Trustee Smyth, to approve the September 13th and 19, 2016 Board Meeting Minutes. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

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

After the required Public hearing was held a motion was made by Trustee Brassard, seconded by Trustee Smyth, to adopt Local Law No. 3 of 2016; extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry. 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 11th day of October, 2016.

A motion was made by Trustee Brassard, seconded by Trustee Curran, to adopt the SEQR Type 1 Resolution, Negative Declaration and authorized Mayor Guerin to execute such; hereby declaring that the adoption of the Village Zoning Law will not have any significant adverse environmental impacts. 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 11th day of October, 2016.

The Village of Port Henry advertised for Fuel Oil Bids through March 31, 2017. Bids were publicly opened and read aloud in the order in which they were received as follows:

- 1) Avery Energy \$1.89 fixed
- 2) Superior Plus (Griffith) \$1.87 fixed
- 3) Gordon Oil \$1.86 fixed

After review of the bids, a motion was made by Trustee Brassard, seconded by Trustee Curran, to adopt a resolution to award the 2016-2017 Fuel Oil Bid to Gordon Oil, who was deemed the lowest responsible bidder at a fixed rate of \$1.86 per gallon. 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 11th day of October, 2016.

A letter was received from the Fraternal Order of Eagles in Moriah on September 1, 2016 requesting permission to hold a Coin Drop. The Board approved the request at the September 13th Board Meeting and the Eagles were notified that they could hold a Coin Drop on September 24, 2016. Clerk Daly received a call on September 26th from the Eagles secretary who indicated that they were unable to hold the Coin Drop on the 24th and asked if they could please re-schedule for the next available date: October 22, 2016. A motion was made by Trustee Brassard, seconded by Trustee Curran, to approve the Eagles request to hold a Coin drop on October 22nd. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

A letter and documentation was received from JoAnne Perry, with regard to her electric bill at the campground appearing to be higher than what may be normal or average. Ms. Perry is requesting a reduction of her last two electric bills for the season upon review of her account, usage and possible faulty meters. Trustee Brassard informed the Board that the electrician tested the electric meters in the entire campground including Ms. Perry's and confirmed that her electric meter was and is working accurately and efficiently. The Board also reviewed the meter readings and electric bills for the 2016 season. The Board unanimously denied Ms. Perry's request for an adjustment and determined that the electric bills will stand and are due and payable as recorded.

A letter was received from Ray Bryant on October 11, 2016 with regard to obtaining permission to build a fitness park in the Village. Mr. Bryant presented a diagram of the dimensions of the fitness park and indicated in his letter that he will provide the materials necessary to construct it either personally or through fundraising efforts. After review and discussion a motion was made by Trustee Curran, seconded by Trustee Smyth to approve the request. The park will be constructed near the Village beach, off of the playground area and will be open and available to the general public for use. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

The Village has received notification that the annual CP Rail Holiday Train will arrive in Port Henry on Sunday November 27, 2016; time to be announced soon. Non perishable food donations will be accepted at this event for the Moriah Food Pantry.

A motion was made by Trustee Brassard, seconded by Trustee Smyth, to approve the September 26th and October 11, 2016 bills for payment. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Cash Disbursements:

General \$75,144.51

Water \$6,572.84

Sewer \$35,071.34

Joint Activity \$11,517.66

Trust & Agency \$889.84

Capital \$33,836.90

The Village will be closed on Friday November 11, 2016 in observance of Veteran's Day.

Upcoming Village Meetings:

October 27, 2016 – Joint Board Meeting to propose the establishment of the Joint Port Henry Fire District; at the Moriah Courthouse, 7:00 pm

November 14, 2016 – Regular Monthly Board Meeting at the Village Hall, 7:00 pm

November 15, 2016 – Joint Public Hearing on the Port Henry Fire District; at the Knights of Columbus, 7:00 pm

SECOND PUBLIC COMMENT PERIOD: Sandra Lovell asked if the price of dump stickers has gone up. It was confirmed that the transfer station tickets still cost \$2.50 each and that the dump is still running in the same operational manner as it has in the past.

Jim Hughes asked how much money remains of water debt fee that was collected over the past few years to use for the purchase of new water meters. Acting Treasurer Jurkiewicz indicated that some of those funds were used for the Elizabeth Street project; some of it will be used for the Rice Lane project and some of those funds have been used to cover the shortfall in the water fund. The water debt fee for the November 2016 water billing has been decreased from \$65.00 to \$55.00. Mr. Hughes thanked Ms. Jurkiewicz for the information and then relayed some concerns he has in moving forward as the Town takes over the water billings. The Town has indicated that they will charge a flat rate which may prompt an increase in water usage, thus spiking the cost to produce the clean water. Trustee Brassard indicated that the Town will read water meters for large commercial users. Tim Bryant asked if it was legal to charge some users a flat fee, but meter the large commercial users. Mr. Bryant also asked if the labor to read the water meters is charged to the water fund; it was confirmed that the labor with regard to reading water meters is in fact charged to the water fund.

Jim Hughes asked Mayor Guerin if any funding has been found to make improvements or repairs to the drinking water dam. Mayor Guerin indicated there has not been any funding found or received, for the dam.

Sandra Lovell commented that she was glad that Mr. Laing put the water cap back on, up on Stone Street which eliminated the leak.

Jim Hughes commented that he noticed the signs erected at the pier/beach reminding owners to pick up after their dogs when these areas are used as outdoor bathrooms. Mr. Laing indicated that the Village DPW installed the signs due to the ongoing issue.

Mayor Guerin called for further comments from the public; there were none.

A motion was made by Trustee Brassard, seconded by Trustee Curran, to adjourn the meeting at 8:17 pm. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

ADJOURNED

Denise C. Daly, Village Clerk