

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: SEPTEMBER 13, 2016

TIME: 7:00 PM

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

ABSENT: Trustee Curran.

ATTENDANCE: John Viestenz, Sandra Lovell, Cathy St. Pierre, Louise Belden, Carol Genier, Charlie Bryant, Tim Bryant and Jackie Viestenz.

The following documents were distributed to the Board for review prior to the meeting: The September 13, 2016 Meeting Agenda, Board Meeting Minutes for August 8<sup>th</sup> and 22, 2016, the August 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 September 13, 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](http://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 August 2016 as follows:

- There were no breakdowns to report at either plant; all is status quo. Per a meeting with Manfred Construction, CP Rail and AES, the sanitary sewer project (Manhole #13) is moving forward. Manfred has provided the construction packet to CP Rail for approval.
- Mr. Perry met with Mr. Sample (owner of the property on Park Place where the boats are stored) with regard to some issues and concerns he had on the condition of his property as a result of the sanitary sewer project. The meeting went well and Mr. Sample was satisfied with the Village's intentions on restoring his land upon completion of the project.
- Chip Perry will touch base with Mr. VanSlooten on the pending easement for the sanitary sewer project.

As always, Mr. Perry encouraged the Board to stop by either plant or to give him a call anytime, with any questions.

Trustee Brassard asked how the current water level is and Mr. Perry indicated that it is low, but sufficient for our needs.

Champ RV Park and Campground Manager Tammy Wright provided the Board with a verbal report on the Campground for the month of August 2016 as follows:

- The campground was full for Labor Day weekend; everything went very well and the band and chicken barbeque were enjoyed by all.
- 12 seasonal campers have left since Labor Day.
- A second inspection was performed by the NYS Department of Health and the campground passed.
- Reservations are still coming in for September.
- Received three new seasonal site requests for 2017.

- A local resident has been helping with cleaning the bathrooms and assisting with pump outs and is being paid by the managers.
- The ropes put up to prevent children from entering a certain area in the campground have been repeatedly ripped down. Norm recommended installing snow fence in that area instead of rope.
- A few campers have complained of high electric readings this season. The electrician checked every electrical box and replaced some of the 110 outlets and 30 amp GFI's; approximately 90% of the 50amp's were installed upside down and he found a lot of loose connections.
- A broken window was reported in the kitchen of the beach house.
- The managers have started clearing picnic tables; 8 tables will need to be replaced and they are short 8 more tables as of last count. There are 5 metal tables that could be repaired by replacing the boards on them.

Tammy and Norm Wright both thanked Digger Laing and the rest of the Village DPW for their assistance and support this summer and indicated that the crew has been wonderful to work with. Mr. Laing thanked them both and extended his appreciation to them as well. Trustee Brassard commended Tammy and Norm Wright for the excellent job they have done managing the campground the past two seasons and indicated that he has recommended that the Town hire them next year.

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

- Garbage and recyclable pick up continues as scheduled.
- Parts for the Rice Lane Project have arrived and the project will begin soon.
- The DPW and Ed Roberts from the Town helped to prepare the Village for the Labor Day festivities.
- The tanks at the campground have been emptied.
- There was a sewer break on Oak Street that was not a Village issue.
- Hauled stone, Item 4 and top soil as needed.
- Paved and patched streets and roads as needed.
- 60 foot of sidewalk was replaced on Broad Street.
- 6 foot of sidewalk was removed on Jackson Street and grass was planted in its place.
- Mowing and trimming continues as needed for the season.

Chief Hughes read aloud the Fire Chief's Report for the month of August 2016 as follows: PHFD has responded to fifty (50) 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, and (2) for September to date. Avg. Response Time: 2.71 minutes; Avg. Responders: 10.38.

#### **2016 PESH Report:**

(50) Calls:	669.88 Man-hours
OSHA Training:	411.50 Man-hours
Additional Training/Participation:	1,069.50 Man-hours
Total:	<b>2,150.88 Man-hours</b>

#### *Training:*

- September OSHA Training – *Emergency Vehicle Operator Course (EVOC) Training* – September 10th. (Course was offered by McNeil & Company, Inc. and hosted by PHFD and had a total of (13) participants to include Firefighters from Moriah, Mineville-Witherbee, Westport and Port Henry).
- Port Henry Firefighters Christopher Lee and Ron Nesbitt, Jr. completed EVOC Training on 9/10/2016 (8 hours each).
- Chief Hughes participated in (1) Hour Webinar on 8/31/2016 in regards to the 2016 Assistance to Firefighters Grant. New grant opportunity to be announced mid-October.

*Maintenance:*

- Engine 294 – 1988 Ford F250 Brush Truck – Out of Service until further notice – brake failure issues.

*Grants:*

- NY/Vermont Port Authority Grant Application (\$5000) - *Lost*.
- 2015 Assistance to Firefighter's Grant (\$215,000) Decision/Award - *Lost*.

Chief Hughes requested permission to obtain internet access at the firehouse; it is in the budget and is necessary for the training instructors. A motion was made by Trustee Brassard, seconded by Trustee Davenport to grant permission for internet access at the firehouse. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; none. Absent: Trustee Curran; motion carried.

**PUBLIC COMMENT PERIOD**

Tom Williams introduced himself to the Board and indicated that this was the first meeting he's ever attended and asked the Board to introduce themselves. Mr. Williams indicated that he had two issues to bring to the Board's attention. The first is the property on North Main Street (Convent Hill) owned by Mr. Sayers; it is a hazard and eyesore. The roof is gone; there are kids in there at night and animals are running in and out of the dwelling as well. The second issue is finding out who owns Secluded Way. Up until 911 it had a Main Street address, now it is labeled as a private road; Mr. Williams asked the Board who holds the deed to the road because it is in dire need of repairs.

Trustee Brassard informed Mr. Williams that the Sayers building will be buttoned up and that he will contact Bill Ball to ask him to talk to the owner and cite him if necessary. Mayor Guerin indicated that there are several houses in the Village that need to be torn down and that there will be grant funds available in the near future that will take care of the costs associated with doing so. Trustee Brassard indicated that if the properties on Secluded Way overlap there may be several owners.

Digger Laing informed the Board that there is a doublewide going in on the vacant lot next to house on Elizabeth Street that is falling down. Mr. Laing indicated that the owner of the property that the double wide is going on is willing to pay to have the unsafe structure knocked down. Mayor Guerin commented that he will contact Bill Ball with regard to the asbestos testing; if there is none then the house could be buried on site.

Tim Bryant addressed the Board with regard to a drainage issue stemming from the Fashion Corner that runs down the hill on to Star way. The drainage needs to be redirected so that it runs out to the ditch. Mr. Laing indicated that this issue should not be a problem to correct.

Cathy St. Pierre asked the Board when the garbage and recyclable pick up will stop and the reading of water meters? Mayor Guerin indicated that the water meters will be read in October for the November 2016 Water and Sewer billing and he is not yet sure when garbage and recycling pick up will end. There will be open public meetings and hearings on the dissolution and the issue is sure to be addressed.

Cathy St. Pierre indicated that the Village property taxes have been paid through May 1, 2017 and asked if taxpayers will receive refund checks due to the Village dissolving on March 31, 2017? Trustee Brassard indicated that this is a question that has been asked a lot as a result of the vote and it has been looked into. According to the NYS Comptroller; it is against the law for the Village to issue refund checks for property taxes. Any funds left will be turned over to the Town upon dissolution and those funds must be used within the Village limits. Acting Treasurer Janelle Jurkiewicz indicated that there will be bills and liabilities that will need to be paid through May 1, 2017 as expenses will be incurred through March 31, 2017 and any money left when the Village dissolves will be used to pay those Village expenses.

Trustee Brassard commented that Village residents won't pay for water for November, December and January. The Town will bill Village residents in May for February, March and April. A brief discussion ensued with regard to the Town's water rates and billing structure.

Tim Bryant asked how the Citizen's Empowerment Tax Credit (CETC) will appear on his property tax bill. Mayor Guerin indicated that the Laberge Group will be able to explain such at future meetings. Trustee Brassard indicated that the Town is obligated to use at least 70% of the CETC funds towards property tax reduction.

Sandra Lovell commented that she was correct; the Town infrastructures are worse off than the Village's and that the public meetings should be held well before the dissolution occurs. Mayor Guerin assured her that there will be numerous meetings beforehand however there are certain steps that are required to be taken in a specific order with regard to the dissolution process and it takes time to get through each step in accordance with the laws. The first step is for the Village to apply for an additional \$50,000 in state funding to pay for costs and issues that will pertain to dissolution. The second step is to form a joint Port Henry Fire District; public meetings will be scheduled and held accordingly. The entire process is time sensitive. The Town will also have to hold public hearings on the formation of water and sewer districts in accordance with the laws and plan, that can not be deviated from. Ms. Lovell commented that she feels there are things being revealed now with regard to dissolution, that weren't revealed beforehand such as the formation of one water district.

Charlie Bryant asked what the total debt is for the Village. Treasurer Jurkiewicz indicated that off the top of her head; there are two payments left on the fire truck totaling \$65,000; there is \$52,000 owed on a DPW truck and one payment of \$11,000 left on the pay loader. The majority of the Village's debt is in water and sewer; there is approximately \$450,000 left on the loan for the water plant and 1.2 to 1.8 million left on the sewer plant. Charlie asked if Village residents will be assessed extra for the outstanding debt. Trustee Brassard indicated that the DPW truck and pay loader will become town wide debt. The \$65,000 debt on the fire truck will be paid off before the fire district is formed. Supervisor Scozzafava and his team are currently working on the 2017 Town budget. Trustee Brassard indicated that the water and sewer debt are both loans that can not be paid down early. Trustee Brassard also informed the public that the Town has no plans to shut down the Village water plant; they will only form one water district for village residents as a result of the dissolution.

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

#### BOARD DISCUSSION / REPORTS

Trustee Brassard reported that he, Mr. Perry and Mr. Laing met with the Laberge Group and Luck Brothers, Inc. for a pre-construction meeting on September 8, 2016. Blasting will begin within the next week and the road will be closed except to local traffic.

Trustee Brassard recommended hiring a Heavy Equipment Operator (HEO) for the winter months; the position requires a commercial driver's license (CDL). The Town will be expecting a fifth DPW employee in accordance with the plan and the guys need the help. A motion was made by Trustee Brassard and seconded by Trustee Smyth to advertise for the position and hire an HEO. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; none. Absent: Trustee Curran; motion carried.

Trustee Brassard indicated that Ricky Laing will continue to work 16 hours a week throughout the winter. Treasurer Jurkiewicz reminded the Board that this position was not budgeted for after August 2016. Trustee Brassard indicated that the funds can be used from elsewhere to keep him on.

Treasurer Jurkiewicz informed the Board that there will be an increase in work due to the pending dissolution and on top of the day to day operations of the Village office and therefore suggested closing the office one day a week to be able to focus on the

dissolution issues. A motion was made by Trustee Brassard and seconded by Trustee Davenport to close the office on Thursdays effective October 6, 2016 and until further notice. It was noted that it may necessary to close the Village office two days a week as the March 31, 2017 dissolution date nears. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; none. Absent: Trustee Curran; motion carried.

Trustee Brassard informed the Board that the Northeast Bass Association Fishing Tournament that was held on September 8<sup>th</sup> and 9<sup>th</sup> went very well and the association sent a thank you to the Village for the use of the beach area.

Tom Williams exited the meeting at 8:02 pm.

**Recurring Old Business:** Update on Rice Lane Project: the Notice of Award and Notice to Proceed were forwarded by the Engineer (Laberge Group) to the project contractor; Luck Brothers, Inc. Mayor Guerin signed the contract between the Village and Luck Brothers, Inc. on September 6, 2016. Notification letters have been mailed to residents that will be affected by the Rice Lane Project. The project is expected to be completed by November 15, 2016.

Update on Zoning Law: Mayor Guerin and Bill Ball met with Nan Stolzenburg on August 26, 2016 to review changes to the draft Zoning Law. The Board was copied on the proposed law with the recently made changes on September 2, 2016. The Board scheduled a Public Hearing on the proposed Zoning Law to be held on October 11, 2016 at 6:20 PM.

A letter of interest to serve on the Zoning Board of Appeals when established; was submitted by Ann Marie Adamowicz on August 19, 2016.

The August 16, 2016 Referendum on the Dissolution Plan resulted in favor of the electors of the Village of Port Henry accepting the plan by a vote of 208 to 188. In accordance with the Dissolution Plan the Village of Port Henry will dissolve on March 31, 2017. Mayor Guerin and Trustee Brassard met with Nicole Allen of the Laberge Group on Friday September 2, 2016 to discuss the next steps in the dissolution process.

Trustee Brassard announced that the Village and Town will hold a joint meeting for the purpose of proposing the establishment of a joint Fire District. The joint Board Meeting will be held on September 19, 2016 at 7:00 pm at the Town of Moriah Courthouse.

A Resolution is needed to authorize Mayor Guerin to submit an application to the NYS Department of State 2016 Local Government Citizens Re-organization Empowerment Grant Expedited Assistance Program for grant funds to support costs associated with the dissolution of the Village of Port Henry. A motion was made by Trustee Brassard, seconded by Trustee Smyth; Vote:

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

Nay: None.

Absent: Trustee Curran.

By a vote of four to zero, the above listed resolution was duly adopted by the Village of Port Henry Board of Trustees on the 13<sup>th</sup> day of September, 2016.

The current Moratorium on Street Level Residential Development is due to expire on October 15, 2016. Proposed Local Law No. 3 of 2016; Extending the Moratorium on Street Level Residential Development in a Portion of the Village of Port Henry was presented to the Board for review on September 2, 2016. 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 business hours. The Board scheduled a Public Hearing on the proposed Moratorium Extension to be held on October 11, 2016 at 6:15 pm.

**Old Business:** A motion was made by Trustee Brassard, seconded by Trustee Smyth to approve the August 8 and 22, 2016 Board Minutes. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; none. Absent: Trustee Curran; motion carried.

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

A Property Maintenance Complaint Form was received on August 24, 2016 with regard to 7 Shea Lane and was distributed to the Mayor, Board of Trustees and Bill Ball, for review. Mayor Guerin indicated that the garbage piled up at this residence will be taken care of.

The Village will advertise for Fuel Oil Bids through March 31, 2017. The public bid opening will be scheduled for October 11, 2016.

A letter was received from the Fraternal Order of Eagles in Moriah on September 1, 2016 and distributed to the Mayor and Board for review. The organization is requesting permission to hold a Coin Drop in the near future. The Board approved an available date of September 24, 2016 for the Eagles to hold a Coin Drop and they will be notified of such.

A letter was received from the Town of Moriah Historical Society requesting consideration in donating any Village signage or other memorable artifacts upon dissolution, to the Historical Society.

A letter was received from the Sherman Free Library Director Michelle Paquette on September 13, 2016 requesting permission from the Village to store books in the Port Henry Firehouse. Permission has been granted by Chief Hughes. Jackie Viestenz informed the Board there are approximately 40 to 50 boxes of books to be stored. The Board agreed to grant the library permission to store the boxes of books at the fire house.

A letter and sign dimensions were received from Tim Bryant on September 13, 2016. Mr. Bryant is requesting that the Village Board approve the sign design and installation at his business at 1 Star Way. Motion to approve made by Trustee Brassard, seconded by Trustee Smyth. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; None. Absent; Trustee Curran; motion carried.

A motion was made by Trustee Brassard, seconded by Trustee Davenport, to approve the August 29<sup>th</sup> and September 13, 2016 bills for payment as well as the August 12<sup>th</sup> and 22<sup>nd</sup> Capital payments. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; none. Absent: Trustee Curran; motion carried.

### **Abstract Distributions**

General \$28,915.97  
Water \$5,570.53  
Sewer \$25,123.44  
Joint Activity \$12,353.16  
Trust & Agency \$1,180.32  
Capital \$161,005.73

The Village will be closed on Monday October 10, 2016 in observance of Columbus Day therefore the regular Board meeting will be held on Tuesday, October 11, 2016, at 7:00 pm. Garbage will be picked up in the Village on Tuesday, October 11, 2016.

### **SECOND PUBLIC COMMENT PERIOD**

Janelle Jurkiewicz asked for confirmation on the September 19<sup>th</sup> meeting. Trustee Brassard indicated that the Town will hold a Public Hearing on Monday September 19, 2016 at 6:30 pm, which will be followed by the Joint Town and Village Board Meeting at 7:00 pm to propose the establishment of the joint Fire District.

Ms. Jurkiewicz informed the Board that she has noticed an increase in truck traffic on Church Street and asked if something has been changed that she may not be aware of.

Trustee Brassard indicated that there is construction going on at Harold Bigelow's property on Grove Street that may be affecting the truck traffic. Mayor Guerin confirmed that the truck route has not been changed.

Jackie Viestenz asked if copies of the Zoning Law will be made available to the public and Clerk Daly confirmed that copies will be made for the public as requested and will also be available at the Public Hearing.

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

A motion was made by Trustee Brassard, seconded by Trustee Smyth to adjourn the meeting at 8:22 pm. Yes: Mayor Guerin, Trustees; Brassard, Davenport and Smyth. No; none. Absent: Trustee Curran; motion carried.

ADJOURNED

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Denise C. Daly, Village Clerk