

REGULAR MEETING OF THE VILLAGE OF PORT HENRY  
BOARD OF TRUSTEES

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

DATE: MARCH 13, 2017

TIME: 7:00 PM

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

ATTENDANCE: Cathy Sprague, Carol Genier, Cathy St. Pierre, Ronnie Cunningham, Ruth McDonough, John Easter, Lohr McKinstry, Ann Tesar and Tim Bryant.

The following documents were distributed to the Board for review prior to the meeting: the March 13, 2017 Meeting Agenda, the February 13, 2017 Board Meeting minutes, the February 2017 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 is on file in the March 13, 2017 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 Village webpage at: [www.porthenrymoriah.com](http://www.porthenrymoriah.com).

Mayor Guerin called the meeting to order at 7:00 pm, led the salute to the flag and thanked everyone for attending.

The Village of Port Henry was incorporated on May 1, 1869 and has been in existence for 147 years, with a current population of approximately 1200 residents. The Village of Port Henry, Inc. will dissolve at midnight on March 31, 2017 therefore this will be the last recorded regularly scheduled meeting of the Village of Port Henry Board of Trustees.

Mayor Guerin indicated that it is a sad day, but with every ending there is a new beginning and we have to look to our future now. Mayor Guerin thanked the previous Board members for their service during the last 9 years that he has been the Mayor and also thanked the Deputy Mayor and Trustee, Matt Brassard, whose help he has greatly appreciated. Mayor Guerin indicated that should Mr. Brassard become affiliated in a Town position in the future, he will rest easy knowing that the Village residents will never lose their voice. Mayor Guerin also thanked the former pH7 Committee and indicated that with their help, we have accomplished a lot. Mayor Guerin indicated that we will still be Port Henry and a part of the Town and we need to remember this. Together, through everyone's due diligence and a lot of help, we have moved the marker and were successful in obtaining five to six million dollars in grant funding for improvements throughout the Village. Mayor Guerin indicated that he has not run a one man show and has had a lot of wonderful people working with him. To the Village Office staff, the DPW crew and the Water and Wastewater plant operators, Mayor Guerin expressed his deep appreciation and thanked everyone for their help. Mayor Guerin indicated that he will hold his head high as the last Mayor of the Village of Port Henry and again expressed his heartfelt gratitude and appreciation to everyone.

#### PUBLIC COMMENT PERIOD

Cathy Sprague, President of the Chamber of Commerce presented Mayor Guerin with an engraved plaque/clock and card on behalf of the Town of Moriah Chamber of Commerce for all of the work he has done over the past nine years; as well as the Trustees. Mayor Guerin thanked Ms. Sprague and the Chamber of Commerce very much.

Ruth McDonough read aloud a statement to the Mayor as follows: "It has been an honor and a privilege to serve with you for seven years on the Village Board. We are in a better place because of your hard work and faith in the Village as a system. You always put

forth the best interests of everyone and never had an ulterior motive. There should be more Ernie Guerin's in this world. You will be missed, as well as the Village; All the best."

## DEPARTMENT HEAD REPORTS

Chip Perry provided the Board with a verbal report on the Water and Wastewater plants for the month of February as follows: the Water Plant is status quo and first quarter samples were taken in February. There are no breakdowns or violations to report.

The Wastewater Treatment Plant currently has one pump down that is being worked on. This plant has an open door policy and recently had some State visitors who were very proud of the plant. The plant is running well; there are no complaints or violations to report.

Mr. Perry informed the Board that we are one of thirteen communities that have been accepted in to the Pilot Grant Asset Management Basin Program. All communities will have to prepare a Pilot Assessment in the future which typically runs approximately \$75,000 to \$100,000 to complete. Our community will have it done for free by gaining acceptance in to the program.

Mr. Perry indicated that he too would like to thank all of the previous Board's he has worked with. He's been with the village for twenty one years and has built two incredible departments. "We have state of the art drinking water and wastewater facilities that this community should be very proud of." Mr. Perry also thanked everyone that he has worked with; "the DPW department is stellar and they have always worked together and helped one another and there have been a lot of good times and fun had over the years. The water plant was built ten to eleven years ago with grant funds for approximately five million dollars, which would be unheard of today. The wastewater treatment facility was built with four and half million dollars in grant funds and is an 8.2 million dollar plant designed with upgrades and future growth for up to seventy five years." Mr. Perry indicated that he is very happy with everyone he has worked with, is very proud of what he has accomplished and thanked everyone again.

Digger Laing provided the Board with a verbal report on the DPW for the month of February as follows: Snow clean up and road salting continued as needed. Tom Slattery recently passed his CDL test and has obtained his CDL license. Tim Breeyear and Lucas Cutting have both obtained their CDL permits and have scheduled their tests for May, as that is the soonest they could get in. There were a couple of water issues; one on Locke Lane that ended up being a Village issue. Sam Meacham assisted with the repair and has billed the Village accordingly. The other issue was at the Mountain Lake Services house off of Broad Street and Hummingbird Way. Mountain Lake Services had to run a new sewer line and the Village installed a new sewer service at no charge. The inventory list has also been completed.

Mr. Laing thanked Mayor Guerin and Matt Brassard for the opportunity and trusting him to be in charge of the Village. Mr. Laing thanked the DPW crew; John Hickey, Tom Slattery, Ricky Laing, Tim Breeyear and Lucas Cutting for their hours of hard work and quality that they give everyday. Mr. Laing also thanked Chip Perry and Pete Towns for the help and assistance they've always provided as well as Denise Daly and Janelle Jurkiewicz for all of the paperwork they handle for us. Mr. Laing thanked the Town of Moriah buildings and grounds, water and highway departments for their assistance; they have always helped us out when needed, no questions asked. Mr. Laing also expressed his appreciation to the Moriah Shock Facility and inmates who have helped the Village over the years, the local contractors, businesses and vendors and sales people who we use daily and who rely on our business for income as well. Mr. Laing indicated that this has been the best job he has ever had and he tried to do his best every day. "It is a thankless job at times, but I never let it get to me."

Mr. Laing informed the Board that the DPW encountered a serious health and safety hazard while picking up garbage in the Village on Monday March 13, 2017. A bag of garbage ended up breaking open and contained several used hypodermic needles. The DPW is refusing to continue garbage pick up in the Village after being exposed to this hazard. The incident was turned over to the State police and Town police department. The Teamster's Union is backing the DPW workers 100 %. The remaining garbage was

picked up by the loader so no-one had to physically expose them selves to another potential safety hazards. The Mayor and Board indicated that the employees should not be subjected to these types of health and safety hazards and agreed to eliminate the garbage pick up in the Village effective immediately and for the remaining two weeks of the Village's existence as a municipality. The Mayor directed that a notice be placed in the local newspaper immediately and all other advertising avenues that are normally utilized.

Jim Hughes read aloud the Port Henry Fire Department's Chief Report for the month of February 2017 as follows:

PHFD has responded to eighteen (18) calls for 2017: (11) for January, (5) for February, and (2) for March to date.

*Avg. Response Time: 3.28 minutes; Avg. Number of Responders: 5.67.*

**2017 PESH Report:**

(18) Calls:	83.26 Man-hours
OSHA Training:	54.00 Man-hours
Additional Training/Participation:	156.00 Man-hours
Total:	<hr/> <b>293.26 Man-hours</b>

- PHFD hosted Office of Fire Prevention and Control sponsored (12) hour training course *Principles of Building Construction: Combustible* on February 1, 13, 15, & 20. Firefighters Tori Boisvert, Ben Hanson, Jim Hughes, and Phil Smith completed training.
- Chief Hughes and Assistant Chief Ron Van Slooten completed (2) hour *SCUBA Diver Refresher Training* on February 18<sup>th</sup> at Moriah Central School hosted by Waterfront Dive Center and Larry Jacques, Instructor.
- Chief Hughes and Tom Edwards met with Village Attorney Robert Hafner in Glens Falls, NY on Monday, March 6<sup>th</sup> at 4:00 PM. Purpose of two hour meeting was to review lease agreement proposed between Fire District #3 and Town of Moriah; department By-Laws; and remaining action items as we transition from a municipal department to a fire district.
- PHFD 2017/2018 List of Officers – Request resolution to approve Officers.

Trustee Brassard offered a motion to approve the officers of the Port Henry Fire Departments as elected at the March 9, 2017 meeting. The motion was seconded by Trustee Davenport. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

Chief Hughes expressed his thanks to all and indicated that he sat on the Village Board for seven years and experienced all of the challenges and pitfalls and can really appreciate what the current and past Board's do behind the scenes. Chief Hughes expressed his appreciation for the support he has received including his pursuits in applying for and obtaining grants for the Port Henry Fire Department. Mr. Hughes indicated that he has also served as a volunteer firefighter for the past 32 years and in the capacity of Fire Chief for the last seven years. Chief Hughes expressed his thanks to the ladies in the Village Office and indicated that people really have no idea what they deal with day to day; "they have always been there to answer my questions, field a call or answer an e-mail and are extremely appreciated." Chief Hughes also thanked Digger Laing and Chip Perry for their help and assistance. "If there was a fire in the middle of the day or night, Mr. Perry always made himself or someone from the water department available to communicate and advise the fire department as to what the available water levels were with regard to the hydrant system. The DPW has always been available to lend their assistance if needed as well." The Fire Department and DPW have co-existed in the building for years and have gotten along well. Chief Hughes indicated that this has been a positive experience with more good times than bad and thanked everyone for their continued support.

## BOARD DISCUSSION/REPORTS

Trustee Brassard thanked Chip Perry, Pete Towns, Digger Laing and the DPW, Chief Hughes and the ladies in the office for all of their help. "Anything I've ever needed or wanted was provided." Trustee Brassard also thanked Mayor Guerin for entrusting him with the day to day operations of the Village while he was out of town working at his full time job. Trustee Brassard indicated that he appreciated the support everyone has given him.

Trustee Brassard motioned to send the Moriah Central School boys and girls basketball teams/athletes a letter congratulating them on their successful season and wishing them luck in the final four games. The motion was seconded by Trustee Davenport. Yes; Mayor Guerin, Trustees Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

Trustee Brassard suggested the Village take out an ad in the Times of Ti Sun in support of the boys and girls basketball teams; a 2x2 or 1/8<sup>th</sup> size ad. The Board agreed to the 1/8<sup>th</sup> sized ad.

Trustee Brassard discussed the Rice Lane Project with Supervisor Scozzafava who indicated that the paving left to do will be done by the County as can be done cheaper by the County than the contractor. Trustee Brassard informed the Board that Supervisor Scozzafava indicated that there is \$24,000 left in grant funds that can be used for such, as well as CHIPS funds. Treasurer Jurkiewicz indicated that the remaining grant money is also to be used to pay the contractor's retainer.

Trustee Brassard indicated Chief Hughes touched on the proposed Lease Agreement between the Town and the Fire District at a rate of \$1.00 for the first year. The Town of Moriah has agreed to pay the heat and electricity for the firehouse building located at 14 Henry Street and the fire department will cover the costs of the telephone and cable bills. Trustee Brassard offered kudos to the Town for covering those costs.

Trustee Brassard offered a motion to increase the Village employee's wages by \$500 a week for the remaining two payrolls with the two new employees receiving \$100 a week for the remaining two weeks. Trustee Brassard indicated that he and Mayor Guerin sought the Village attorney's advice on providing the employee's with a bonus for their dedication and years of service to the Village as well as the loss of wages that six out of the nine employees transferring to the Town will incur. The attorney indicated that the only way to legally reward the employees would be to increase in their salaries, which can be done at any time, but that it could not be in the form of a bonus or severance pay. Trustee Curran suggested the Board enter into Executive Session at the close of the meeting to discuss the matter. Trustee Davenport indicated that this was the first he was hearing about it. Trustee Brassard indicated that he and the Mayor discussed the matter with the attorney on Friday March 10<sup>th</sup>. Trustee Curran indicated that an e-mail would have been appreciated in an attempt to inform the Board ahead of time and asked where the money would come from to increase their salaries. Mayor Guerin indicated that the matter needed to be discussed and decided upon in an open, public meeting. Treasurer Jurkiewicz indicated that the Village does currently have the funds to support the suggested increases. Trustee Brassard indicated that an e-mail was sent out last week to the Board informing them that the \$134,000 had been received from the County for the property tax re-levy. Mayor Guerin asked the public present at the meeting what their opinions were on the matter. Cathy St. Pierre indicated that she thought it was a very nice gesture and was well deserved. Ms. St. Pierre indicated that the money will go to the Town if not to the Village employees. Mayor Guerin reminded the Board members that they wouldn't agree to sell any Village equipment and discussion ensued with regard to that matter. Trustee Curran indicated that it would have been nice to discuss the increases beforehand. Mayor Guerin reiterated that the matter needed to be addressed and a decision made in an open, public meeting. Trustee Curran indicated that the Board members are the ones that have to deal with the public regarding such decisions and while the eight people from the public in attendance might agree, the rest of the tax payers may not. Trustee Brassard suggested discussing the matter further at the end of the meeting.

**Recurring Old Business:** Notification was received on February 23, 2017 from the New York State Department of Environmental Conservation indicating that the Manhole 13 Trunk Sewer Reconstruction Project has met all requirements and the Order on Consent has been fully satisfied. The case is now closed. Chip Perry indicated that this project has been in existence since 2003 and is a huge accomplishment; he is glad it was completed under the Village of Port Henry.

**Old Business:** A motion was made by Trustee Brassard, seconded by Trustee Curran, to approve the February 13, 2017 Board meeting minutes. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

The Village of Port Henry Board of Trustees passed a resolution at the February 13, 2017 Board Meeting to allow/approve the accrual of vacation, personal and floating holiday time that employees would normally receive on June 1, 2017, at the end of March before the Village dissolves, with the understanding that Village employees transferring to the Town wouldn't accrue any time until January 1, 2018. On March 2, 2017 Supervisor Scozzafava issued a written notice regarding time accruals for transferring employees that will take effect on April 1, 2017 in accordance with the Town union and personnel contracts. The Village Board therefore rescinded the time accrual resolution passed at the February 13, 2017 Board Meeting 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.

Trustee Brassard motioned to pay out all employees for any accrued vacation, personal, floating holiday and compensation time on the books as of March 31, 2017 and authorized accrued personal time to be rolled over to sick time per the union agreement and at each employee's discretion. The motion was seconded by Trustee Curran. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

**New Business:** The February 2017 Accounts Receivable and Trial Balance Reports were presented to the Board for review. There was no Monthly Water Adjustment Report for February 2017, as no adjustments were made.

Final Village Water and Sewer bills will be mailed at the end of March for the period of November 1, 2016 through March 31, 2017. Bills will be collected at the Town Office however checks/money orders should still be made payable to the Village of Port Henry.

A motion was made by Trustee Brassard, seconded by Trustee Curran, to approve the February 27<sup>th</sup> and March 13, 2017 bills for payment. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor, motion carried.

**Abstract Distributions:**

General \$54,654.54

Water \$49,405.92

Sewer \$28,888.87

Joint Activity \$16,209.24

Trust & Agency \$986.12

Capital \$16,636.64

**SECOND PUBLIC COMMENT PERIOD**

Digger Laing indicated that for the record, the Town was provided with the Village's list of equipment and never mentioned that they wanted or needed the honey wagon for pump outs, or the golf cart. Trustee Brassard indicated that the Town has decided to do away with pump outs therefore the honey wagon won't be needed and the golf cart wasn't used by the Village campground managers last season.

Lohr McKinstry asked if the Village garbage pick up will discontinue for the entire Village, or just the area where the needles were found. The Board confirmed that garbage pick up will end effective March 13, 2017 for the entire Village; two weeks prior to dissolution, due to the needle incident posing a safety issue. Mr. McKinstry asked to confirm that the union is backing the employees on this matter. Chip Perry indicated that as the union representative yes, the union is backing the employees 100 % on the issue.

Mr. McKinstry asked if the union always backs the employees unilaterally. Mr. Perry indicated that there have been instances in which the union has not backed employees with regard to certain issues. Mayor Guerin indicated that a police report was filed with regard to this incident. Trustee Davenport suggested the Village obtain a copy of the formal police report. Mr. McKinstry indicated that he would write an article on the matter to make the public aware. Trustee Brassard indicated that he would contact the news stations and other media outlets to inform the public in advance also.

Mr. Laing informed the Board and public that there is one final recyclable pick up date scheduled for March 22, 2017.

Cathy Sprague asked if the garbage can in the park has been or will be removed. Trustee Brassard confirmed that it has been removed.

Clerk Daly read aloud a statement as follows: "It has been my sincere pleasure to work for the Village of Port Henry, former Mayor Gary Cooke and our current Mayor; Ernie Guerin. I have enjoyed working with our Deputy Mayor, former Board members and those associated with the Village; especially my fellow employees, who I truly believe are the heart and soul of this Village. I'd like to personally thank Janelle Jurkiewicz for coming out of retirement to help the Village when we needed it the most. My heartfelt appreciation and gratitude to you, does not go unspoken. Last but not least, it has been my humble honor to serve the constituents of the Village of Port Henry during my tenure as the Village Clerk for the past ten years. I look forward to seeing your friendly and smiling faces in the future. Although a vital and important piece of history in this community will soon come to an end, let us all keep a positive mindset, continue to be helpful and kind to one another and remain hopeful when looking to our future, together."

Treasurer Jurkiewicz stated that it has been a pleasure to work for the Village of Port Henry. "After working for IP for 26 years, this has been like a vacation. The people I have had the pleasure of working with have been great. Thank you again, I appreciate it."

Trustee Brassard indicated that Carol Genier asked if the excess dog feces in the Village could be removed and a brief discussion ensued regarding such.

Trustee Brassard reintroduced the resolution to increase the employees salaries for the last two weeks of employment with the Village, as previously discussed. Trustee Davenport respectfully asked Mayor Guerin to enter in to Executive Session with regard to the matter. Lohr McKinstry indicated that there are nine reasons the Board is permitted to enter in to Executive Session and he doesn't believe this qualifies as one of them. Clerk Daly indicated that Mr. McKinstry was correct and that the matter needed to be addressed and decided upon in an open meeting. Trustee Smyth indicated that she felt as if they were being put on the spot and didn't appreciate it; and further indicated that she does appreciate everyone's hard work but it would be considered a gift of appreciation. Trustee Curran agreed and indicated that it is a gift, with tax payer's money and that while he agrees that the employees deserve it, the Board members were caught off guard and they are the ones that have to answer to the public. A tense discussion ensued and the matter was put to a vote as follows: Yes; Mayor Guerin and Trustee Brassard. No; Trustees Curran and Davenport. Abstained; Trustee Smyth.

A motion was made by Trustee Brassard, seconded by Trustee Curran, to adjourn the Board meeting at 8:05 pm. Yes; Mayor Guerin, Trustees; Brassard, Curran, Davenport and Smyth. No; none. All in favor; motion carried.

ADJOURNED

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Denise C. Daly, Village Clerk