

TOWN OF TUPPER LAKE REGULAR & ORGANIZATIONAL MEETING**MONDAY, JANUARY 14, 2013****4:00 P.M.**

Roll Call: Supervisor Roger Amell
 Councilwoman Kathleen Lefebvre
 Councilwoman Patricia Littlefield
 Councilman Gerald Fletcher

Absent: Councilman David Tomberlin

Recording Secretary: Laurie J. Fuller – Town Clerk

Also: Paul O’Leary – Assessor/Code Officer
 Mike Fritts – Youth Activity Director
 William Dechene – Highway Superintendent

Press: Jessica Collier – Adirondack Daily Enterprise
 Mary Peryea – Tupper Lake Free Press

Guest: Gary Beaudette – Tupper Lake Snowmobile Club
 Peter Edwards – Tupper Lake Snowmobile Club
 Ron LaScala – Resident

Supervisor Amell called organizational meeting to order at 4:01 p.m. opening with the Pledge of Allegiance.

Establish the agenda:

1. Amend vouchers dated 12/26/2012
2. Resolution supporting ACR project

1. Gary Beaudette
 Tupper Lake Snowmobile Club:

Gary Beaudette representing the Tupper Lake Snowmobile Club addressed the town Board about purchasing a trial groomer. The 1987 groomer is currently owned by the Franklin Snowmobilers. \$16,000.00 for machine and \$4,000.00 for drag.

Highway Superintendent William Dechene and Gary Beaudette, Peter Edwards and Lyndon Fuller, went to check out groomer.

Gary explained the trial to floodwood will eventually be turned over to the local club for grooming, which will be 25 to 30 miles of paid trials.

The Franklin Snowmobilers are willing to let us try it out.

Supervisor Amell stated the groomer we have now is a 1999 model and would like to keep as backup.

Supervisor Amell & board members thanked the Tupper Lake Snowmobile Club for all their hard work.

2. Approve 2013 Appointments:

Supervisor Amell read appointments:

2013 Organizational Meeting

January 14, 2013

Assessor	Paul O'Leary	
Deputy Town Clerk & Registrar	Donna Maliszewski	
Building Custodian	Donna Maliszewski	
Court Clerk, Part Time	Laurie Fuller	
Dog Officer	William Moody	
Tax Collector for the year 2013	Laurie J. Fuller	
Deputy Tax Collector	Donna Maliszewski	
Deputy Highway Superintendent	Derek Foote Highway Superintendent's Appt.	
Deputy Supervisor	Councilwoman Kathleen Lefebvre Supervisor's Appt.	
Hazardous Waste Control Officer	Safety Joe	
Town Historian	John Kopp	
Town Health Officer	Ron Simmons	
Town Planner	Paul O'Leary	
Deputy Town Planner	Mike Fritts	
Code Enforcement/Zoning Officer	Paul O'Leary	
Bookkeeper to Supervisor	Mary Sue Wolson	
Budget Officer	Roger Amell	
Part Time Clerk	Briggette Shaheen	
Town Accountant	Theresa Ellis	
Town Attorney	Kirk Gagnier	
Youth Activity Director	Mike Fritts	
Legal holidays observed	New Year's Day Washington's Birthday Independence Day Columbus Day Thanksgiving Day Christmas Day	Lincoln's Birthday Memorial Day Labor Day Election Day Veteran's Day Martin Luther King Day
Town Clerk's Petty Cash	\$200.00	
Mileage Allowance	.50 cents	
Official Depository	Community Bank & NBT Bank	
Official Newspapers	Tupper Lake Free Press Adirondack Daily Enterprise	
Regular Monthly Board Meeting	2 nd Monday – 4:00 P.M. 4 th Monday if needed	

I HEREBY SOLEMNLY ATTEST that this is a true and complete listing of all appointed employees who have filed the oath of office in the Town of Tupper Lake for a term of one year.

Dated at Tupper Lake, New York this 1st day of January 2013

Laurie J. Fuller – Town Clerk

Motion to approve 2013 appointments was made by Councilwoman Lefebvre

Seconded by Councilwoman Littlefield
All Town Board Members voted AYE 4/0

2013

Committees

HIGHWAY DEPARTMENT	Councilwoman Patricia Littlefield Councilman Gerald Fletcher
LITTLE WOLF BEACH & CAMPSITE	Supervisor Roger Amell Councilwoman Kathleen Lefebvre
TOWN OFFICES, BUILDINGS & PROPERTIES	Councilman David Tomberlin Councilwoman Kathleen Lefebvre
TUPPER LAKE COUNTRY CLUB	Councilman Gerald Fletcher Councilwoman Patricia Littlefield
AUDIT COMMITTEE	Councilwoman Kathleen Lefebvre Councilman David Tomberlin
DOG CONTROL	Supervisor Roger Amell
TOWN PLANNER & YOUTH ACTIVITY DIRECTOR	Councilwoman Patricia Littlefield Councilman Gerald Fletcher

Motion to approve 2013 Committees was made by Councilwoman Littlefield

Seconded by Councilman Fletcher
All Town board Members voted AYE 4/0

3. Approve ACR resolution for support:

Councilwoman Lefebvre read resolution:

Resolution # 5 – 2013
Continuing Support of the Adirondack Club and Resort by the Town of Tupper Lake

WHEREAS, after eight years of deliberations and thousands upon thousands of pages of documentation the Adirondack Park Agency saw fit to approve the application for a permit by the Adirondack Club and Resort Developers on Friday, January 20, 2012 by a vote of 10 to 1 of the Park Agency Commissioners, construction work has still yet to begin; and

WHEREAS, the Sierra Club and Protect the Adirondacks have seen fit to bring about a frivolous, time consuming and extremely expensive law suit against the Adirondack Park Agency and the Adirondack Club and Resort Developers, our community economy continues to suffer because of this; and

WHEREAS, both the Sierra Club and the Protect the Adirondacks have only shown that neither group cares about the economic wellbeing of the year round residents of the Adirondack Park, and in particular Tupper Lake, by their actions with regards to their current lawsuit and the fact that it is being used as a tool to discourage financial investment on the part of potential investors who have already waited over eight years to see this worthwhile project begin; and

WHEREAS, it is the belief of the Town of Tupper Lake Board that both the Sierra Club and Protect the Adirondacks have no legal grounds for the law suit to succeed because the Adirondack Park Agency Staff spent over eight years reviewing the project and hundreds of thousands of man hours in doing so; and

WHEREAS, further it is desire of the Town of Tupper Lake Board that the Court rule that both the Sierra Club and Protect the Adirondacks be responsible for reimbursing the State of NY (APA) and the Adirondack Club and Resorts Principle Partners for any and all legal costs that they have incurred.

FINALLY, therefore the Town of Tupper Lake Board urges all neighboring Villages, Townships and Counties to pass similar resolutions of support for the ACR project and court cost reimbursement and that these resolutions be sent to Governor Andrew Cuomo, APA Chairwoman Lani Ulrich, DEC Region 5 Director Robert Steggeman, Senator Betty Little, Assembly member Janet Duprey, Congressman Bill Owens and Senators Kirsten Gillibrand and Charles Schumer, as well as to all area and regional newspapers.

Date: January 14, 2013

Laurie J Fuller – Town Clerk RMC

seal

Motion: Councilwoman Littlefield

Seconded: Councilman Fletcher

Absent: Councilman Tomberlin

Action: Carried 4/0

4. Approve Minutes:

Town Clerk provided each board member a drafted copy of minutes dated December 10th and December 26th, 2012 for approval.

Motion to approve minutes as written for meeting dated December 10th 2012 and December 26, 2012 amending abstract amount of 88, 551.94 for meeting December 26, 2012 was made by Councilwoman Littlefield.

Seconded by Councilwoman Lefebvre

All Town board Members voted AYE 4/0

5. Approve Code Officer's

Monthly report:

Monthly Report
December 2012

3 Building Permits issued in December

0 Complaint filed

Completed 3 field inspections

Responded to one Village fire call

December 2012 miles logged 86

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O'Leary

Code Enforcement Officer
Town of Tupper Lake

Motion to approve Code Officer's Monthly report was made by Councilwoman Littlefield

Seconded by Councilwoman Lefebvre
All Town Board Members voted AYE 4/0

6. Approve Youth Activity Director's
Monthly report:

Recreation Report for 01-14-13

Cross Country Skiing –

This year's program has been the greatest success to date. We have a record 40 participants. The parent volunteers have been tremendous as well. Unfortunately this weekend's weather ruined the skiing so that's why I'm here at the meeting and not out skiing with the kids.

Cross Country Ski Center

The hard work grooming, web presence and brochures have definitely paid off so far. John and his crew continue to be lavished with praise for their work in making the facility a must ski destination for the local community and tourists. To date we've received \$450 in donations which is used for anything from gasoline to shovels to maintenance of the two sleds. The brochures are also a nice addition to the venue. They've been circulated throughout the North Country and although I don't have an accurate way to track their efficiency I can attest to their effectiveness through reading through the sign in log which as of last week showed over 300 skiers visits. In fact I was in Plattsburgh over the weekend and had to replenish

brochures I placed at the mall. The town's facebook page and John's facebook page have also brought great attention to the amenity.

Pro-Shop

It has been asked if the pro-shop could be open for a few hours throughout the week. We don't yet have anyone to watch over it but I've been in talks with Principal Matt Southwick about having one of the school clubs staff it on a weekend day. Supervised by an advisor the club would sell hot chocolate and snacks for a few hours on the weekend. As for keeping it open on other days I have no problem with opening and closing it during the week. I don't foresee any problems with vandalism but gosh forbid something do happen.

New Ski Trail

In front of you is a map from John Gillis showing a proposed ski trail at the golf course. This trail would go through the woods along the golf course. Obviously some work and money would be required to complete this. I've begun looking for possible trail fund grants.

Facebook

We know have over 1,000 followers on Facebook which in my opinion is remarkable. It may seem trivial but having this connectivity is invaluable.

Lifeguards

I may seem early but I've been talking to Nancy Merrihew about the coming summer season. We are definitely going to be low in lifeguards so I'll be doing some recruiting at the school. Also we'll be losing our swim instructor which is huge considering the program was so popular last summer that I had to close off registration. I have heard of someone that might be interested in taking the necessary courses to become a swim instructor. If that is the case, I think the town should consider what was done in the past and maybe pay for that individual to take these courses.

Beach Safety Plan

I've been at work updating the Beach Safety Plan as required the Department of Health. Our current one is dated and the agency requires an updated plan every several years. So, that has been fun.

Hiking and Paddling/Trail Committee

As you may know I've been working with a group of community members to spur on the Multi-Use Trail that has been in the works for eons. Our next meeting is later this month. Our goal is to do whatever we can to get the first phase of the project moving forward. With expressed our interest in doing so to the village. In conjunction with the trail I've been developing a brochure that would highlight various hiking and paddling routes within 30 miles of Tupper Lake. This guide will be a valuable resource for visitors and residents.

Motion to approve Youth Activity Director's Monthly report was made by Councilwoman Littlefield

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 4/0

7. Approve Dog Control Officer's
Monthly report:

Town of Tupper Lake
Dog Control Report

For the Month of: December 2012

Date: January 1, 2013

Complaints Received 4

Complaints Answered 4

Dogs Captured 0

Dogs return to owner 0

Dogs turned over to DCO 0

Dogs transported to Humane Society 0

Dogs Adopted 0

Dogs Euthonized 0

Dogs treated by Vet 0

Dangerous Dog Complaints 0

Tickets issued 0

Mileage 39 miles DCO William Moody

Report prepared by William Moody DCO

Motion to approve Doge Control Officer's Monthly report was made by Councilwoman Lefebvre

Seconded by Councilman Fletcher
All Town Board Members voted AYE 4/0

8. Approve Agreement with
Town of Piercefield for Dog Shelter:

Resolution #1 2013

AGREEMENT

THIS AGREEMENT made this 14th day of January 2013, between the TOWN OF PIERCEFIELD, St Lawrence County, New York, hereinafter designated as the "Town of Piercefield" and the TOWN OF TUPPER LAKE, Franklin County, New York, hereinafter designated as the "Town of Tupper Lake".

WITNESSETH

WHEREAS, the Town of Piercefield maintains no animal shelter of its own, and

WHEREAS, the State of New York Department of Agriculture and Markets requires each township to provide adequate animal shelter facilities, and

WHEREAS, in the past the Town of Tupper Lake has provided animal shelter services to the Town of Piercefield, and

WHEREAS, this Agreement has been duly authorized by the Town Boards of the Towns of Piercefield and Tupper Lake,

NOW THEREFORE, the Towns of Piercefield, and Tupper Lake do set forth the Terms and Conditions of this Agreement as follows:

1. The Town of Tupper Lake shall offer the use of its animal shelter at the cost of \$10.00 per day, per dog.
2. The owner of any dog seized by a Dog Control Officer or any Law Enforcement Officer shall be sought by the municipal Dog Control Officer or Officers for the duration of the period of impoundment in the Animal Shelter as prescribed by New York State Ag&Mkts Law.
3. Disposition of dogs whose owners cannot be located shall be carried out as prescribed by New York State Ag&Mkts Law.
4. All veterinary costs incurred by the Town of Piercefield and/or Town of Tupper Lake for any seized dog shall be reimbursed by the owner of said dog to each Town so burdened.
5. Costs incurred for care, shelter, and disposition of dogs whose owners cannot be located shall be the responsibility of the municipality in which the dog was seized.
6. No action shall be maintained by any person against the Towns of Piercefield or Tupper Lake, any duly designated dog control officer, or any other agent or officer of the Town, to recover the possession, or value

of any dog, or for damages for injury, or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of the applicable Local Dog Control Laws and New York State Ag&Mkts Law.

- 7. The Town of Tupper Lake and Piercefield agree to hold each other harmless for any injury or damage to persons or property sustained during the course of good faith dog control activities by

duly authorized personnel pursuant to their respective Local Dog Control Laws and New York State Ag & Mkts Law.

8. The Towns of Tupper Lake and Piercefield jointly authorize their Dog Control Officers to serve either Town in the event that one is unable to do so, the compensation to be negotiated by the respective Town Boards, giving consideration to duration and extent of temporary service.

9. The Towns of Tupper Lake and Piercefield agree to provide to each other Certificates of Proof of Liability Insurance, naming each other as "Additional Insured" on said Certificates, with minimum coverage as follows:

- i. General Liability Insurance, on an "Occurrence" basis, with the following limits:
- ii. \$ 1,000,000 Each Occurrence
- in. \$2,000,000 General Aggregate
- iv. \$1,000,000 Products Aggregate
- v. \$1,000,000 Personal Injury
- vi. \$50,000 Fire Damage Legal Liability
- vii. \$5,000 Medical Payment Expense and

10. This Agreement shall continue for a period of one year from the 1st day of January, 2013 through December 31, 2013

IN WITNESS WHEREOF, the parties have duly executed and delivered this Agreement the day and year mentioned above.

TOWN OF PIERCEFIELD

BY: _____

Neil Pickering, Town Supervisor

TOWN OF TUPPER LAKE

BY: _____

Roger Amell, Town Supervisor

Agreement introduced at the Town of Tupper Lakes regular town board meeting held January 14, 2013

Motion: Councilwoman Lefebvre
 Seconded: Councilwoman Littlefield
 Absent: Councilman Tomberlin
 Action: Carried 4/0 vote
 Date: January 14, 2013

seal

 Laurie J. Fuller – Town Clerk

9. Approve Lease Agreement with
 Franklin County Probation:

**Resolution #3 - 2013
 LEASE AGREEMENT**

This Agreement made this 14th day of January 2013 between the **TOWN OF TUPPER LAKE**, a municipality with offices at 120 Demars Blvd., Tupper Lake, New York 12986 (“Lessor”) and **FRANKLIN COUNTY PROBATION DEPARTMENT**, Malone, New York 12953 (“Lessee”)

Lessor does hereby lease to Lessee the office on the first floor of the Town of Tupper Lake Office Building, 120 Demars Blvd., Tupper Lake, New York, which has been previously occupied by Lessee, with the privileges and appurtenances for and during the term of one year from the 1st day of January 2013 to December 31, 2013.

Lessee will pay to Lessor for the use of said premises; the annual rent One Thousand Two Hundred (\$1,200.00)

In the event Lessee shall fail pay said rent, or any part thereof when it becomes due, it is agreed that Lessor may sue for the same, or re-enter said premises, or resort to any other legal remedy.

Lessor will provide heat and lights to the office space and office personnel of Lessee may use the lavatory facilities. Lessee will provide its own telephone services.

Lessee covenants that at the expiration of said term it will surrender said premises to Lessor in as good condition as now, necessary wear and damage by the elements excepted.

WITNESS the hands and seals of the said parties as of the day and year first above written.

In presence of

TOWN OF TUPPER LAKE

BY: _____

Roger Amell, Supervisor

Motion: Councilwoman Littlefield

Seconded: Councilman Fletcher

Absent: Councilman Tomberlin

Action: Carried 4/0 vote

Date: January 14, 2013

Franklin County Probation Department

BY: _____

Probation Department Executive Director

10. Approve Snow & Ice Agreement:

RESOLUTION #2 –2013

2013 SNOW & ICE AGREEMENT WITH COUNTY

WHEREAS, the Town Board of the Town of Tupper Lake, Franklin County, New York passed a resolution at a Regular Town Board Meeting held January 14, 2013 authorizing the Town Superintendent of Highways William Dechene to enter into such agreement of the removal of snow and sanding of County Highways within said Town of Tupper Lake.

NOW THEREFORE BE IT RESOLVED, that it is mutually agreed the Town of Tupper Lake has the following miles of County highways within the said Town for which it shall be paid the following amounts for the following year:

2012 – 2013

CR44 1.50 miles at \$5,115

CR49 0.73 miles at \$4,215

Total \$10,750.00

Motion: Councilwoman Littlefield

Seconded: Councilwoman Lefebvre

Absent: Councilman Tomberlin

Action: Carried 4/0 vote

Date: January 14, 2013

Laurie J. Fuller – Town Clerk - RMC

11. Approve Court's Annual Report:

Resolution #4 - 2013

RESOLUTION AUDITING TOWN COURT'S RECORDS AS PER REQUEST FROM STATE OF NEW YORK UNIFIED COURT SYSTEM

WHEREAS: the state of New York Unified Court System has requested the Town Audit the Town of Tupper Lake court's records annually and,

WHEREAS: At a Town Board Meeting held January 14, 2013 the Town Board reviewed court records for the year 2012 and passed a resolution approving the auditing of Justice Leonard F. Young III court's records to be satisfactory.

Date: January 14, 2013

Motion: Councilwoman Littlefield

Seconded: Councilman Fletcher

Absent: Councilman Tomberlin

Action: Carried 4/0 vote

Laurie J. Fuller – Town Clerk

MONTH	AMOUNT	DEPOSIT	CK#
January	\$7110.00	\$7110.00	1081
February	\$10,285.00	\$10,285.00	1082
March	\$9,230.00	\$9,230.00	1084
April	\$5,620.00	\$5,620.00	1085
May	\$11,385.00	\$11,385.00	1087
June	\$10,940.00	\$10,940.00	1089
July	\$9,080.00	\$9,080.00	1090
August	\$12,210.00	\$12,210.00	1092
September	\$8,212.50	\$8,212.50	1095
October	\$17,912.40	\$17,912.40	1097
November	\$9510.00	\$9,510.00	1102
December	\$8,165.00	\$8,165.00	1105

TOTAL \$119,659.90

Leonard F. Young III – Town Justice

12. Letter from Avalon Associates:

Supervisor Amell explained he received a letter for Philip Smith, President of Avalon Associates regarding the CDBG grant application that was submitted. Unfortunately the Town and Village are not on the list of winners for the CDBG and Home Funding Grant.

13. Approve Budget Transfers:

	Acct/Budget	Detail	Increase	Decrease	Revenue	Expenditure
General						
	11101	Justice PS	\$139.29			
	11104	Justice CE		\$139.29		
	12201	Supervisor PS	\$389.47			
	12204	Supervisor CE	\$97.45			
	13204	Indep Auditing		\$486.92		
	13551	Assessors PS	\$255.57			
	13554	Assessors CE		\$255.57		
	14101	Town Clerk PS	\$894.91			
	14104	Town Clerk CE	\$305.00			
	14204	Attorney		\$1,199.91		

	14304	Bookkeeper CE	\$157.12		
	14301	Bookkeeper PS		\$157.12	
	16201	Building PS	\$136.00		
	16204	Building CE		\$136.00	
	16804	Data Process CE	\$122.80		
	19104	Insurances		\$122.80	
	35101	Dog Control PS	\$129.17		
	35102	Dog Control EQ		\$50.00	
	35104	Dog Control CE		\$49.21	
	19904	Contingency		\$29.96	
	51324	Garage CE	\$352.24		
	19904	Contingency		\$352.24	
	64104	Publicity	\$72.00		
	19904	Contingency		\$72.00	
	70201	Recreation PS	\$637.38		
	70204	Recreation CE		\$637.38	
	80104	Zoning CE	\$94.33		
	80204	Planning CE		\$94.33	
	86641	Building & Code PS	\$228.53		
	80201	Planning PS		\$228.53	
	86644	Building & Code CE	\$59.44		
	80204	Planning CE		\$16.44	
	90608	Medical Ins		\$43.00	
	90508	Unemployment Ins	\$389.73		
	90608	Medical Ins		\$389.73	
	90108	Retirement	\$18,491.81		
	90608	Medical Ins		\$18,491.81	

General Outside Vlg						
	1001	Real Property Tax			\$.086	
	90308	Social Security				\$.086
Highway						
	51421	Snow Removal PS	\$4,282.78			
	51301	Machinery		\$4,282.78		
	90508	Unemployment	\$202.16			
	90608	Medical Insurance		\$202.16		
Highway Outside Vlg						
	90308	Social Security	\$10.33			
	51102	General Repair EQ		\$10.33		
Sewer 5						
	81204	Sanitary Sewers CE	\$58.06			
	909	Fund Balance		\$59.06		
Sewer 17						
	81204	Sanitary Sewers CE	\$29.03			
	909	Fund Balance		\$29.03		
Sewer 23						
	83204	Sanitary Sewer CE	\$178.83			
	909	Fund Balance		\$178.83		
Water 3						
	83204	Source Power Pump CE	\$29.03			
	909	Fund Balance		\$29.03		
			\$22,952.24	\$22,952.24	\$.086	\$.086

Motion to approve budget transfers for year end 2012 as submitted was made by Councilwoman Littlefield

Seconded by Councilwoman Lefebvre
All Town board Members voted AYE 4/0

14. Approve Abstracts:

Motion to approve Abstract of Audited Vouchers for 12/12/2012 thru 12/31/2012 in the amount of \$145,575.13 was made by Councilwoman Lefebvre

Seconded by Councilman Fletcher
All Town Board Members voted AYE 4/0

Motion to approve Abstract of Audited Vouchers for 1/1/2013 thru 1/11/2013 in the amount of \$148,087.55 was made by Councilwoman Lefebvre

Seconded by Councilwoman Littlefield
All Town Board Members voted AYE 4/0

15. Approve fixing Country Club Firebox:

Supervisor Amell called four Contractor's to replace firebox at Tupper Lake Country Club

SPEC

Replace Firebox in the Clubhouse at the
Tupper Lake Golf Club

Remove existing stone face on the fireplace.
Remove old steel heatolator and replace with a masonry fire brick fire box.
Re-face the fireplace with a cut granite stone.
Existing doors are to be reused.
All work must be done to state and local building codes.
Measurements;
Existing steel heatolator is 48 inches wide by 36 inches high and 20 inches deep.

Fireplace may be inspected any day of the week from 10:00 am until 6:00 pm.

Quotes:

Sootbusters LLC	\$8,125.00
Adirondack Fireplace	\$5,000.00
E & M Enterprises	\$6,850.00

Bids were tabled at the May 14, 2012 meeting

Motion to award lowest bidder, Adirondack Fireplace in the amount of \$5,000.00 to replace firebox at the Tupper Lake Country Club Clubhouse and withdraw action taken on bids for the gas insert was made by Councilwoman Littlefield.

Seconded by Councilwoman Lefebvre
All Town Board Members voted AYE 4/0

16. Adjournment:

Motion to adjourn at 4:59 p.m. was made by Councilwoman Lefebvre.

Seconded by Councilwoman Littlefield
All Town Board Members voted AYE 4/0

Laurie J Fuller – Town Clerk RMC

