

TOWN OF TUPPER LAKE REGULAR BOARD MEETING

APRIL 9, 2012

Roll Call: Supervisor Roger Amell
Councilwoman Kathleen Lefebvre
Councilman David Tomberlin
Councilwoman Patricia Littlefield

Absent: Councilman Gerald Fletcher

Recording Secretary: Laurie J Fuller- Town Clerk

Press: Dan McClelland – Tupper Lake Free Press
Jessica Collier – Adirondack Daily Enterprise

Also: William Dechene – Highway Superintendent
Kirk Gagnier- Town Attorney

Guest: Chris Keniston Rick Donah
Charlene McCulloch Dan Mecklenburg
Jim & Hope Frenette Tony Goodwin
Tom Lawson
Fred Schuller
Don Dew, Jr.

Supervisor Amell called meeting to order at 4:03 p.m. opening with the Pledge of Allegiance.

Establish Agenda, three items added
Woodland Apartment Pilot Program
Town Website Proposal
ZBA & BAR seat open

1. Hope Frenette
(Recreational Trail):

In Personal Appearance Hope Frenette along with two other members of the Adirondack recreational Trail Advocates (ARTA) Chris Keniston and Tony Goodwin attended meeting to brief board members.

Hope Frenette stated the organization has collected over 5,300 signatures of support 300 from Tupper Lake.

They are having a study done to tear up tracks between Lake Placid and Old Forge to put in a multi-use recreational trail.

The cost of study is estimated about \$25,000 it will cost the ARTA.

Members from the Next Stop Tupper Lake attended meeting also.

They are hoping to reopen the rail line between Tupper and Saranac Lake but also have the recreational trail run alongside it.

Councilman Tomberlin asked why not have both rails and trails.

The ARTA members do not believe the investment in the railroad is worth it, it won't draw people to Tupper Lake.

The ARTA study is only for the recreational trail.

2. Approve Minutes:

Motion to approve minutes as written for meetings February 29th & March 12, 2012 was made by Councilwoman Lefebvre.

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

3. Code Officer's Monthly reports
For February & March 2012:

Monthly Report February 2012

2 Building permits issued in February.

Completed 4 field inspections.

February 2012 miles logged 90

Attended an Energy Code workshop in Lake Placid.

Will be attending mandatory Code Enforcement continuing education in Lake Placid March 5th through March 8th 2012.

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O'Leary
Town of Tupper Lake

Town of Tupper Lake

Permit Monthly Report

From: February 01, 2012

To: February 29, 2012

Document #	Issue Date	Owner	Document Type	Property Location	Amount
				SBL	
007-12	2/9/2012	James & Christi Dukette	Heat Producing Appliance	30 Barry Ave 491.54-1-4	\$25.00
008-12	3/9/2012	William Balfour	Accessory Structures	3 Big Wolf Rd 460.-1-1	\$78.00
				Reporting Period Total:	\$103.00

Monthly Report March 2012

3 Building permits issued in March.

Completed 4 field inspections.

Responded to Fire call / auto accident on McLaughlin Ave. Village Code Officer Pete Edwards was unavailable.

March 2012 miles logged 280

Attended an New York State Energy Code workshop in Lake Placid.

Attended the Code Enforcement continuing education classes in Lake Placid on March 5th through March 8th 2012.

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O'Leary
Town of Tupper Lake

**Town of Tupper Lake
Permit Monthly Report**

From: March 1, 2012 To : March 31, 2012

<u>Document #</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Document Type</u>	<u>Property Location</u>	<u>Amount</u>
				<u>SBL</u>	
006-12	2/9/2012	Reynolds Sally L	Addition	Madore Farm Rd	\$120.00
				491.-9-3	
009-12	3/19/2012	Six Kids Realty Company, Inc	Garage/Carport	Tupper Long Lake Rd	\$1,308.00
				509.-2-9.100	
010-12	3/28/2012	Robert Perkins	1 & 2 Family	30 Gull Pond Rd	\$1,233.00
				499.-1-31	
				Reporting Period	
				Total:	<u>\$2,661.00</u>

Motion to approve Code Officer's Monthly reports for February & March 2012 was made by Councilwoman Littlefield.

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

4. Approve Youth Activity Director's Monthly Reports:

Recreation Report for March and April 2012

Summer Activities – I've been busy with signups as the busy sports season nears. I've begun to hold weekly sign up nights here at the town hall but have been emphasizing to folks just to stop at the town hall to pick up forms. Also a mass email to previous participants has been submitted with registration forms attached. And the chamber will also be posting information on activities on their site.

Little Wolf Beach – Reservations have been steady. I've spoken with Mike Gaff on a number of occasions and he's ready to get going probably around May 14 if that is good with the board. He did request perhaps purchasing a grill for use at the pavilion area. One trend I've noticed is the word on the campground seems to be spreading. We have several large groups coming up to use the tent area this season. I'm looking into procuring a projector so we could do a couple movie nights and I also have a couple bands interested in playing. I'm excited about the momentum the beach has been gaining. It's truly a community gathering spot and I hope to help make it more so this summer.

Motion to approve Youth Activity Director's reports for March & April was made by Councilwoman Littlefield.

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

5. Approve Dog Control Officer's Monthly report;

TOWN OF TUPPER LAKE
DOG CONTROL REPORT
FOR THE MONTH OF: March 2012

Date: April 1, 2012

Complaints Received	6
Complaints Answered	6
Dogs Captured	3
Dogs turned over to DCO	0
Dogs transported to HS	0
Dogs Adopted	1
Dogs Euthonized	0
Dogs treated by Vet	0
Dangerous Dog Complaints	0
Tickets Issued	0

Mileage 86
DCO
William Moody

Motion to approve Dog Control Officer's Monthly report was made by Councilman Tomberlin.

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

6. Accept request to amend
Land Use Code Zoning Map:

Christopher and Michael Keniston sent a letter to Paul O'Leary, Assessor/Code & Planner requesting an amendment to the Land Use Code Zoning Map to change zoning for their parcel of land, Tax Parcel ID # 480.51-1-1 & 480.-4-1 a 46.47 acre woodland lot on the northeast boundary of the Village of Tupper Lake and the Town of Tupper Lake.

Motion to accept request to amend land use code zoning map and refer to the Planning Board for their opinion and recommendation was made by Councilman Tomberlin.

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

7. L & L Insurance Agency:

L & L Insurance Agency out of Camden, New York, specializes in Medicare Advantage Plans and would like to set up a free consultation.
Will set something up when insurance is up for renewal.

8. Donation for Knights of Columbus
Annual action:

RESOLUTION #19 -2012

OF
THE TOWN BOARD OF THE TOWN OF TUPPER LAKE
FRANKLIN COUNTY, NEW YORK

WHEREAS; The Knights of Columbus is holding its annual auction on May 20, 2012; and

WHEREAS; the town in the past has donated a camping site for a week at Little Wolf Campground, and

WHEREAS; this year the donation will be one child one week to attend the Summer Day Camp a \$80.00 value, and one week tent site at Little Wolf campground a \$90.00 value.

NOW THEREFORE BE IT RESOLVED; at a regular town board meeting held April 9, 2012 town board members passed a resolution to donate one week of Summer Day Camp and one week at Little Wolf Campground for the Knight of Columbus annual auction.

Motion: Councilwoman Littlefield

Seconded: Councilman Tomberlin

Absent: Councilman Fletcher

Action: Carried 4/0 vote

Date: April 9, 2012

 Laurie J Fuller – Town Clerk

9. Discussion on County Planner:

The Town of Malone Town Council sent a letter to board members asking to support the position of County Planner to our legislators. Supervisor Amell is recommending not to support a County Planner, the Town & Village has their own planning board. Councilwoman Littlefield stated based on the letter she feels there is not enough information to act on it now, other board members agreed.

Motion to **TABLE** until further information is received was made by Councilwoman Littlefield.

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

10. Discuss St. Lawrence County Board of Legislators resolution:

The Board of Legislators is asking the Town to pass a resolution, Reinforcing Support for the Construction of the Interstate 98 Multi-Modal Corridor and Supporting Improvements to US Route 11 and to give priority to the Canton, Potsdam and Gouverneur areas. The Town board agreed with Supervisor Amell, about not supporting the construction of interstate 98, which would stop the flow of traffic thru the Tupper Lake area.

Motion not to support the construction of Interstate 98 was made by Councilman Tomberlin.

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

11. Budget Transfers:

Town of Tupper Lake
 4/9/2012

	Acct/Budget	Detail	Credit	Debit	Revenue	Expenditure
General						

	14304	Bookkeeper CE	\$828.48			
	14301	Bookkeeper PS		\$828.48		
General Part Town	90308	Social Security (town)	\$8.70			
	90558	Disability Ins.		\$8.70		
			\$837.18	\$837.18	\$0.00	\$0.00

Motion to approve Budget Transfers as listed above was made by Councilwoman Lefebvre

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

12. Abstract of Audit Vouchers:

Motion to approve Abstract of Audited Vouchers for the period 3/10/2012 – 4/6/2012 in the amount of \$127,755.89 was made by Councilwoman Littlefield

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

13. Approve Pilot agreement
With Woodlands Apartments.

MOTION: COUNCILMAN TOMBERLIN
SECONDED: COUNCILWOMAN LEFEBVRE
ABSENT: COUNCILMAN FLETCHER
ACTION: CARRIED 4/0 VOTE

Resolution #18-2012

DATE: APRIL 9, 2012

EXTENSION AND MODIFICATION AGREEMENT

This agreement is made as of this 23rd day of March 2012 by and

between the parties hereto

WHEREAS Woodlands Apartments, L.P. a New York Re-Development Company (the "Company") and the governing body of the Village of Tupper Lake (the "Village") entered into a Pilot Agreement ("Pilot") on the 1st day of June 1994 for a term of 20 years; and

WHEREAS the Village is no longer the assessing unit for property owned by Woodlands located in the Village of Tupper Lake and described in the aforesaid Agreement; and

WHEREAS the Town of Tupper Lake ("Town") is now the assessing unit; and

WHEREAS the parties hereto desire to set forth a modification and extension of the existing Pilot to reflect their Agreement as to the matters set

forth in the original Pilot Agreement and in this Modification and Extension Agreement.

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. The Town shall be substituted in place of the Village in the aforesaid Pilot Agreement in all instances, including but not limited to its status as the governing body with the authority to grant the exemption contained in the Pilot.
2. The term of the Pilot shall be extended to December 31, 2024.
3. Pilot payments shall be made each year on March 1 to the Franklin County Treasurer or to such place and entity designated by the Town.
4. Pilot payments in each year shall be applied to the tax bills levied in that corresponding year. By way of example, a payment made in the year 2013 shall be applied to the 2013 Town and County tax bill levied on January 1, 2013; the 2013 Village Tax bill levied on June 1, 2013 and the 2013-2014 School Tax bill levied on July 1, 2013.

Extension and Modification Agreement-Woodlands Apartments —March 23, 2012

5. The Pilot payment made will be apportioned among the taxing jurisdictions using the prior year's tax rate per \$1000 for each jurisdiction. By way of example the 2013 payment will be apportioned and paid to each taxing jurisdiction, on the direction of the Town, using the tax rate per \$1000 that each of the 2012 Town/County tax, the 2012 Village tax and the 2011-2012 School tax represent.
6. Payments for the years 2012 –2014 shall be in the amount of \$532.00 per unit x 18 units for a total Pilot payment in the amount of \$9,576.00 per year.
7. Payments for the years 2015-2019 shall be in the amount of \$585.00 per unit x 18 units for a total Pilot payment in the amount of \$10,530.00 per year.
8. Payments for the years 2020-2024 shall be in the amount of \$644.00 per unit x 18 units for a total Pilot payment in the amount of \$11,592.00 per year.
9. The parties acknowledge that the 2011 payment under the preceding Pilot has not been paid and that payment in the amount of \$11616.00, shall be paid by Woodlands on or before March 31st, 2012.
10. The Pilot is modified in Paragraph A to change the number of units from 24 units to 18.
11. The parties agree that in the event no extension of the Pilot is put into place prior to March 1, 2024 that the assessor may remove the exemption which is in existence so that the January 2025 Town/County tax bill and any taxing jurisdiction tax bills thereafter shall not be subject to the exemption provided herein.
12. All terms of the Pilot dated June 1, 1994 not modified herein shall remain in full force and effect.

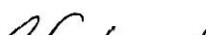
In witness whereof, the parties hereto have executed this Agreement as of 23rd day of March 2012

Village of Tupper Lake

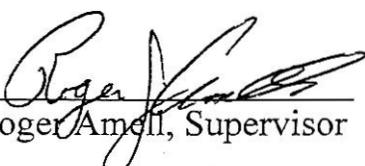
By: 
Paul Maroun, Mayor

Woodlands Apartments, LP

Town of Tupper Lake

By: 
Bethany A. Fortunato,
President
Rural Apartments
Development Corp.

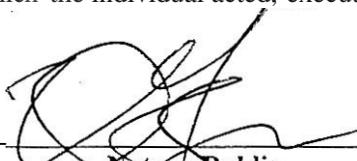
Its: General Partner

By: 
Roger Amell, Supervisor

Extension and Modification Agreement- Woodlands Apartments – March 23, 2012

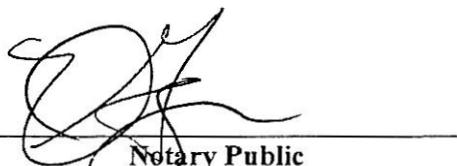
STATE OF NEW YORK)
COUNTY OF FRANKLIN) ss.:

On this 4th day of April, 2012 before me, the undersigned a notary public in and for said state, personally appeared, PAUL MAROUN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.


Notary Public

STATE OF NEW YORK) COUNTY OF FRANKLIN) ss.:

On this 4th day of April, 2012 before me, the undersigned a notary public in and for said state, personally appeared, ROGER AMELL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument


Notary Public

STATE OF FLORIDA
COUNTY OF SARASOTA) ss.:

On this 23rd day of March 2012, before me, the undersigned a notary public in and for said state, personally appeared, Bethany A. Fortunato, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument

Motion to approve Extension and Modification Agreement, for Woodlands Apartments was made by Councilman Tomberlin.

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

14. Joint government Town & Village website
Approved:

Councilman Tomberlin & Trustee Donah have been researching a joint websites for the Town & Village.

gov office website

One time startup cost is \$2,625.00 split between Town & Village is \$1,312.50 each
Annual fee of \$750.00 split \$375.00 each.

Digital Towpath Municipal Website

\$600.00 Annual split \$300.00 each.

Resolution # 20 – 2012

Of

The Town Board of the Town of Tupper Lake
Franklin County, New York

A Resolution Establishing Membership in the govOffice Web Solutions

WHEREAS; The Town & Village of Tupper Lake is establishing a municipal website using the govOffice website template, and

WHEREAS; The Town & Village of Tupper Lake has realized an increase in service to the residents of our Town & Village through the operation of a website, and

WHEREAS; The continued operation and expansion of the website will continue to enhance our citizen e-government interaction with our Town & Village, and

WHEREAS; The intermunicipal joint service agreement establishing this website has been presented to and reviewed by both boards.

NOW THEREFORE BE IT RESOLVED; at a Regular Town Board Meeting held April 9, 2012, board members passed a resolution to enter into an agreement with the village to establish a joint website using gov office web solutions and splitting total cost of \$2625.00 (\$1312.50 each) and \$750.00 annually (\$375.00 each). The address will be tupperlakeny.gov

Motion: Councilwoman Lefebvre	Supervisor Roger Amell	AYE
Seconded: Councilman Tomberlin	Councilman David Tomberlin	AYE
	Councilwoman Kathleen Lefebvre	AYE
	Councilwoman Patricia Littlefield	AYE
	Councilman Gerald Fletcher	Absent

Date: April 9, 2012

Laurie J Fuller – Town Clerk

15. Patricia Littlefield
Resigning from ZBA & BAR Board:

Patricia S. Littlefield
56 Littlefield Rd, P.O. Box 1153
Tupper Lake NY 12986

518.359.2802
ohlittle@roadrunner.com

April 9, 2012

Supervisor Roger Amell
And members of the Town Board
Town of Tupper Lake
120 Demars Blvd.
Tupper Lake, New York 12986

Dear Members of the Board:

Please be advised that after careful consideration I have decided to step down from my appointed position on the Board of Assessment Review immediately. Although the law does allow for a member of the Town Board to also serve on the BAR, I feel that in the interest of removing any potential conflict it would be best to step down.

Further, per statute which specifically states that no member of the governing board shall be eligible for membership on the Zoning Board of Appeals, I respectfully comply with that statute.

I have enjoyed my tenure serving on both the ZBA as well as the BAR and appreciate the opportunities to serve the Town in that manner.

Sincerely,

Patricia S. Littlefield

Motion to accept Patty's letter resigning from the ZBA and BAR board was made by Councilwoman Lefebvre.

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

16. Appoint Daniel Bower to
ZBA & BAR Board:

Daniel Bower
75 Broad Street
Tupper Lake, NY 12986

April 9, 2012

Patricia Littlefield
Town of Tupper Lake
120 Demars Boulevard
Tupper Lake, NY 12986

Dear Patty:

As per our conversations I am writing to inquire about serving on the Board of Assessment Review and the Zoning Board of Appeals. Please consider this letter as my official request to be appointed to both boards should you choose to resign your seats.

I have come before the BAR twice recently and in both cases, although I didn't receive exactly what was being sought, found the process and members of the board to be professional, courteous and fair. I would hope to maintain those qualities should I receive appointments to these boards.

Thank you, in advance, for considering this request and please do not hesitate to call if there are any questions or if further information is required.

Sincerely,

Daniel Bower

RESOLUTION #17 – 2012

OF

**THE TOWN BOARD OF THE TOWN OF TUPPER LAKE
FRANKLIN COUNTY, NEW YORK**

WHEREAS; at a regular Town Board Meeting held April 9, 2012, Patricia S. Littlefield announced to board members she is resigning from the Board of Assessment Review and Zoning Board of Appeals Board and;

WHEREAS; Mr. Daniel Bower is interested in filling the two open seats, and finish Patricia's terms as per his letter addressed to the board.

NOW THEREFORE BE IT RESOLVED; at a Regular Town Board Meeting held April 9, 2012 Councilman Tomberlin made motion to appoint Daniel Bower to the open seat on the Board of Assessment Review and the Zoning Board of Appeals, effective April 9, 2012. Dan will attend training on May 9, 2012. Seconded by Councilwoman Lefebvre.

Supervisor Amell	AYE
Councilwoman Lefebvre	AYE
Councilman Tomberlin	AYE
Councilwoman Littlefield	AYE
Councilman Fletcher	Absent

Date: April 9, 2012

Laurie J Fuller – Town Clerk

17. Rod & Gun Club

Lease:

Motion to approve Lease Agreement for the Rod & Gun Club changing from a 10 to 15 year lease. And the Town re-acquiring the Waterfront property was made by Councilwoman Lefebvre.

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

Town Attorney Kirk Gagnier will make changes to agreement and have ready for signatures at next board meeting.

18. Approve purchasing

Door for salt shed and steel
Entrance door:

Highway Superintendent, William Dechene is requesting to purchase a door for the salt shed and a steel rear entrance door for garage.

Board members agreed and gave o.k. for Bill to order and they will get Clint to install.

19. Adjournment:

Motion to adjourn at 5:43 p.m. was made by Councilwoman Lefebvre

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

Laurie J Fuller – Town Clerk