

**TOWN OF TUPPER LAKE**  
**REGULAR TOWN BOARD MEETING**

**&**

**PUBLIC HEARING PROPOSALS FOR CDBG GRANT**

June 11, 2012

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

Recording Secretary: Laurie J Fuller – Town Clerk

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

Also: Paul O’Leary – Assessor/Code Officer  
Kirk Gagnier – Town Attorney

Absent: William Dechene – Highway Superintendent  
Mike Fritts – Youth Activity Director

Guest: Phil Wagschal – Slic Network Solutions  
Philip Smith – Avalon Associates, Inc.  
Barbara Silman – resident

Supervisor Amell called Public Hearing to order at 4:52 p.m. opening with the Pledge of Allegiance.

Councilwoman Lefebvre read Public Hearing Notice.

**PUBLIC NOTICE**

The Supervisor and Town Board of the Town of Tupper Lake will hold a Public Hearing at 3:45 PM on Monday, June 11, 2012 at the Town Office to discuss local housing needs and consider an application for Community Development Block Grant funding through the NYS Office of Community Renewal.

The Town Board is considering a joint application with the Village of Tupper Lake to support housing rehabilitation throughout the town and village. All town and village residents and interested persons are invited to attend the public hearing and offer suggestions for this program.

Individuals with special needs who wish to attend should contact the Town Clerk at 359-9261 so that any necessary arrangements can be made.

No public comment

Motion to close Public Hearing for Community Development Block Grant at 4:56 p.m. and open Regular town board meeting was made by Councilwoman Lefebvre

Seconded by Councilman Tomberlin  
All Town Board Members voted AYE 5/0

Regular town board meeting was called to order two items added to the agenda

1. Discuss pump in district #15
2. Update from Events Coordinator

1. Proposals for CDBG Grant:

Request for proposals were mailed to 8 Community Development Consultants. Proposals were accepted until 4:00 p.m. on Friday, June 8, 2012.

Three proposals were received.

1. Avalon Associates

2. LaBerge Group
3. Community Development Resources, LLC

Supervisor Amell stated board members have not had enough time to review all proposals received, would like a motion to TABLE.

Motion to TABLE to review proposals received was made by Councilwoman Littlefield.

Seconded by Councilman Tomberlin  
All Town Board Members voted AYE 5/0

2. Approve Code Officers report:

## Monthly Report May 2012

14 Building permits issued in May.

13 field inspections

Received 2 complaints

May 2012 miles logged 127

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O'Leary  
Town of Tupper Lake

### Town of Tupper Lake Permit Monthly Report

<u>Issue Date</u>	<u>Owner</u>	<u>Document Type</u>	<u>Property Location</u>	<u>Amount</u>
5/1/2012	Diana Hill	Addition	12 Little Wolf Rd 480.58-2-3	\$25.00
5/1/2012	Max Rettig	Septic System	45 Big Wolf Rd 470.-5-3	\$93.00
5/1/2012	Paul Dattola	Roof	2492 State Route 30 491.-6-24.100	\$67.00
5/10/2012	Adirondack Public Observatory	Com. New Construction	178 Big Wolf Rd 480.-3-1.200	\$288.00
5/15/2012	James Facticeau	Accessory Structures	2594 State Route 30 491.-5-9	\$75.00
5/4/2012	Hecklau F Edmund&eleanor	Renovation	22 Littlefield Rd 511.-3-4.200	\$333.00
5/4/2012	Amy Louise MacKinnon	Camp	Floodwood Rd 429.-2-4.101	\$42.00
5/7/2012	Eugene Kovacs	Deck	331 Old Wawbeek Rd 481.-3-7.100	\$25.00
5/10/2012	Suzan Malloch	Accessory Structures	Big Wolf Rd 470.-2-7	\$408.00
5/21/2012	Keith Clement	Garage/Carport	427 Hosley Ave 491.-1-7	\$45.00

5/24/2012	Ronald Amell	Accessory Structures	37 Haymeadow Rd 480.-1-2.300	\$25.00
5/30/2012	Robert Harrison	Alteration	1 Rock Is 530.-1-1	\$39.00

Complaint #	Location	Identifier	Type	Status*	Owner	Complainant
2012-0007	164 Dugal Rd	491.-4-3	Work w/o Permit	O	On File/CEO	Internal
2012-0008	173 Old Wawbeek Rd	481.-3-11	Junk Debris	O	On File/CEO	Internal

5/30/2012	Creighton Fee	Roof	117 Stetson Rd 491.77-2-5	\$25.00
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**May Total \$1,490.00**

## TOWN OF TUPPER LAKE

### MAY 2012 COMPLAINTS

\*Status: O = Opened C= Completed

**Grand Total: 2**

Motion to accept Code Officers monthly report was made Councilwoman Lefebvre

Seconded by Councilwoman Littlefield  
All Town Board Members voted AYE 5/0

3. Approve Dog Control Officers monthly report:

TOWN OF TUPPER LAKE

DOG CONTROL REPORT

FOR THE MONTH OF: May, 2012

Date: June 1, 2012

Complaints Received	7
Complaints Answered	7
Dogs Captured	2
Dogs turned over to DCO	1
Dogs transported to HS	0
Dogs Adopted	0
Dogs Euthonized	0
Dogs treated by Vet	0
Dangerous Dog Complaints	0

Tickets Issued 0

Mileage 152 miles

DCO William Moody

Motion to accept Dog Control Officer's monthly report was made by Councilwoman Littlefield

Seconded by Councilman Fletcher  
All Town Board Members voted AYE 5/0

4. Approve Youth Activity Director's Monthly report:

No report received due to Mike being sick will TABLE report until next board meeting.

5. Introduce & Set Public Hearing Date  
For Local Law #1 Amend Land Use Code:

Town Attorney Gagnier is preparing paperwork for Local Law #1 of 2012, Amend Land Use Code and has not completed yet, will TABLE until next board meeting.

Motion to TABLE Local Law #1 Amend Land Use Code until next board meeting was made by Councilman Tomberlin

Seconded by Councilwoman Lefebvre  
All Town Board Members voted AYE 5/0

6. Approve advertising for bids on firewood:

Highway Superintendent, William Dechene would like advertise for bids for 50 face cords of hardwood 18 inches long for the highway garage.

Motion to advertise for 50 face cords, 18 inches long of hardwood for firewood at highway garage was made by Councilwoman Littlefield.

Seconded by Councilman Tomberlin  
All Town Board Members voted AYE 5/0  
Supervisor Amell stated his company would be putting in a bid.

7. Concession Agreement  
for Little Wolf Campground Snack Bar:

**Resolution #25-2012**  
**CONCESSION AGREEMENT**

THIS AGREEMENT made this \_\_11\_\_ day of June, 2012, between the TOWN OF TUPPER LAKE, a municipal corporation of Franklin county, New York with offices at 120 Demars Boulevard, Tupper Lake, New York (hereinafter referred to as the "Town"), and Michael Gaff of Tupper Lake, New York (hereinafter referred to as the "Concessionaire");

WITNESSETH:

WHEREAS, the Town owns and operates the Little Wolf beach, Picnic area and campsite in the Town of Tupper Lake, which includes a snack bar; and,

WHEREAS, the Concessionaire has been employed by the Town to operate the Little Wolf beach, campsite and picnic areas, and as part of the consideration for Concessionaire's duties to maintain and control those areas, the Town will grant the Concessionaire the concession to operate the snack bar at the beach.

NOW THEREFORE, for valuable consideration and in consideration of the mutual promises conveyed herein, the parties hereby agree as follows:

1. The Town grants to the Concessionaire the sole and exclusive right and privilege to operate the Little Wolf snack bar for the period beginning with the date this agreement and terminating with close of the campsite and beach area in September of 2012.
2. The Concessionaire shall have the exclusive occupancy of the snack bar building at the Little Wolf beach for the term of this agreement and shall operate the snack bar during the hours of the snack bar beyond the beach area hours, if he so desires. The Concessionaire shall operate the snack bar on a basis substantially similar to previous years, and shall be solely responsible for the purchase of food and other items for sale, and shall be entitled to retain all of the proceeds of such sales.
3. The Town shall be responsible for all electricity and other utilities furnished to the campsite and snack bar, as well as all cleaning and other supplies necessary to operate and maintain the beach, campsite, snack bar, picnic area and restrooms as required hereunder.
4. The Town assures the Concessionaire that the cooking and refrigeration equipment in the snack bar will be in working order at the commencement of this agreement. The town will replace or repair equipment due to ordinary wear and tear, and Concessionaire will make all repairs to such equipment as a result of any damage caused by himself or his agents or representatives or otherwise.
5. The Concessionaire assumes all risk in the operation of the snack bar pursuant to this agreement and shall be solely responsible and answerable in damages for all accidents or injuries to person or property resulting therefrom. Concessionaire hereby covenants and agrees to indemnify and keep harmless the Town and its officers and employees from and all claims, suits, losses, damage or injury to person or property of whatsoever kind and nature, whether direct or indirect, arising out of the operation of said snack bar pursuant to this agreement or the carelessness, negligence or improper conduct of the concessionaire or his servants, agents or employees.
6. The Concessionaire shall provide public liability insurance to protect the Concessionaire and the Town and their officers and employees from any claim for damages, which may arise from the operation of the concession by the Concessionaire.
7. The Concessionaire shall maintain the snack bar and all equipment therein in good repair and shall be surrendered by the Concessionaire to the Town at the

expiration of this agreement in as good condition as when received, reasonable wear and tear and damage by the elements accepted.

8. The Concessionaire will not assign, transfer, sublet or otherwise dispose of this contract, to any other person, company or corporation without the prior written consent of the Town.
9. This agreement may only be modified, cancelled, renewed or extended by agreement in writing executed by the parties hereto and approved by the Attorney for the Town of Tupper Lake.
10. If Concessionaire shall fail to comply with the terms of this agreement, the Town may terminate this agreement upon ten (10) days with written notice, and upon such termination, the Town shall have the right to take possession of the snack bar and remove therefrom the property and effects of the Concessionaire.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

TOWN OF TUPPER LAKE

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Roger Amell

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Michael Gaff

Motion to approve Concession Agreement between the Town of Tupper Lake and Mike Gaff to operate the snack bar at the Little Wolf Camp was made by Councilman Tomberlin

Seconded by Councilwoman Lefebvre  
All Town Board Members voted AYE 5/0

8. Approve Budget Transfers:

**Town of Tupper Lake  
6/11/2012**

<b>General</b>	<b><u>Acct/budget</u></b>	<b><u>Detail</u></b>	<b><u>Credit</u></b>	<b><u>Debt</u></b>	<b><u>Revenue</u></b>	<b><u>Expenditure</u></b>
	14304	Bookkeeper CE	\$628.48			
		Bookkeeper PS		\$628.48		
	33104	Traffic Control CE	\$389.74			
	64104	Publicity	\$87.63			
	76204	Rod & Gun Club	\$2,500.00			
	19904	contingency		\$2,977.37		
	71101	Boardwalk PS	\$99.89			
	71104	Boardwalk CE		\$99.89		
	81604	Garbage	\$323.08			

86641	Building Codes PS	\$323.08
	Total	\$4,028.82 \$4,028.82

Motion to approve budget transfers was made by Councilwoman Littlefield

Seconded by Councilman Tomberlin  
All Town Board Members voted AYE 5/0

9. Approve Abstract of Audited Vouchers:

Motion to approve Abstract of Audited Vouchers for the period 5/12/2012 thru 6/8/2012 in the amount of \$134,577.47 was made by Councilwoman Lefebvre

Seconded by Councilman Tomberlin  
All Town Board Members voted AYE 5/0

10. Discuss problem at Water District #15  
(Powers Ave.)

Supervisor Amell stated the pump station in water district #15 has had problems over the past couple of years. It has a hole in the bladder, which causes water pressure to pulsate, which causes water pressure to be very low.

Councilwoman Lefebvre will speak to Village water department Supervisor, Mark Robillard to discuss best way to fix problem.

11. Phil Wagschal

Slic Network Solutions:

Phil Wagschal of Network Solutions appeared before the town board to discuss the firm's plans to bring fiber optic service to areas in Franklin and St. Lawrence counties. Slic is building 800 miles of fiber network to provide service to the Gull Pond area. Phil told board members they eventually will further service to south of Tupper Lake to Long Lake including homes on Big Tupper Lake.

Board members agreed this is a good idea.

Motion to schedule a public hearing on a franchise agreement with Slic Network Solutions at the regular town board meeting on July 9, 2012 at 3:45 p.m. was made by Councilman Tomberlin

Seconded by Councilman Fletcher  
All Town Board Members voted AYE 5/0

12. Committee Reports:

Councilman Tomberlin went over **Events Coordinator's report** with board members.  
Update on **Website**, not live yet still working on it.  
The new temporary **entrance signs** have been installed.

Councilwoman Lefebvre report one of the **office computers** was hit with lightning recently. Computers are not protected. Pat Donnelly, technician has recommended all computers have a **battery backup & surge protector**, which also protects when a power outage occurs. Pat has quoted a price of \$388.32 for material for all computers and about two hours labor, around \$500.00 total.

Motion to approve having Pat Donnelly, technician for the town order and install battery backs for all computers in town office was made Councilwoman Lefebvre

Seconded by Councilman Tomberlin  
All Town Board Members voted AYE 5/0

13. Town board recognizes

Town Clerks achievement:

Town Board members presented Town Clerk Laurie Fuller with a plaque in recognition of her achievement in attaining certification as a Registered Municipal Clerk through the New York State Town Clerks Association.

14. Adjournment:

Motion to adjourn at 5:50 p.m. was made by Councilwoman Lefebvre

Seconded by Councilwoman Littlefield  
All Town Board Members voted AYE 5/0

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Laurie J. Fuller Town Clerk, RMC