

TOWN OF TUPPER LAKE REGULAR BOARD MEETING

October 11, 2013

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

Recording Secretary: Laurie J Fuller – Town Clerk

Press: Dan McClelland – Tupper Lake Free Press
 Shaun Kittle – Adirondack Daily Enterprise

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

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

Guest: Dennis Ryan /ECOspensible Inc.
 Tom Lawson
 Jim LaValley
 Larry Reandeu

Supervisor Amell called regular town board meeting to order at 4:05 p.m. opening with the Pledge of Allegiance.

Establish the Agenda

Councilwoman Littlefield suggested having a policy in place to cover computer procedures for the security of town files and back up practices. She has drafted up a written policy she would like board members to review.

Councilwoman Lefebvre would like to make a statement regarding her absents at last board meeting.

1. Approve minutes:

Town Clerk provided each board member a drafted copy of minutes dated September 9, 2013 for approval.

Motion to approve minutes as written for meeting dated September 9, 2013 was made by Councilwoman Lefebvre

Seconded by Councilman Quinn

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

2. Approve Code Officer’s monthly report:

Monthly Report
 September 2013

8 Building Permits issued in September

0 Complaints filed

Completed 24 field inspections

September 2013 miles logged 353

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 for September 2013 was made by Councilman Quinn

Seconded by Councilman Fletcher
All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

3. Approve Youth Activity Director's Monthly report:

Recreation Report for 10-11-13

FUN RUN AND MOVIE – This turned into a perfect autumn event for families. I held a total of 3 outings and they were well attended. I was able to mark out a one-mile route around the campground and the kids really enjoyed themselves. After the race they cooked hot dogs and s'mores then settled in to watch the movie. It was neat because all the campers would come out and cheer the youngsters on as they passed.

MARTIN LUTHER KING JR. EVENT – I'm in early talks with Michelle from the Chamber to hold a special event to benefit the cross country ski trail system for a date tentatively set for January 19, 2013. Details to follow.

LUMBERJACK CHALLENGE – Preparations are also underway to bring the ski race back again this year.

ADVICE – Thinking back over the past couple seasons I think there is a need for the town to designate/choose a photographer to take soccer/softball/baseball pictures. I'm not exactly sure how to go about doing this but thought perhaps interested photographers could submit a letter of interest that would include what they would offer the program. For example would they offer free of charge plaques for the sponsoring businesses, etc. It would almost be like a bidding process. This would hopefully alleviate some concerns I've had. Please think about and get back with me.

HALLOWEEN DANCE – I'm also working with the Youth Council on the upcoming Halloween Dance. In case you forgot, we've been doing this going on 5-years now. It's always held of Mischief Night as a deterrent to would be mischief makers. Please stop by and check it out. It's from 7 to 9pm on October 30 at the HGA gymnasium.

ZUMBA – Britni Casagrain did Zumba classes at the beach this summer. Zumba is the latest fitness trend and she attracts a lot of participants. She is looking to start a new class geared toward older folks and less fit folks. Ms. Casagrain has asked to use the Adult Center once a week. I ask for your recommendation on this because she does charge a nominal fee for the class, \$5. Much of that cost is associated with her insurance costs and licensing fee. Can we accommodate her at the center?

CROSS COUNTRY TRAILS – The crew has been busy carving out the new trail. In a couple weeks I'll see about getting the sleds serviced and ready.

CROSS COUNTRY PROGRAM – Registration will officially open on Tuesday. This program has grown each year with a record 44 participants last season. Through grant funding and registration fees this self-sustaining program takes place twice a week; at the LP Quinn and the Bencze home. It has been popular among kids in 2nd through 6th grade and several have continued after graduating from the program by racing competitively.

Motion to approve Youth Activity Director's report for September 2013 was made by Councilwoman Littlefield

Seconded by Councilwoman Lefebvre
All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

4. Approve Dog Control Officer's Monthly report:

Town of Tupper Lake
Dog Control Report

For the Month of: September 2013

Date: 9/30/2013

Complaints Received	9
Complaints Answered	9
Dogs Captured	4
Dogs return to owner	3
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	1
Tickets issued	1

Mileage 123 DCO Shaheen Ryan Shaheen

Report prepared by Shaheen R Shaheen DCO

Motion to approve Dog Control Officer's report for September 2013 was made by Councilman Fletcher

Seconded by Councilwoman Lefebvre
All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

5. Except 2014 Tentative Budget:

RESOLUTION #29 / 2013

OF

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

Accepting 2014 Tentative Budget

WHEREAS, Mary Sue Wolson prepared the tentative 2014 budget for town board members, and

WHEREAS, tentative budget was presented to the Town Clerk on September 27, 2013 and then provided to town board members, and

WHEREAS, a budget workshop to review tentative budget is scheduled before the regular board meeting on October 11, 2013 at 2:00 p.m.

NOW THEREFORE BE IT RESOLVED, at a regular town board meeting held October 11, 2013, Town Board Members for the Town of Tupper Lake hereby accept the tentative budget as proposed with modifications and amendments to be made at budget workshops.

Date: October 11, 2013	Supervisor Roger Amell	AYE
Motion: Councilman Quinn	Councilwoman Kathleen Lefebvre	AYE
Seconded: Councilwoman Littlefield	Councilman John Quinn	AYE
Action: Carried 5/0 vote	Councilwoman Patricia Littlefield	AYE
	Councilman Gerald Fletcher	AYE

Laurie J Fuller – Town Clerk RMC

- 6. Approve North Country Life Flight contract:

TOWN OF TUPPER LAKE TOWN BOARD

RESOLUTION NO. 30
DATED October 11, 2013

WHEREAS: North Country LIFE FLIGHT, Inc. is a not-for-profit, tax-exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake and private fixed-wing aviation resources; and

WHEREAS: The New York State Police and private fixed-wing aviation resources do not provide a medically trained team or medical equipment for patient transports; and

WHEREAS: The people of Clinton, Essex, Franklin, Hamilton and St. Lawrence Counties receive a vital emergency medical service which is free of charge to critically ill and seriously injured patients, and, therefore municipal governments are asked to pledge monies for this worthwhile program;

NOW, THEREFORE, BE IT RESOLVED: That the Town Board of the Town of Tupper Lake hereby authorizes the Supervisor to enter into a contract with North Country LIFE FLIGHT, Inc. for the purpose of operating the medical component of the medevac program, which will serve its residents and visitors, and paying the amount of \$2500.00 which represents the Town's share for 2014; and be it

FURTHER RESOLVED: That the sum of \$2500.00 is hereby appropriated to

Account No. _____ for payment to North Country LIFE FLIGHT, Inc.

Offered by: Councilwoman Lefebvre
Seconded by: Councilman Quinn

Vote 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

7. Approve Tupper Lake
Country Club contract:

The Tupper Lake Country Club Contract was **TABLED** for further review.

8. Reappoint BAR Member:

RESOLUTION #31 – 2013**OF****THE TOWN BOARD OF THE TOWN OF TUPPER LAKE,
FRANKLIN COUNTY, NEW YORK**

WHEREAS, the appointment of Mr. Friedrich Schuller on the Board of Assessment Review term has expired and:

WHEREAS, Mr. Schuller has been a member of the BAR since 1992, and

WHEREAS, he has submitted a letter to town board members to concenter reappointing him to the Board of Assessment Review.

NOW THEREFORE BE IT RESOLVED, at a Regular Town Board meeting held October 11, 2013 Councilman Quinn made a motion to reappoint Friedrich Schuller for a 5-year term on the Board of Assessment Review Board, Seconded by Councilwoman Lefebvre.

Supervisor Roger Amell	AYE
Councilwoman Kathleen Lefebvre	AYE
Councilman John Quinn	AYE
Councilwoman Patricia Littlefield	NAY
Councilman Gerald Fletcher	AYE

Date: October 11, 2013

Laurie J Fuller – Town Clerk RMC

9. Open bid for Setting Pole Dam:

Councilwoman Lefebvre read notice:

Setting Pole Dam

To be published in the Free Press on September 25, 2013 and posted on the Town bulletin board for the period of September 25, 2013 through October 11, 2013.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Tupper Lake, Franklin County, New York at its regular meeting held on September 9, 2013 duly adopted a Resolution: an abstract of which is as follows:

The Town Board will accept sealed bids until October 11, 2013 at 12:00 PM noon in envelopes marked “Bid for the Sale of Setting Pole Dam Real Estate”, which is described as follows:

Sale of real property and improvements known as the Setting Pole Dam property consisting of approximately 7.05 acres, tax map parcel #489.-1-3 and all improvements located thereon. The property and improvements are being conveyed “AS IS” without warranty or disclosure of any kind related to the property. The property is further subject to all covenants, easements, conditions, court orders and restrictions of record and the Deed to the property shall contain

affirmative covenants requiring the new owner to maintain the water levels at the Dam in the same manner as set forth in all prior court orders related to the dam. Any purchaser shall also agree to indemnify, defend and hold harmless the Town of Tupper Lake against any suit, claim or action, with such provisions to be included in the Deed and pursuant to a separate indemnity agreement. The Deed shall also contain a reversionary clause which shall allow the Town to elect to take back the property in the event that any provisions set forth in the Deed or indemnity agreement are violated. The Deed shall also confirm a reservation for a public canoe/portage access to be exercised by the Town in its discretion, if at all, within five (5) years of the Deed conveyance.

The bids will remain sealed and opened at the meeting of the Town Board on October 11, 2013 at 4:00 PM at the Town Hall, 120 Demars Boulevard, Tupper Lake, New York.

Any bid accepted by the Town Board will be subject to permissive referendum.

The parcels will be sold "AS IS". The Town will provide no disclosure or warranty on the condition of the parcel of land or improvements and the Purchasers will be required to release the Town from any and all responsibility and liability with respect to the condition of the parcel and improvements.

The parcel may only be used only for the uses set forth in the Land Use Code.

Town reserves the right to reject any bid or accept any minor inconsistencies contained in a bid.

Further information with respect to said property may be obtained at the Town Office at 120 Demars Boulevard in Tupper Lake, New York.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF TUPPER LAKE, NEW YORK
BY LAURIE FULLER, TOWN CLERK**

One bid received from ECOsponsible, Inc.

Supervisor Amell opened and read bid

Thursday, October 10, 2013
Town of Tupper Lake
120 Demars Boulevard
Tupper Lake, NY 12986

RE: BID FOR THE SALE OF SETTING POLE DAM REAL ESTATE

Dear Sir/Madam,

Having examined the "Invitation to Bid" (Attachment #1) dated September 25, 2013 for the "Sale of Setting Pole Dam Real Estate" we, the undersigned, offer to purchase the Setting Pole Dam Real Estate consisting of Approximately 7.05 acres, tax map parcel #489.-1-3 and all improvements located thereon, for the lump sum of \$400,000.

In addition the prospective buyer would like to offer the following option as part of the bid:

OPTION: Upon acceptance of our bid, installation, and completion of the proposed dam upgrades, the new owner would like to exercise an option as a showing of good will and community support as follows; the new owner will offer to pay the Town of Tupper Lake an annual donation or stipend to be used to support the Town of Tupper Lake's amateur youth sports and summer day camp programs. For each year of the hydropower license

term or any extension thereof issued to the buyer by FERC (Federal Energy Regulatory Commission) the buyer will pay the amount of \$12,000.00 (twelve thousand) dollars per year to the town. The initial payment shall be made in full within 90 days from the date of commissioning of the Hydro Power Project at the Setting Pole Dam. The expected initial term of the buyers' license application will be (50) fifty years in duration. The value of this option is estimated at \$600,000.00.

The total cash payments made to the Town of Tupper Lake related to this bid equals \$1,000,000.00.

I would be most appreciative if you could let us know if our bid is acceptable within ten days. If in the meantime you have any questions; my number is 716-655-3524. Please feel free to give me a call.

Best Regards,

Dennis Ryan
Vice President,
ECOspensible Inc.
120 Mitchell Road
East Aurora, NY 14052-9710

This bid is subject to 45 days Attorney review period, and subject to municipal & government approved for its property transfer.

Dennis Ryan

Motion to **TABLE** for Town Attorney to review bid until Thursday October 17, 2013 at 5:00 p.m. was made by Councilwoman Littlefield.

Seconded by Councilman Quinn

All Town Board Members voted AYE 5/0 vote Amell, Lefebvre, Quinn, Littlefield & Fletcher

10. Open Bids for Groomer:

Councilwoman Lefebvre read notice:

NOTICE TO BIDDERS

Notice is hereby given, pursuant to section 103 of the General Municipal Law that the Town of Tupper Lake is seeking bids for a new or used rubber track trail groomer package to include a diesel engine, automatic transmission with compatible 8 ft. wide drag

Sealed bids can be dropped off or mailed to the office of the Town Clerk, 120 Demars Blvd., Tupper Lake, New York 12986 on or before 12:00 p.m. on Friday, October 11, 2013. All bids must be accompanied by a non-collusive certificate. The Town of Tupper Lake reserves the right to reject or to waive any informalities in any and all bids if in the interest of the Town of Tupper Lake.

Town of Tupper Lake
Laurie J Fuller
Town Clerk

Supervisor Amell opened bids:

October 11, 2013

Date

Bid opening for: New or Used Rubber Track Trail Groomer package

Name	Submitted Bid
Mountain Grooming Equipment LLC	2005 Tucker 200 Terra w/ Seven Blade Mountain Snow Drag, \$109,000.00 / Freight included
<hr/>	
GETSNO Equipment	1996 Tucker w/ Mogul Master Drag \$100,850.00 / add \$700 to deliver 1988 Tucker 2000 w/ Mogul Master Drag \$68,350.00 / add \$700 to deliver

Date of Opening October 11, 2013
 Time of Opening 4:00 Board Meeting

Members Present: Supervisor Roger Amell
Councilwoman Kathleen Lefebvre
Councilman John Quinn
Councilwoman Patricia Littlefield
Councilman Gerald Fletcher

Bids were TABLED for review

Laurie J Fuller

 Town Clerk

Town of Tupper Lake
 120 Demars Blvd.
 Tupper Lake, NY 12986

11. Approve Budget Transfers:

Town of Tupper Lake
 10/11/2013

	Acct/Budget	Detail	Increase	Decrease	Revenue	Expenditure
General						
	11104	Justice CE	\$3.02			
	14104	Town Clerk	\$83.96			
	19304	Judgements & Claims	\$30.00			
	71804	Golf Course CE	\$235.40			
	19904	Contingency		\$352.38		
	14304	Bookkeeper CE	\$583.99			
	14301	Bookkeeper PS		\$583.99		
	71401	Beach PS	\$2,419.77			\$1,250.42
	71402	Beach EQ		\$1,000.00		
	71404	Beach CE		\$1,419.77		
	2001	Park/Rec			\$1,250.42	

		Charges				
	73104	Youth CE	\$434.68			
	73101	Youth PS		\$434.68		
HIGHWAY TW	51304	Machinery CE	\$7,109.69			
	51302	Machinery EQ		\$7,109.69		
HIGHWAY OV	51101	General Repair PS	\$4,488.08			
	51401	Brushing PS		\$4,488.08		
SEWER 5	5720	Statutory Bond Proceeds			\$94.21	
SEWER 17	81204	Sanitary Sewers CE	\$290.01			
	630	Due to General Fund		\$290.01		
WATER 3	83204	Source Power Pump CE	\$37.47			
	909	Fund Balance		\$37.47		
WATER 15	83204	Source Power Pump CE	\$3.99			
	909	Fund Balance		\$3.99		
			\$15,720.06	\$15,720.06	\$1,344.63	\$1,344.63

Motion to approve Budget Transfers as submitted was made by Councilman Quinn

Seconded by Councilwoman Lefebvre

All Town Board Members voted 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

12. Approve Abstract of Audited Vouchers:

Abstract of Audited Vouchers for the period 9/6/2013 thru 10/11/2013

General	\$60,296.76
Highway DA	\$9,652.72
Highway DB	\$5,932.30
Special Districts	\$89,366.95
Trust	\$71,148.39

Total \$236,397.12

Motion to approve Abstract of Audited Vouchers for the period 9/6/2013 thru 10/11/2013 in the amount of \$236,397.12 was made by Councilwoman Littlefield

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

13. Councilwoman Lefebvre’s

Statement on absence of last board meeting:

Councilwoman Lefebvre explains she was unable to make special board meeting on Wednesday, September 25, 2013 because of another commitment she had at another meeting representing the town. If she would have been present for the town meeting she would have voted no on the resolution for removal of rails for a multi-use recreational trail.

Councilwoman Lefebvre has worked very hard supporting the railroad and believes we can have both rails and trails. She also stated she has always supported the snowmobilers.

14. Executive Session:

Motion to enter into executive session at 5:27 p.m. to discuss assessment litigation was made by Councilman Quinn.

Seconded by Councilman Fletcher

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

Motion to enter out of executive session at 6:15 p.m. and reopen meeting was made by Councilwoman Lefebvre

Seconded by Councilman Quinn

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

15. Accept Assessment Litigation

Little Simon Properties:

As per Attorney's recommendation board members made a motion to accept settlement in assessment litigation on Little Simon Properties parcel number 532.-1-1, with no penalties, Motion made by Councilwoman Littlefield

Seconded by Councilman Quinn

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

16. Decision on Wild Center

Building Permit Fee:

The Wild Center Museum has requested from the Town Board to waive the building permit fee for their new wild walk project.

Motion not to waive the building permit fee for the Wild Center's new project was made by Councilwoman Lefebvre

Seconded Councilman Fletcher

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

17. Adjourn:

Motion to adjourn board meeting at 6:17 p.m. was made by Councilwoman Littlefield

Seconded by Councilman Fletcher

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

