

**TOWN OF TUPPER LAKE**  
**2014 BUDGET HEARING**  
**&**  
**REGULAR BOARD MEETING**

November 4, 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  
Ted Morgan – WNBZ

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

Guest on Sign In Sheet: Pete Edwards Randy Amell  
Randy Bedore Calvin Waldron (Aflac Rep.)  
Ricky Dattola Larry Reandeau  
Mary K Amell Don Dew Jr.  
Kevin Littlefield

Supervisor Amell called Budget Hearing to order at 4:00 p.m. opening with the Pledge of Allegiance.

**LEGAL NOTICE**  
**NOTICE IS HEREBY GIVEN**

that the

Preliminary Budget of the Town of Tupper Lake for the fiscal year beginning January 1, 2014 has been completed and filed in the Town Clerk’s office where it is available for inspection during regular office hours, 8:30 a.m. to 4 p.m. Monday through Friday.

**FURTHER NOTICE**  
**IS GIVEN**

That the Town Board will hold a Public Hearing on the said 2014 Preliminary budget on Monday, November 4, 2013 at 4:00 p.m. at the Town Hall office building 120 Demars Blvd., Tupper Lake, New York, at which time any person may be heard in favor of or against any item contained in the Preliminary Budget.

**PURSUANT TO**  
**SECTION 108 of**

The Town Law, the proposed salaries of the town officials are listed below:

Town Supervisor- \$18,000.00  
Deputy Supervisor - \$1,500.00  
4 Council Members – \$4,500.00  
Town Clerk – \$33,557.00  
Town Justice – \$18,647.00  
Town Highway Superintendent - \$50,908.00

Randy Bedore - objects to the \$2,000.00 dollar raise put in the budget for the Supervisor’s salary, a 12.5% raise is not-sustainable he stated.

Councilman Quinn – also is not in favor of the increase in Supervisor’s salary he stated Supervisor Amell currently receives \$16,000.00 as town supervisor and \$4,000.00 as budget officer. He feels the \$20,000 dollar salary is not in line with the salaries of the supervisor in Malone or Harriestown.

Councilwoman Littlefield- also agreed, has a problem with paying the Supervisor a separate \$4,000.00 for his duties as budget officer when that is part of the Supervisor's job. Would like to see some of that money put aside for newly elected officers training. Also against board members receiving the option to get dental and eye care coverage.

Randy Amell – stated his brother has done a good job keeping local taxes stable and invest a lot of his personal time.

Councilwoman Lefebvre – agreed with Randy, in addition to his regular duties as Supervisor, he attends a lot of meetings around the region. She stated people do not realize the amount of time that goes into his job.

Ricky Dattola – stated the town audit that was just done in August was a very good one and the reason being the Supervisor spends a lot of time working with staff. He feels the Supervisor should be properly compensated.

\*\*\*\*Motion to close Public Hearing at 4:28 p.m. and open to Regular Board Meeting was made by Councilman Fletcher

Seconded by Councilman Quinn

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

1. Calvin Waldron  
Aflac Insurance:

Calvin Waldron from Aflac Insurance spoke to board members about offering town employees Aflac benefits in addition to their health care they already have. It is at no cost to the town. Completely employee funded. If anyone is interested he would like to set up an appointment to meet with them.

2. Set date to  
Adopt Budget:

Councilman Quinn made a motion to schedule a special meeting to adopt 2014 budget to Monday, November 18, 2014 at 4:00 p.m.

Seconded by Councilwoman Littlefield

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

3. Approve Minutes:

Town Clerk provided each town board member a drafted copy of minutes dated September 25<sup>th</sup> and October 11<sup>th</sup> 2013 for approval.

Motion to approve minutes as written for meetings dated September 25<sup>th</sup> and October 11<sup>th</sup> 2013 was made by Councilman Quinn

Seconded by Councilwoman Lefebvre

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

4. Approve Code Officer's report:

### **Monthly Report October 2013**

11 Building Permits issued in October

5 Complaints filed

Completed 16 field inspections

October 2013 miles logged 135

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 report for October 2013 was made by Councilwoman Lefebvre

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

- 5. Approve Dog Control Officer’s report:

Town of Tupper Lake  
Dog Control Report

For the Month of: October

Date: 10-21-13

|                                    |   |
|------------------------------------|---|
| Complaints Received                | 3 |
| Complaints Answered                | 3 |
| Dogs Captured                      | 2 |
| Dogs return to owner               | 2 |
| Dogs turned over to DCO            | 1 |
| 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 102 DCO Shaheen R Shaheen

Report prepared by Shaheen R Shaheen DCO

Motion to approve Dog Control Officer’s report for October 2013 was made by Councilman Quinn

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

6. Approve Youth Activity  
Director's report:

### **Recreation Report for 11-04-13**

HALLOWEEN DANCE – Another successful turnout and execution of the Fifth Annual Halloween Bash for middle/high school students. More than 130 young adults showed up, most in costume, and enjoyed two-hours of food, dance, games and music provided by Kevin St. Louis and Lost in Transition. Conceived as an alternative to mischief night the dance is held each year on the eve of Halloween at the HGA gymnasium. Put together by the Tupper Lake Youth Council, Town of Tupper Lake and Kiwanis Club of Tupper Lake the dance regularly attracts a good crowd of students. Prizes this year were provided by Tupper Lake Supply, Jreck Subs, Jessica's Cuts and Color, Community Bank, Little Italy, Stacked Graphics and ARISE. Each year we are also fortunate to have a bevy of volunteers including member of the Tupper Lake Village Police Department.

X-C SKIING – I've begun my signups for the afterschool ski program. I'm hoping to build upon the success of last year's record season; 44 participants.

TEAMMATES – I've also been in talks with Sarah Pratt. She's the new after school program director for the school district. We've been brainstorming ideas and will continue to meet and discuss with other stakeholders. The town and school district have enjoyed a great working relationship in other areas and the addition of Ms. Pratt will only further solidify this relationship.

DAM – Without going into much detail I'll just express my disappointment over the new that ECOpossible has rescinded their offer to purchase Setting Pole Dam. I appreciate the company's acknowledgement and commitment to our community's youth. I did compile a quick list of ideas for the funding. If you would like to see this please come and see me sometime.

Motion to approve Youth Activity Director's report for October was made by Councilwoman Lefebvre

Seconded by Councilman Quinn

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

7. Dennis Ryan  
Setting Pole Dam Letter to board:

Councilwoman Lefebvre read letter:

Dear Tupper Lake Residents,

It is with a sad heart that we have withdrawn our bid to purchase real estate at Setting Pole Dam in the Town of Tupper Lake

I have visited the area at least a half dozen times since May. The most memorable thing that stands out in my mind besides the area's natural beauty is that the people are very nice. I have traveled around the world, and this area has some of the nicest people I can remember meeting. That's what makes our bid withdrawal a difficult decision.

When we submitted our bid to buy the "Setting Pole Dam"; we did so with the intent to pay the town in two ways: first payment for the cash purchase of the 7-acre property including the dam; the second was we were hoping to pay the town was in the form of an annual gift to the children of the area. The gift of annual payments for 50 years (or more) would equate to \$600k. In our minds our bid submission for the real estate and dam was for \$1 million dollars plus.

As an act of good will our intent was to try and improve the community and invest in the future by assuring there would always be money at the start of each summer season for the youth recreation sports teams and summer camp. The ongoing benefit to the community would be long term "Fiscal stability" allowing children to play and learn life lessons thru Towns programs.

We are sad that our motivation to "invest in youth" was questioned by a few in so much that a "Donation" had to be classified as a "Fee" in the adopted resolution.

Additional benefits from this project include local generation and use of “green power”; income from real property taxes, payroll and other fees that add up to an additional \$1.2 million in benefits to Tupper Lake. Lastly based on US Department of Energy (USDOE) data the proposed project economic impact would have contributed an additional \$1.34 Million to the community during construction of the project.

It is unfortunate that due to the selfish acts, and political aspirations of a few, the many benefits to Tupper Lake residents will not be realized. Our accountant estimated the impact of this project to TL residents as exceeding \$70,800 per year for 50 years.

In the alternative as a matter of public safety it needs to be brought to the resident’s attention there are several dam maintenance issues that need to be addressed that are not accounted for in the Town budget. Our research estimated these costs to be between \$45,000-to-\$65,000 to repair and correct the itemized deficiencies listed in the most recent NYSDEC Dam Safety Inspection.

In closing our faith in the TL community is strengthened by the positive outreach and support we have received from Tupper Lake residents. To our supporters and new friends we want to say “Thank You”.

Sincerely, Dennis Ryan, Vice President

Councilwoman Lefebvre also read letter from Mr. Ryan’s Attorney.

November 1, 2013

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

Re: Dennis Ryan and the Bid for sale of setting pole dam Real Estate

To whom it may concern:

Please be advised that we represent Mr. Dennis Ryan. After review of Mr. Ryan’s bid on the said property, I do not approve of the said bid. It has been reviewed and advised to Mr. Ryan to not go forward with the said contract. My client would like to withdraw from his bid at this time and move forward possibly in the future. If you have any questions, you may contact my office.

Sincerely,

John F. McGuire, Esquire  
McGuire Law Office

Councilwoman Littlefield has some concerns on letter from Dennis Ryan, stating the letter sent to the press is missing 5 key paragraphs just read by Councilwoman Lefebvre.

Also Councilwoman Littlefield pointed out she learned when the town owned Little Wolf property was sold to Observatory, the Observatory paid for the appraisals on two properties. That is the way this should be done.

Councilman Quinn took offence to the wording political aspiration. Councilman Quinn has no problem selling the dam just would like to see it appraised first.

Councilwoman Lefebvre feels bad we lost this deal; it was a win situation for the town.

Supervisor Amell stated he believes one letter was a draft.

Motion to accept rejection of Mr. Ryan’s bid was made by Councilman Quinn

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

8. Approve Bid for Groomer:

At the last board meeting held October 11, 2013 bids for groomer were opened and TABLED for review.

Board members agreed to accept bid from Mountain Grooming for a 2005 Tucker groomer, but will have to **TABLE** until budget is adopted for final approval.  
Supervisor Amell will call to explain to Mountain Grooming.

9. Approve TL Country Club  
Lease agreement:

**RESOLUTION #34 - 2013**

**LEASE AGREEMENT**

THIS LEASE AGREEMENT made and entered this 4th day of November, 2013 by and between the TOWN OF TUPPER LAKE, a municipal corporation located in the County of Franklin and State of New York, hereinafter referred to as the "Town", and the TUPPER LAKE COUNTRY CLUB, INC., a membership not-for-profit corporation with its principal place of business in the Town of Tupper Lake, County of Franklin and State of New York, hereinafter referred to as the "Club".

**WITNESSETH**

**WHEREAS** the Town is the owner of premises constituting the municipal golf course and country club, consisting of the existing golf course, buildings and facilities located on Country Club Road in the Town of Tupper Lake, hereinafter referred to as the "Country Club" and the Club has managed, maintained and operated the Country Club pursuant to various agreements for a period in excess of seventy years; and

**WHEREAS** the Town Board of the Town has determined that it is in the best interest of the people of the Town of Tupper Lake and the tourism industry in the Town to permit the Club to continue to operate the Country Club pursuant to a Lease Agreement with the provisions contained herein.

**NOW THEREFORE**, for valuable consideration, including the promises contained herein, the parties hereby agree as follows:

1. The Town hereby leases the Country Club to the Club and the Club agrees to lease the Country Club from the Town. The leased property shall consist of the land on which the existing golf course is located including any areas used for maintenance of the golf course but shall not include any of the adjoining land owned by the Town.

2. The term of the Lease shall include the periods from April 1<sup>st</sup> to October 15<sup>th</sup> of each year commencing April 1<sup>st</sup>, 2014 and terminating October 15<sup>th</sup>, 2020. The parties agree that the Country Club will be open to the public for recreational purposes for the remainder of each year (October 16 – March 31), and the Club shall have no responsibility for maintenance of the Country Club or any of the facilities thereon or for any damages caused by the use of the Country Club during those periods.

3. The Club shall pay rent to the Town in the amount of \$30,000.00 for each year of the Lease. Rent for each year shall be payable no later than October 15<sup>th</sup> of each such year.
  
4. The Club will maintain the Country Club in a manner that is consistent with standard golf course management practices. The Country Club will be maintained in the same condition and in the same state of repair as currently exists or as improved by the Town and Club provided that the Town shall be responsible for individual and not aggregate repairs to the Country Club buildings and fixtures not caused by the neglect of the Club exceeding \$1,000.00.
  
5. The Club may request grants or other funds from the Town or other source from time to time in order to make capital improvements to the Country Club, subject to the approval of the Town, which shall not be unreasonably withheld and subject to permissive referendum if required. The Club will not make any substantial improvements, alterations or changes to the Country Club or the improvements thereon without the prior written consent of the Town Board, which shall not be unreasonably withheld, except those made in the ordinary course of upkeep and repair of the golf course grounds and minor course alterations. The parties agree that they shall use their best efforts to complete the renovation of the lower nine portion of the Country Club.
  
6. The Club shall manage, maintain and operate the Country Club for the benefit of the public and its members. The Country Club shall be open to the public, so that any person whether or not a resident of the Town may become a member of the Club and any person, whether or not a member, may play the golf course and use the golf and club facilities. All signs and brochures, advertising, Internet information and other promotion shall designate the Country Club as the "Tupper Lake Municipal Golf Course". The Country Club shall be open to the public daily throughout the golf season, weather permitting.
  
7. The Town Board will designate two of its members to serve as advisory members of the Club Board, without voting rights, and will have the right to attend all Club Board meetings. The Club shall provide notice to the Town Clerk of all such meetings.
  
8. The Club may not increase the membership fees or fees to be paid for the use of the golf course without the consent of the Town, which shall not be unreasonably withheld.
  
9. It is understood and agreed that any and all buildings and structures erected on the Country Club property shall be owned by the Town. It is further understood and agreed that the Club owns all kitchen, bar and restaurant equipment, furniture and supplies and all course maintenance equipment and supplies, except for the equipment and fixtures heretofore purchased by the Town or through town bonding and/or listed on Schedule A annexed hereto. The equipment, fixtures and supplies purchased and owned by the Club at the termination of this Lease shall remain the property of the Club, except that, in the event the Lease is terminated by reason of a default by the Club, the Club property equal in value to the amount of the default shall become the property of the Town at the election of the Town. The equipment, supplies and fixtures purchased and owned by the Town or bonded by the Town at the termination of this Lease shall remain the property of the Town. The Town may file against the Club's personal property financing statements and UCC's and security agreements unilaterally to secure its interest herein.
  
10. The Club will comply with all rules, regulations and requirements of the New York State Departments of Health and Labor and any other governmental agency having authority to promulgate rules and regulations with reference to said facilities.
  
11. The Club may not assign this lease or sublease any portion of the Country Club without the consent of the Town, provided that the Club may grant concessions or licenses for the clubhouse facility including the restaurant and tavern, or the pro shop facility with the written consent of the Town Board, which shall not be unreasonably withheld.
  
12. The Town will provide casualty insurance coverage on all building and fixtures located on the Country Club premises together with all equipment owned by the Town in amounts to be determined by



Motion to approve Lease Agreement with the Tupper Lake Country Club for periods from April 1<sup>st</sup> to October 15<sup>th</sup> of each year commencing April 1<sup>st</sup>, 2014 and terminating October 15<sup>th</sup>, 2020 was made by Councilman Quinn

Seconded by Councilwoman Lefebvre

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

10. Approve change in  
Towns Dental Plan:

Supervisor Amell explained Julie LaMere, rep. for the town's dental insurance found another dental program thru Excellus Blue Cross Blue Shield for the town employees which would be a savings.

Single 30% savings  
Sub w/spouse 40% savings  
Sub w/ child 55% savings  
Sub w/children 55% savings  
Family 8% savings

Motion to approve changes to the town's dental plan was made by Councilwoman Lefebvre

Seconded by Councilman Quinn

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

11. Approve Computer System  
Policy:

Resolution #35-2013

**Computer Systems and Internet/E-mail Service**

Policy Statement - the purpose of this policy is to provide the following requirements for the use of Town-owned computer systems and internet/e-mail service. The term "computer systems" in this policy shall also include the Town's voice mail system.

Computer Systems

Property - All computer systems, hardware, software, and files are the property of the Town of Tupper Lake. This includes the messages created, transmitted, and stored on such systems and equipment.

Usage - all computer systems, hardware, and software provided to an Employee are provided for the purpose of aiding that Employee in the performance of the Employee's job functions. All hardware and software used is to be supplied by the Town of Tupper Lake. No unauthorized or unlicensed hardware or software may be used or installed on any Town-owned computer. Any hardware or software necessary to perform job duties should be requested of the employee's Department Head or the Supervisor.

Town's Right to Monitor Computer Systems and Equipment - There is no guarantee of privacy when using Town-owned computer systems and equipment. The Town reserves the right to enter, search, and monitor Employee communications equipment and files, with or without advance notice, at any time in the normal course of business. Department Heads or the Town Supervisor have the authority to inspect the contents of any computer equipment, data/files, or electronic mail (E-mail) of the subordinates in the normal course of their Supervisory responsibilities. In addition, the data/files of Department Heads and Supervisor may be inspected by the Town Board in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted

on such systems, including items that are password protected. Additionally, the Town has the authority to monitor and record each website, chat room and newsgroup visited on the internet, and every E-mail message and file transfer into and out of the Town's network. The Town may also monitor each Employee's internet activity and usage patterns to ensure that the Town's resources are being utilized for appropriate business purposes. Any Employee who is required to have a password must submit that password to the Employee's Department Head or Supervisor.

Prohibited Uses - In addition to the requirements set forth above, the following uses of Town-owned computers and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity.
- Threats or harassment.
- Slander or defamation.
- Transferring, viewing or storage of obscene or suggestive messages or graphic images.
- Any unauthorized commercial activity.
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Town business.
- Using or aiding in the unauthorized use of another person's password.
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties).
- Use of non-business software.
- Gambling.
- Use of entertainment software, such as games and puzzles.
- Installation or use of any hardware or software, not authorized by the Town.
- Installation or use of Town-owned hardware or software for any use that is not Town related business.
- Installation or use of any unauthorized or unlicensed hardware or software.
- Installation of any software containing viruses.

#### Internet/Electronic Mail Requirements

Eligibility - Internet/E-mail service may be provided to Employees who can demonstrate a work-related reason to have access. Approval must be given by the Employee's Department Head or the Supervisor.

Proper Usage - In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user is also prohibited with respect to Internet/E-mail service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Town of Tupper Lake. Additionally, it is the responsibility of the Employee to adhere to the following requirements:

- E-mail must be used in a professional manner.

- Messages must not be threatening, insulting, obscene, abusive, or derogatory.
- Messages must not include content that constitutes sexual harassment.
- Chain letters are illegal and must not be transmitted through E-mail.
- Employees are responsible for saving any E-mail that they want to keep permanently.
- Messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity.
- Messages must not potentially embarrass the Town of Tupper Lake.
- Passwords should not be given to anyone other than the Employee's Department Head or Supervisor.
- Internet must not be used for the propagation of computer viruses.
- Internet must not be used for the personal recreational activities (e.g. online games).
- Participation in non-business internet chat groups or instant messaging is prohibited.
- As a security precaution, a work station must not be left signed onto E-mail or the internet while unattended for a long period of time (or overnight). Each Employee must log off the network when not in use and power down at the end of the day.
- Employee Internet /E-mail usage may be subject to filtering and may be monitored.
- Employees should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management.

Reliability - Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Town is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the internet service. Also, this information must be used in accordance with applicable copyright Laws.

Reporting of Violations - anyone with information as to a violation of this policy is to report said information to the Employee's Department Head or Town Supervisor. Once the Employee's Department Heads or the Town Supervisor is informed of the violation, a formal process, consistent with this Employee handbook and/or applicable Law, will begin.

Date: November 4, 2013

Motion: Councilman Quinn

Seconded: Councilwoman Littlefield

Action: Carried 5/0 vote Amell, Lefebvre, Quinn, Littlefield & Fletcher

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Laurie J Fuller – Town Clerk RMC

12. Approve Office space for  
Chamber of Commerce:

Dan McClelland, president of the Chamber of Commerce approached the Town Board members about possibly moving the Chamber office in the town hall. It would be a big help & savings for the Chamber.

Supervisor Amell stated we charge the County for the Probation Department \$1200.00 dollars a year for office space. The Chamber is looking at two offices.

Motion to welcome the Chamber into the town office building after the first of the year at a annual rate of \$2,000.00 dollars was made by Councilwoman Littlefield.

Seconded by Councilwoman Lefebvre

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

13. Planning Board recommendation letter

On Louis Houff's property;

Supervisor Amell read letter from Planning Board Chairman James Larkin

October 10, 2013

Town of Tupper Lake Town Board  
120 Demars Boulevard  
Tupper Lake, NY 12986

RE: Louis A. Houff, Burnt Island, Tax Map # 509.-1-2

Dear Town of Tupper Lake Board Members:

At the regular Tupper Lake Planning Board meeting held on September 25, 2013, the Planning Board acted on a referral from the Tupper Lake Town Board (September 9, 2013 meeting) for the Planning Board's opinion and recommendation on a request from Mr. Louis Houff, owner of Burnt Island, parcel # 509.-1-2 for an amendment to the Town of Tupper Lake Land Use Code. Attached is Mr. Houff's formal request.

In summary, Mr. Houff's request is for the Land Use Code to be amended so that the Town Board shall have the authority or the power to grant authority to the Planning Board to apply on a case-by-case basis the less restrictive Adirondack Park Agency's regional policies when the Town codes are more restrictive.

It's the Planning Boards opinion that this request is not in the best interest of the Town and Village of Tupper Lake. To grant such authority on a case-by-case basis would open the Planning Board to selective regulation. The Planning Board feels regional policies of the Adirondack Park Agency were enacted by New York State Law governing the whole Adirondack Park where the Tupper Lake Land Use Code was developed for and approved by the residents of Tupper Lake.

In the case of Burnt Island, Mr. Houff was seeking a four (4) lot subdivision of island parcel. Burnt Island is located in zone district SR8 ½. The four (4) lots do not meet the minimum lot size of 8 ½ acres according to the Tupper Lake Land Use Code. However, under APA regulations this proposed subdivision is allowed through an exemption to the regulations governing rural use residential subdivisions. Mr. Houff wants the authority having jurisdiction to apply this APA exemption to the Tupper Lake Land Use Code.

The explanation the Planning Board received regarding the exemption that is applied to the APA regulation was unsatisfactory and reinforced their opinion that this proposed amendment is not in the best interest to the residents of Tupper Lake. There is no logical reasoning behind the exemption as it is applied except it being a "political giveback" at the time the APA act was being drafted and enacted.

Therefore, it is the recommendation of the Planning Board to deny the request for the amendment to the Town of Tupper Lake's Land Use Code.

Respectfully,

James Larkin, Chairman  
 The Town of Tupper Lake/Village of Tupper Lake Planning Board

Motion to approve the Planning Board’s recommendation; deny the request from Mr. Louis Houff, owner of Burnt Island for an amendment to the Town of Tupper Lake’s Land Use Code was made by Councilman Quinn.

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

14. Approve Budget Transfers:

|                     | <b>Acct/Budget</b> | <b>Detail</b>           | <b>Increase</b> | <b>Decrease</b> | <b>Revenue</b> | <b>Expenditure</b> |
|---------------------|--------------------|-------------------------|-----------------|-----------------|----------------|--------------------|
| <b>General</b>      |                    |                         |                 |                 |                |                    |
|                     | 11104              | Justice CE              | \$67.01         |                 |                |                    |
|                     | 14102              | Town Clerk CE           | \$163.83        |                 |                |                    |
|                     | 19904              | Contingency             |                 | \$230.84        |                |                    |
|                     | 14304              | Bookkeeper CE           | \$628.48        |                 |                |                    |
|                     | 14301              | Bookkeeper PS           |                 | \$628.48        |                |                    |
|                     | 71404              | Beach CE                | \$97.94         |                 |                |                    |
|                     | 73101              | Youth PS                |                 | \$97.94         |                |                    |
| <b>Highway - TW</b> | 51304              | Machinery CE            | \$4,266.84      |                 |                |                    |
|                     | 51302              | Machinery EQ            |                 | \$4,266.84      |                |                    |
| <b>Highway-OV</b>   | 2770               | Unclassified Revenues   |                 |                 | \$4,855.00     |                    |
|                     | 51122              | Perm Inprov. EQ         | \$9,938.32      |                 |                | \$4,855.00         |
|                     | 51102              | Gen Repair EQ           |                 | \$7,500.00      |                |                    |
|                     | 51401              | Brushing PS             |                 | \$2,378.47      |                |                    |
|                     | 90108              | Retirement              |                 | \$59.85         |                |                    |
|                     | 51101              | Gen Repair PS           | \$2,312.04      |                 |                |                    |
|                     | 51402              | Brushing EQ             |                 | \$2,218.09      |                |                    |
|                     | 90108              | Retirement              |                 | \$93.95         |                |                    |
|                     | 51104              | Gen Repair CE           | \$2,548.10      |                 |                |                    |
|                     | 51404              | Brushing CE             |                 | \$550.00        |                |                    |
|                     | 90108              | Retirement              |                 | \$1,998.10      |                |                    |
|                     | 90308              | Social Security (Town)  | \$116.56        |                 |                |                    |
|                     | 90108              | Retirement              |                 | \$116.56        |                |                    |
| Sewer 5             | 5720               | Statutory Bond Proceeds |                 |                 | \$70.71        |                    |
|                     | 81204              | Sanitary Sewers CE      |                 |                 |                | \$70.71            |

|          |       |                           |             |             |            |            |
|----------|-------|---------------------------|-------------|-------------|------------|------------|
| Sewer 17 | 81204 | Sanitary Sewers CE        |             |             |            | \$171.97   |
|          | 630   | Due to Gen Fund           |             |             | \$171.97   |            |
| Water 3  | 83204 | Source Power Pump CE      | \$32.70     |             |            |            |
|          | 909   | Fund Balance              |             | \$32.70     |            |            |
| Water 15 | 97207 | Interest – Statutory Bond |             |             |            | \$.02      |
|          | 2401  | Interest                  |             |             | \$.02      |            |
|          |       |                           | \$20,171.82 | \$20,171.82 | \$5,097.70 | \$5,097.70 |

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

Seconded by Councilwoman Littlefield

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

15. Approve Abstract:

Abstract of Audited Vouchers for the period 10/12/2013 thru 11/1/2013

General \$9,641.99

Highway DA \$986.24

Highway DB \$1,052.74

Special Districts \$16,313.38

Trust \$43,531.44

Total \$71,525.79

Motion to approve Abstract of Audited Vouchers for period 10/12/2013 thru 11/1/2013 in the amount of \$71,525.79 was made by Councilwoman Lefebvre

Seconded by Councilwoman Littlefield

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

16. Approve putting out to bid

1976 Osh Kosh truck:

Highway Superintendent William Dechene would like to put out to bid a 1976 OshKosh all-wheel drive truck just cab, chassis oneway plow & wing with 4 spare tires. Minimum bid \$2,000.00.

Motion to put out to bid the 1976 OshKosh truck for a minimum bid of \$2,000.00 was made by Councilman Quinn

Seconded by Councilwoman Lefebvre

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

17. Adjourn:

Motion to adjourn at 5:34 p.m. was made by Councilwoman Lefebvre

Seconded by Councilman Fletcher

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

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Laurie J Fuller – Town Clerk RMC