

TOWN OF TUPPER LAKE SPECIAL TOWN BOARD MEETING

November 18, 2014

Roll Call: Supervisor Patricia S Littlefield
Councilman John Quinn
Councilman Michael Dechene
Councilwoman Kathleen Lefebvre
Councilman Rick Skiff

Recording Secretary: Laurie J Fuller – Town Clerk

Press: Dan McClelland – Tupper Lake Free Press

Also: Kirk Gagnier – Town Attorney

Supervisor Littlefield called special board meeting to order at 6:01 p.m. opening with the Pledge of Allegiance.

1. 2015 Budget:

Supervisor Littlefield stated she is happy to announce the final budget is done and is under the tax cap by about \$2600.00. In speaking with the comptroller's office the filing of the tax cap was never done last year, so before this year could be done we needed to file last years. So last years and this years has been filed, this needs to be done before adoption of budget.

The town tax rate will increase a little and village tax rate will decrease a little due to an error in last year's budget of \$25,000 for police protection and road repair being charged general town wide, should only be charged to town, it is has now charged to general outside.

Someone from the comptroller's office is scheduled to come to office on November 28th 2015

2. Rescind Resolution #30 and Local Law #1/2014 to override tax cap:

RESCIND

Resolution #30 / 2014

Of

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

RESOLUTION TO OVERRIDE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C

WHEREAS, in order to meet contractual obligations, bond payments, increase facilities, fund health insurance expenses, fund pension contribution payments, fund the cost of increasing commodities, etc., and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a resolution approved by vote of sixty percent (60%) of the Town Board, now therefore be it

RESOLVED, that the Town Board of the Town of Tupper Lake, Franklin County, is hereby authorized to adopt a budget for the fiscal year 2015 on behalf of the Town of Tupper Lake that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law §3-c.

Date: October 9, 2014

Motion: Councilman Quinn

Seconded: Councilman Dechene

Absent: Councilman Skiff

Action: Carried 4/0 Littlefield, Quinn, Dechene, Lefebvre

RESCIND

PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2014

TOWN OF TUPPER LAKE, FRANKLIN COUNTY

A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property tax that may be levied by the Town of Tupper Lake, County of Franklin pursuant to General Municipal law §3-c, and to allow the Town of Tupper Lake, County of Franklin to adopt a budget for (a) Town purposes, (b) fire protection districts, and (c) any other special or improvement district governed by the Town Board for the fiscal year 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal law §3-c.

Section 2. Authority

This Local Law is adopted pursuant to subdivision 5 of General Municipal law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Tupper Lake, County of Franklin is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal law §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5 Effective date

This Local law shall take effect immediately upon filing with the Secretary of State.

Motion to rescind Resolution #30 2014 and Local Law #1 2014 over ride tax cap was made by Councilman Quinn.

Seconded by Councilman Dechene

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

3. Adopt 2015 Budget:

Motion to adopt 2015 budget as presented was made by Councilman Skiff

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

4. Contract with North Country Life Flight:

TOWN OF TUPPER LAKE TOWN BOARD

RESOLUTION NO. 35

DATED: November 18, 2014

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 2015; 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: Councilman Dechene

Seconded by: Councilman Quinn

Vote: Carried 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

Laurie J Fuller – Town Clerk RMC

5. 5K Walk/Run Turkey Trot:

Brian Bennett and Maureen Shaheen have requested permission from the town board to hold the First Annual 5K Walk/Run, Erin Dewyea Turkey Trot on Thursday, November 27th. This walk/run will take place on town roads.

Motion to grant permission to hold Turkey Trot on Town roads in honor of Erin Dewyea scholarship fund was made by Councilman Quinn.

Seconded by Councilman Dechene

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

6. Resolution for supporting amendments to the State Land Master Plan:

Resolution #36/2014

RESOLUTION SUPPORTING THE RECOMMENDATIONS OF THE ADIRONDACK ASSOCIATION OF TOWNS AND VILLAGES AND THE ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD TO AMEND THE ADIRONDACK STATE LAND MASTER PLAN

Whereas, the Adirondack Association of Towns & Villages and the Adirondack Park Local Government Review Board have long advocated for a comprehensive review of the Adirondack Park State Land Master Plan (SLMP) - the document that governs the use of all 2,614,000 acres of state-owned land in the Adirondacks, and

Whereas, the Adirondack Park Agency is currently initiating a process to review and amend the SLMP - which has not had a major review in a quarter century – and is in need of significant revisions to reflect the realities of today’s Adirondacks and the needs of the people who seek to make their homes and earn their livings here, and

Whereas, upon passage of the Adirondack Park Agency Act by the New York State legislature, the Act required the Adirondack Park Agency (APA) to draft the Adirondack State Land Master Plan for approval by the Governor, and

Whereas, Governor Rockefeller’s Memorandum in Support of the Act, and the Press Release he issued when he signed the SLMP in 1972 make it very clear that both he and the state legislature intended that the state interest in the protection and preservation of the natural resources of the Adirondacks be balanced with the needs of the residents for a strong economy and healthy communities, and

Whereas, the Statement of Legislative Findings and Purposes of the APA Act (Section 801) states:

“The basic purpose of this article is to insure **optimum overall conservation, protection, preservation, development and use** of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack park.

A further purpose of this article is to focus the responsibility for developing long-range park policy in a forum reflecting statewide concern. This policy shall recognize the major state interest in the conservation, use and development of the park's resources and the preservation of its open space character, **and at the same time, provide a continuing role for local government.**”

Whereas, for the past four decades, state land purchasing and management policy in the Adirondacks have been tipped decidedly against economic sustainability. During that time, many traditional uses have been severely restricted or prohibited, and 320,000 acres of productive private forest lands have been purchased and converted to “forever wild” state forest preserve lands, and

Whereas, today, as documented in the 2014 *Adirondack Park Regional Assessment*, Adirondack populations continue to dwindle, schools continue to lose students, and emergency services continue to struggle financially and lose volunteers, and

Whereas, in recognition of the Agency's current willingness to review and amend the SLMP, it is incumbent on local government to take this **unique** opportunity to support amendments to the **SLMP** that reflect the need for economic development **sensibly balanced** with the character of the Adirondacks, and

Whereas, the Adirondack Park Local Government Review Board (Review Board) and the Adirondack Association of Towns and Villages (AATV) have prepared the attached list of their recommendations for changes in the SLMP, **Now, therefore, be it**

Resolved, that the Tupper Lake Town Board hereby states its support for the recommended amendments to the State Land Master Plan attached hereto, and encourages the AATV and the Review Board to pursue said recommendations with all due haste, and be it further

Resolved, that a copy of this resolution be forwarded to Deputy Director of Planning, Kathy Regan, Adirondack Park Agency, PO Box 99, Ray Brook, NY 12977 and via email to SLP_Comments@apa.ny.gov, and be it further

Resolved that a copy of this resolution be forwarded to Governor Andrew Cuomo, Senator Kirsten Gillibrand, Senator Charles Schumer, Congresswoman-Elect Elise Stefanik, Senate Majority Leader Dean Skelos, Senator Elizabeth Little, Senator Hugh Farley, Senator James E. Seward, Senator Joseph A. Griffo, Senator Patty Ritchie, Senator Kathy Marchione, Senator David Valesky, Senator Liz Krueger, Assemblyman Dan Stec, Assemblywoman Janet L. Duprey, Assemblyman Al Graf, Assemblyman Mark Butler, Assemblyman Ken Blankenbush, Assemblyman Robert Sweeney, DEC Commissioner Joe Martens, Assembly Speaker Sheldon Silver, DEC Region 5 Director Bob Stegemann, DEC Region 6 Director, Judy Drabicki, the Twelve Counties of the Adirondacks, the Adirondack Park Agency, and the Adirondack Association of Towns and Villages and the Adirondack Park Local Government Review Board.

Date: November 18, 2014

Motion: Councilman Skiff

Seconded: Councilwoman Lefebvre

Action: Carried 5/0 vote Littlefield, Quinn, Dechene, Lefebvre, Skiff

Laurie J Fuller – Town Clerk RMC

7. Resolution for Development of a Snowmobile Community Connector:

ST. Lawrence Country Recreational Trails Board

RESOLUTION #37 / 2014

For the development of a Snowmobile Community Connector between Franklin and St. Lawrence Counties on the East Side of Carry Falls Reservoir.

Whereas, Snowmobiling has proven itself as an economic engine in the North Country and is important to regional economies and local business and

Whereas, there is no snowmobile community connector trail on the east side of Carry Falls Reservoir connecting Franklin and St. Lawrence Counties and the communities of Tupper Lake, Colton, Parishville, Hopkinton and points north.

Whereas, the St. Lawrence County Recreational Trails Advisory Board believes such a trail would enhance regional tourism and outdoor recreation and produce economic benefit and so therefore

It is resolved, a study committee be developed to move the trails development forward and

It is further resolved, the study committee will be chaired by the Director of the St. Lawrence County Snowmobile Association in partnership with the Director of the Franklin County Snowmobile Association.

THEREFORE BE IT RESOLVED, at a special town board meeting held November 18, 2014; board members passed resolution for the development of a snowmobile community connector between Franklin and St. Lawrence Counties

Date: November 18, 2014

Motion: Councilman Dechene

Seconded: Councilman Skiff

Action: Carried 5/0 vote Littlefield, Quinn, Dechene, Lefebvre, Skiff

Laurie J Fuller – Town Clerk RMC

8. ROOST update report:

The **Tupper Lake Website** will launch early next week.

Office space construction is about to wrap up on our office space at 121 Park Street

Destination planning continuing to work on completing the NCREDC Tourism Destination Area Workbook.

DOS grants over the summer collected a good portion of the asset necessary to get the 90-miler project started.

Motion to approve ROOST update report was made by Councilman Quinn

Seconded by Councilman Dechene

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

9. Budget Transfers:

November 2014 Budget Transfers

GENERAL	ACCOUNT	DETAIL	DECREASE	INCREASE
Appropriation	11102.01	Justice EQ	\$500.00	
	11104.01	Justice CE		\$500.00
	10104.01	Town Board CE	\$300.00	
	12204.01	Supervisor CE		\$300.00
	71404.01	Beach CE	\$1,950.00	
	71401.01	Beach PS		\$1,950.00
	73104.01	Youth CE	\$400.00	
	70204.01	Recreation CE		\$400.00
	71802.01	Golf Course PS	\$780.00	
	71804.01	Golf Course CE		\$780.00
Fund Balance	909.10	Sewer #5 FB	\$1,220.00	
	81204.10	Sewer #5		\$1,220.00
	81201.15	Sanitary Sewers PS	\$1,355.00	
	81204.15	Sanitary Sewers CE		\$1,355.00
	19104.01	Insurance	\$1,700.00	
	14301.01	Bookkeeper		\$1,700.00
Appropriation	19904.01	Contingency	\$28,095.00	
	70204.01.000.02	Baseball	\$200.00	
	70204.01.000.03	Soccer	\$400.00	
	70204.01.000.18	Paintball	\$200.00	
	14204.01	Attorney CE		\$6,285.00
	16201.01	Building PS		\$5,000.00
	16204.01	Building CE		\$15,000.00
	19504.01	Tax & Assess of Municipal		\$390.00
	64104.01	Publicity		\$260.00
	70204.01.000.05	Daycamp		\$1,960.00
			\$37,100.00	\$37,100.00
Highway	Account	Detail	Decrease	Increase
Appropriation	36204.03	Safety CE	\$300.00	
	42304.03	Drug & Alcohol Screening		\$300.00
	51102.04	Gen Repair EQ	\$20,930.00	
	51104.04	Gen Repair CE		\$20,930.00
	51404.04	Brushing CE	\$15.00	
	50104.04	Supt. Of Highway CE		\$15.00

			\$21,245.00	\$21,245.00

Motion to approve budget transfers as listed was made by Councilwoman Lefebvre

Seconded by Councilman Skiff

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

**10. Information on permissive referendum
for sale of town property:**

Town Board members have asked the Town Attorney Kirk Gagnier to review matters subject to permissive referendum in connection with a possible sale of town property. Attorney Gagnier explained if the town has made a finding that real property is not necessary for town purposes, or useful to be held for public use, the town board, upon its own motion, may by voluntary act and without petition, direct that a referendum be held and that the resolution to be decided or approved, be put up for approval by the town voters.

In the town law book there are provisions that will have to be followed.

Board members agreed maybe should have a Public Hearing first to see if residents want to sell Setting Pole Dam. Councilwoman Lefebvre has been in touch with Mr. Ryan and he is still interested in buying dam.

11. Executive Session:

Motion to enter into executive session at 6:45 p.m. to discuss pending litigation matter, and employee personal matter was made by Councilman Skiff.

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

Motion to enter out of executive session at 7:25 p.m. was made by Councilman Dechene

Seconded by Councilman Skiff

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

12. Pending litigation

Little Wolf Beach Property:

A motion to authorize Attorney Gagnier to settle Little Wolf Beach property dispute with no less than quick claim deed and reimbursement of land survey, motion made by Councilman Quinn.

Seconded by Councilman Skiff

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

13. Adjourn:

Motion to adjourn at 7:28 p.m. was made by Councilman Quinn

Seconded by Councilman Skiff

All Town Board Members voted AYE 5/0 Littlefield, Quinn, Dechene, Lefebvre, Skiff

Laurie J Fuller – Town Clerk RMC