

## Town of Tupper Lake Town Board

Public Hearing – Local Law #1 of 2019 Sewer District #8-2 & #16 consolidated into District #1  
 Public Hearing – Local Law #2 of 2019 Water District #8-2 & #16 consolidated into District #1

## Regular Town Board Meeting

December 12, 2019

Roll Call: Supervisor Patricia S. Littlefield  
 Councilman John Quinn  
 Councilman Michael Dechene  
 Councilwoman Tracy Luton

Absent – Councilwoman Mary Fontana

Recording Secretary: Town Clerk – Laurie J Fuller

Press: Tupper Lake Free Press – Dan McClelland  
 Adirondack Daily Enterprise – Aaron Cerbone

Also: Town Attorney – Kirk Gagnier

Guest: James Lanthier  
 John Klimm & Barbara Close  
 Madeline Toliver

Supervisor Littlefield asked everyone to stand for the Pledge of Allegiance

1. Public Hearing  
 Local Law #1 / 2019  
 Sewer District #8-2 & #16 consolidated into District #1:

Supervisor Littlefield opened Public Hearing at 6:00 PM for Local Law #1 2019 Sewer District Consolidation.

Legal Notice read by Supervisor Littlefield

**Notice of Public Hearing on Local Law Notice is Hereby Given** that there has been introduced by the Town Board of the Town of Tupper Lake, Franklin County, New York a proposed Local Law No. 1 of the year 2019, entitled "A Local Law to Consolidate paid Sewer District #8-2 and paid Sewer District #16 into Sewer District #1, and that the Town Board of the Town of Tupper Lake will hold a public hearing on the said Proposed Local Law at the Town Hall, 120 Demars Blvd., Tupper Lake, New York 12986 at 6:00 p.m. on Thursday, December 12, 2019 at which time all interested persons will be heard. A copy of the Proposed Local Law is available in the Town Clerks office at 120 Demars Blvd. Tupper Lake, New York 12986 for public review.

By: Laurie J Fuller  
 Town Clerk

## Public Comment

Aaron Cerbone – asked how many sewer districts left.

Barbara Close – asked if it made any difference to public.

John Klimm – asked if Littlefield road was a district when he moved here.

No other public comment, Supervisor Littlefield closed Public Hearing for Local Law #1 2019 at 6: 05 PM and opened Public Hearing for Local Law #2 of 2019 Water District Consolidation.

2. Public Hearing  
 Local Law #2 /2019  
 Water District #8-2 & #16 consolidated into District #1:

**Notice of Public Hearing on Local Law Notice is Hereby Given** that there has been introduced by the Town Board of the Town of Tupper Lake, Franklin County, New York a proposed Local Law No. 2 of the year 2019, entitled “A Local Law to Consolidate paid Water District #8-2 and paid Water District #16 into Water District #1, and that the Town Board of the Town of Tupper Lake will hold a public hearing on the said Proposed Local Law at the Town Hall, 120 Demars Blvd., Tupper Lake, New York 12986 at 6:05 p.m. on Thursday, December 12, 2019 at which time all interested persons will be heard. A copy of the Proposed Local Law is available in the Town Clerks office at 120 Demars Blvd. Tupper Lake, New York 12986 for public review.

By: Laurie J Fuller  
Town Clerk

Public Comment

Barbara Close – Does this the same as sewer district.

Aaron Cerbone – Same question how many Water Districts left.

No other public comment, Supervisor Littlefield closed Public Hearing for Local Law #2 2019 at 6:12 PM and opened Regular Town Board Meeting.

3. Public Comment:

**John Klimm** stated the town was directed to plow sidewalk as per New York State Highway Law, emailed to him on July 23, 2019 from Reba Cervantez Regional Director’s Office from NYS DOT in Watertown, New York, asked why has that not been done. Mr. Klimm has mailed all documentation on sidewalk issue to Governor Cuomo. Mr. Klimm stated he has been told by a “Whistle Blower” the Town has a very large slush fund, and why have you not used it to fix sidewalk.

**Barbara Close** question the time of the Budget Hearing advertised in paper, feels time was advertised wrong, quoting the Open Meetings Law.

4. Establish the Agenda:

- Add- Approve Agreement for Cross Country Ski Trails
- Add- Discuss repairing piece of Highway equipment

5. Approve Abstract #12 of Audited Vouchers:

Town of Tupper Lake  
Abstract #12  
Vouchers #2019-0827 – 0908

<u>Prepaid/Debit</u>	<u>Unpaid</u>	<u>Total</u>
\$42,584.85	\$117,685.88	\$160,450.73

Motion to approve Abstract #12 of Audited Vouchers in the amount of \$160,450.73 as submitted was made by Councilwoman Luton

Seconded by Councilman Quinn  
All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

6. Approve Budget Transfers:

Motion to approve Budget Transfers in the amount of \$28,225.45 as submitted was made by Councilman Quinn

Seconded by Councilwoman Luton  
All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

7. Approve Minutes:

Town Clerk provided each Board member a drafted copy of minutes dated October 16<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup> 2019 for approval.

Motion to approve minutes as written for meetings dated October 16<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup> 2019 was made by Councilman Dechene.

Seconded by Councilwoman Luton

All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

8. Approve Town Departments  
Monthly Reports:

Code Officer

Monthly Report  
November 2019

3 Building Permits issued in November

0 Demolition Permit issued

0 Complaint filed

Completed 4 field inspections

November 2019 miles logged 43

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O'Leary  
Code Enforcement Officer  
Town of Tupper Lake

Youth Activity Director

Board Report Youth Activities  
12/10/2019  
Angie Snye

**Tumbling:** We had a great semester of tumbling! Thank you to Karen Bombard & Tammy Richardson for providing us with additional equipment, to Peg and the library staff for accommodating us and for all the families that participated and volunteered their time to make the program run smoothly. We are lucky to have Miss Mallory as our instructor and we're all excited for the next round!

**Nordic Ski Trails:** We are continuing to work on updating signage for the James C. Frenette Sr. Recreational Trails to reflect the name change and the town's newer logo. Trail etiquette signs, signs at the main road, trail intersection signs and trail markers are in the works. Thanks everyone that has put in time proofreading, walking trails and helping out to get all the pieces into place.

**Youth Ski Club:** We held our evening registration for ski club on November 25, it was a bit quitter than in past years, but we have 22 kids signed up, which is only a few shy of where we were last year. Ski club meets for the first time on December 10. We lost most of our snow but we are still planning to get the kids outside to hike and work on some fundamentals. We are working again this year with Ken Kalil from ORDA and we're super excited to have him back. We have planned our Junior Lumberjack Scramble for February 15 and have reached out to

area youth ski clubs so they can save the date. This season we offered a club jacket as an option, thank you to Stacked Graphics for working with us on that, the kids are excited!

### Highway Department

Town of Tupper Lake Highway Department  
William Dechene  
Highway Superintendent

Monthly report November 13 – December 9, 2019

- Took ATV & Snowmobile to Malone to be serviced for the upcoming season.
- Picked up ATV & Snowmobile in Malone and brought up to the Country Club.
- Cut & Chipped brush on North Little Wolf Rd. and some on South Little Wolf Rd.
- Finished piling firewood in the wood shed.
- Weekly dump run for the Town Hall & Maddox Hall.
- Plowed and sanded roads per weather conditions.
- Plowed and sanded parking lots per weather conditions.
- Currently working on the cross-country ski trail with the help from the Village D.P.W. and Water Dept.
- \*\*The Town went in with the Village on purchasing a 500-gallon gas tank for non-ethanol gas. The tank is hooked up at the Village Garage. Also purchased a dustless sand blaster with the Village.

Fuel and gas records per other logs.

### Dog Control

Supervisor Littlefield stated an inspection was done from Agriculture & Markets, also looking into a grant offer to have some improvements done to Dog Pound.

Motion to approve Town Departments monthly reports as submitted was made by Councilman Dechene

Seconded by Councilman Quinn

All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

#### 9. Committee Reports:

Councilman Dechene reported meet with the Country Club Board of Directors, finically doing well this year, have requested the Town help replace two pieces of kitchen equipment, purchase under State contract.

Councilman Quinn reported Town and Village working together is good Government Efficiency, Bad fire in Town of Franklin's highway garage, our Highway Superintendent has reached out to them for help with anything. Attended meeting at Village for Water/Waste Water treatment

Councilwoman Luton reported Dog Control Officer did not get report in on time text her report Supervisor Littlefield reported the draft Land Use Code is in the Town Attorney's hands for review. Attended the Rail trial meeting held by DEC at the high school, very well attended. Congrats to Senator Little on her retirement, will draft a letter on our behalf thanking her for all her service. Also attended an open house at Mercy Living Center.

#### 10. Update on Completion Of Cross-Country Ski Trail:

Councilman Quinn stated new signs have been ordered and trail markers, received a gift from the Infant Jesus of Prague, \$10,000.00, \$2,000.00 a year for 5 years, this is to be used for trail maintenance and improvements, also received a bridge donation. Billy and Highway crew have been working on trail, Village has offered us some equipment, with an operator, no RFP will be necessary at this time to complete trail.

#### 11. Approve Agreement with Village Law Enforcement Services:



Motion: Councilman Quinn  
 Seconded: Councilman Dechene  
 Absent: Councilwoman Fontana  
 Action: Carried 4/0 vote

AGREEMENT FOR LAW ENFORCEMENT SERVICES

Resolution #44 / 2019

This agreement, made this 12<sup>th</sup> day of December, 2019, BY AND BETWEEN,

VILLAGE OF TUPPER LAKE, a municipal corporation of New York State with offices at 53 Park Street, Tupper Lake, State of New York, 12986 (VILLAGE), acting through its Police Department (DEPARTMENT),

-and-

TOWN OF TUPPER LAKE, a municipal corporation of New York State with offices at 120 Demars Boulevard, Tupper Lake, State of New York, 12986 (TOWN)

1. STATEMENT OF AGREEMENT

The TOWN does not have an established police department, but, at this time, desires that the VILLAGE and the DEPARTMENT supplement police services that are normally provided to the TOWN by the New York State Police.

2. LEGAL BASIS

This Agreement is authorized by Section 119-o of the New York State General Municipal Law.

3. DELIVERY OF SERVICE

3.1 Service Area:

The VILLAGE and DEPARTMENT shall provide law enforcement protection within the boundaries of the TOWN. It is understood by all parties that routine patrol will primarily occur inside the VILLAGE.

3.2 Enforcement Responsibilities:

The DEPARTMENT shall enforce State statutes and any other laws and/or ordinances within the corporate limits of the TOWN. The DEPARTMENT shall not be required to assume any responsibility concerning the enforcement of Fire, Building, and/or Zoning Code(s).

3.3 Stray Dogs:

Stray dogs will not be transported in VILLAGE owned police vehicles, nor will officers become engaged in the containment or capture of loose dogs, unless said dogs have been deemed vicious or wild, at which point the stray dogs will be dealt with pursuant to the New York State Agricultural and Markets Law or the Laws of

the New York State Department of Environmental Conservation.

3.4 Civil Process:

The VILLAGE agrees to serve civil process for the TOWN, so long as said processes are to individuals, corporations, or government entities located exclusively within the TOWN. This will occur at no cost to the TOWN.

3.5 Reporting:

The Chief of Police of the Village of Tupper Lake (CHIEF) shall provide monthly reports of any activities generated by this Agreement. The CHIEF will present a written report to the TOWN Board at its monthly meetings. These written reports shall include those same items as reported to the VILLAGE Board, as well as any specific items requested, in connection with this Agreement, by the TOWN Board. If necessary, the TOWN Board may request that the CHIEF, or a designated representative of the CHIEF, attend a meeting of the TOWN Board in order to answer any questions posed by the members of the TOWN Board and/or the general public.

3.6 Service Management:

All parties agree that the CHIEF, the VILLAGE Board of Trustees, and the VILLAGE Mayor shall determine the planning, organization, scheduling, direction, and supervision of the DEPARTMENT, as well as any and all other matters concerning the delivery of law enforcement services to the TOWN. The CHIEF shall retain exclusive control over the activities of his/her personnel whom work in the TOWN.

3.7 Responsiveness:

While all parties agree that the New York State Police shall remain the primary law enforcement agency for the TOWN, the DEPARTMENT agrees and understands that shall promptly and adequately consider all TOWN requests regarding the delivery of law enforcement services for patrol and preliminary investigation. The DEPARTMENT shall make every effort to comply with the TOWN's requests in a manner consistent with good law enforcement practices and this agreement. All parties agree that the VILLAGE will provide initial response to criminal complaints and requests for aid within the TOWN, while the investigation of any serious crimes shall be referred to the New York State Police. All parties also agree that the primary obligation of the DEPARTMENT is the protection of all persons and property located within the VILLAGE. For example, in the event of an emergency within the VILLAGE, if the Officer in Charge makes a judgment that it would be unwise to send personnel or equipment outside of the VILLAGE during the emergency, the VILLAGE shall not be obligated to answer calls outside of the VILLAGE during that time. The VILLAGE also agrees to respond to Rescue Squad Calls on a case-by-case basis and as stated above.

3.8 Special Events:

All parties understand and agree that there are certain times, when the TOWN holds

special events, that crowd control, general control, traffic control, and police presence are both necessary and expected. Examples of such events include, but are not limited to: Oktoberfest, fishing tournaments, road races, sporting events, and/or events at the museum. These special events shall be dealt with on a case-by-case basis, taking into consideration the response and prior actions of the New York State Police and other agencies.

4. JURISDICTION

All sworn members of the DEPARTMENT shall be sworn officers for the TOWN, as VILLAGE and TOWN police officers. All such officers shall have Personal Police Identification Cards, which will clearly identify the holder as a police officer for the TOWN and the VILLAGE.

5. LIABILITY

The VILLAGE shall assume liability for and secure the TOWN from claims and/or all costs for damages allegedly caused by DEPARTMENT's personnel and arising out of the performance of this Agreement. The VILLAGE shall accept full responsibility for all activities of its police force within the TOWN, including Police Liability Protection, which will name the TOWN as and additional insured.

6. DISPUTE RESOLUTION

Any conflict which arises among any of the aforesaid parties, and which cannot be rectified informally, shall be discussed in a forum, composed of the CHIEF, TOWN Supervisor, VILLAGE Mayor (or the designated representatives of the CHIEF, TOWN Supervisor, and VILLAGE Mayor), and one Board Member and one Trustee from each government.

7. PAYMENT OF SERVICES

The TOWN agrees to pay the VILLAGE an annual payment as follows:

1/1/2020 to 12/31/2020 – Twenty Five Thousand Dollars (\$25,000.00)

Annual payment for services will be paid by the 1<sup>st</sup> of February for each year of the duration of this Agreement.

8. DURATION

The term of the Agreement shall be a yearly contract, which will last for one (1) year, commencing on January 1, 2020, and terminating on December 31, 2020. The Agreement will automatically renew on January 1<sup>st</sup> of each year unless a party chooses to terminate the Agreement, as provided in Article 9 of this Agreement.

9. TERMINATION

All parties reserve the right to terminate this Agreement, without cause, prior to December 31, 2020. If any party wishes to terminate this Agreement, it must notify the other party of its intention to do so, in writing, no later than November 1<sup>st</sup> of the year the party wishes to be the last of the Agreement. For example, if a party does not want the Agreement to automatically renew for the year of 2021, it must notify the other party of its intention to terminate the Agreement by November 1, 2020.

10. WAIVER

Waiver by any party of any breach of any provision of this Agreement by another party shall not operate or be construed as a waiver of any subsequent breach.

11. SEVERABILITY

If any section or part of a section of this Agreement is held to be invalid, such as declaration shall not render invalid the remainder of this Agreement or the remainder of such section. If

any provision of this Agreement is so broad as to be unenforceable, such provision shall be interpreted to the fullest extent of the law.

12. APPLICABLE LAW

This Agreement shall be governed by, and construed and enforced in accordance with, the Laws of the State of New York, without giving effect to the principles of conflicts of law.

13. FULL AGREEMENT

This Agreement constitutes the entire agreement between the parties superseded all prior agreements between the parties, and may not be altered, amended, or modified, except by writing executed by the parties.

DATED: \_\_\_\_\_, 2019

FOR THE VILLAGE:

\_\_\_\_\_  
Paul A. Maroun  
Mayor

FOR THE TOWN:

\_\_\_\_\_  
Patricia S. Littlefield  
Town Supervisor

12. Approve Agreement with  
Tri-Lakes Humane Society:

Resolution #45 - 2019

**THIS AGREEMENT**, made this 12<sup>th</sup> day of December 2019, pursuant to Sections 114 and 115 of the Agriculture and Markets Law of the State of New York,

**BETWEEN TRI-LAKES HUMANE SOCIETY, INC.**, a not-for-profit corporation organized and existing under and by virtue of the laws of the State of New York, having its principal office for the conduct of business in the Village of Saranac Lake, County of Franklin, New York, hereinafter designed as the party of the first part, and **THE TOWN OF TUPPER LAKE**, a municipal corporation of the State of New York, situated in the County of Franklin, New York hereinafter designated as the party of the second part,

**WITNESSETH,**

**WHEREAS** the party of the first part is an incorporated humane society, such as is defined in Sections 113 and 114 of the State of New York Agriculture and Markets Law as amended, and

**WHEREAS** the party of the first part is desirous of providing pound or shelter services as described in sections 114 and 115 of the State of New York Agriculture and Markets as amended, and

**WHEREAS** the party of the second part wishes to engage the party of the first part to provide said services and the party of the first part wishes to render such services to the party of the second part,

**NOW THEREFORE**, in consideration of the premises and **ONE DOLLAR** (\$1.00) lawful currency of the United States of America, paid to the party of the first part, the receipt whereof is hereby acknowledged and other good and valuable consideration,

**IT IS AGREED AS FOLLOWS:**

- 1. That the party of the first part shall provide shelter services to the party of the second part at its shelter on Lapan Highway in the Village of Saranac Lake, New York in accordance with requirements of Sections 114 and 115 of New York Agriculture and Markets Law, as amended
- 2. That the party of the second part shall pay to the party of the first part the following sum for shelter services: for 2020 the sum of \$3,000.00.
- 3. Said sum will be paid in one lump sum on the first business day of the New Year.
- 4. The terms of this agreement shall be for (1) year commencing on the first day of January 2020 and expiring on the 31st day of December 2020.
- 5. The Town of Tupper Lake agrees to the current adoption fees, as posted at the Tri-Lakes Humane Society.
- 6. Dog Censes is not included in the above sum.

TOWN OF TUPPER LAKE

Tri-Lakes Humane Society

By: \_\_\_\_\_ By: \_\_\_\_\_  
 Supervisor President

Motion: Councilman Dechene  
 Seconded: Councilwoman Luton  
 Absent: Councilwoman Fontana

Action: Carried 4/0 vote By: \_\_\_\_\_  
 Town Clerk

13. Reappoint Mr. Gary Lanthier  
 To BAR:

**RESOLUTION #46 /2019**  
**OF**  
**THE TOWN BOARD OF THE TOWN OF TUPPER LAKE**  
**FRANKLIN COUNTY, NEW YORK**

**WHEREAS;** the appointment of Mr. Gary Lanthier on the Board of Assessment Review term has expired and,

**WHEREAS;** Mr. Lanthier has accepted the reappointment.

**NOW THEREFORE BE IT RESOLVED;** at a regular Town Board meeting held December 12<sup>th</sup> 2019 Councilman Dechene made a motion to reappoint Mr. Gary Lanthier for a 5-year term on the Board of Assessment Review Board, Seconded by Councilwoman Luton.

Supervisor Patricia S. Littlefield	AYE
Councilman John Quinn	AYE
Councilman Michael Dechene	AYE
Councilwoman Mary Fontana	Absent
Councilwoman Tracy Luton	AYE

Date: December 12, 2019

\_\_\_\_\_  
 Laurie J Fuller- Town Clerk, RMC

14. Set Date for End of Year Meeting:

Board members agreed to set the date for the End of Year Meeting to December 30<sup>th</sup> 2019 at 12:00 p.m.

15. Resolution for NYS Archives Grant  
With Village:

Resolution No. 47 / 2019

**APPROVING PARTICIPATION IN SHARED SERVICES**

**NYS ARCHIVES LGRMIF APPLICATION**

Whereas, the Town of Tupper Lake desires to partner with the Village of Tupper Lake for a shared services grant application to the New York State Archives Local Government Records Management Fund (LGRMIF) for a comprehensive municipal records inventory, and

Whereas, pursuant to the LGRMIF application guidelines, it is necessary that each partner formally appoint a Records Management Officer (RMO); formally adopt the appropriate records retention and disposition schedule; and execute a cooperative agreement, and

Whereas the project requires a permanent commitment from partnering communities to sustain the results of the project, and

Now, Therefore, Be it Resolved, that the Town of Tupper Lake does hereby authorize and direct its Supervisor to appoint Laurie Fuller as its RMO, adopt the MU-1 Records Retention and Disposition schedule for municipal governments, execute the LGRMIF Grant Cooperative/Shared Services Agreement and Letter of Intent, and asserts a permanent commitment to work with the Village of Tupper Lake and partnering communities to sustain the results of the GIS project.

Date: December 12, 2019

Motion: Councilman Quinn

Seconded: Councilwoman Luton

Absent: Councilwoman Fontana

Action: Carried 4/0 vote Littlefield, Quinn, Dechene, Luton

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Laurie J Fuller – Town Clerk RMC

16. Resolution for SEQR  
Local Law #1 2019  
Sewer Districts:



**Resolution #48/2019**

**SEQR RESOLUTION TO CONSOLIDATE THE TUPPER LAKE SEWER DISTRICTS THROUGH  
LOCAL LAW NO. 1 OF 2019**

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the Sewer district consolidation in the Town of Tupper Lake, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said implementation report, with the result that the Town Board has acted as lead agency in this matter; and

**WHEREAS**, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said consolidation plan, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said plan against criteria; and

**WHEREAS**, the local law was properly introduced by a member of the Town Board; and

**WHEREAS**, legal notice of the Public Hearing regarding the proposed local law was published and advertised and copies of the local law were made available at the Town Clerk's office for public review; and

**WHEREAS**, a Public Hearing on the proposed report was held on December 12, 2019 at 6 PM at the Town of Tupper Lake town hall, with public comments being offered; and

**NOW THEREFORE**, be it resolved as follows:

**RESOLVED AND DETERMINED** that the adoption of Local Law No. 1 of 2019 is an unlisted action, there are no other involved agencies and this Board acts as lead agency in this matter for purposes of SEQR review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; and that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

**RESOLVED** that the Town Board hereby adopts Local Law No. 1 of 2019 titled "A Local Law Town of Tupper Lake Sewer District Consolidation of Districts 8-2 and 16 into District 1 Local Law 2019-1

Motioned by Councilman Dechene

Seconded by Councilwoman Luton

Adopted December 12, 2019

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Laurie J Fuller – Town Clerk RMC

17. Resolution for Local Law #1 2019  
Sewer Districts 8-2 & 16:

**Resolution #49**

**TOWN OF TUPPER LAKE BOARD RESOLUTION  
December 12, 2019  
SEWER DISTRICT CONSOLIDATION LOCAL LAW NO. 2019-1**

**WHEREAS**, the Town of Tupper Lake adopted an implementation report for sewer district consolidation and has introduced Local Law 2019-1 to adopt the implementation of the sewer district consolidation; and

**WHEREAS**, the Town Board has reviewed the local law provided; and

**WHEREAS**, the Town Board held a public meeting on December 12, 2019 for purposes of public comments; and

**WHEREAS**, the Town Board fully considered proposed Local Law 2019-1 and public comments; and

**WHEREAS**, the Town Board has fully considered and reviewed SEQR relating to sewer district consolidation and passed a resolution prior hereto regarding SEQR; and

**WHEREAS**, the Town Board desires to adopt Local Law 2019-1 on behalf of the Town of Tupper Lake.

**THEREFORE**, the Town Board hereby adopts and confirms the following resolution:

**RESOLVED**, that the Town of Tupper Lake hereby adopts Local Law 2019-1 as of December 12, 2019 titled "Town of Tupper Lake Sewer District Consolidation of Districts 8-2 and 16 into District 1 Local Law 2019-1" and in doing so shall consolidate the Town Districts; and it is

**FURTHER RESOLVED**, that the Town Supervisor is authorized to execute and documents to accomplish the foregoing.

Motion made by Councilwoman Luton

Seconded by Councilman Quinn

Adopted on December 12, 2019

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Laurie J Fuller – Town Clerk RMC

18. Resolution for SEQR  
Local Law #2 2019  
Water District:



**Resolution #50/2019**

**SEQR RESOLUTION TO CONSOLIDATE THE TUPPER LAKE WATER DISTRICTS THROUGH  
LOCAL LAW NO. 2 OF 2019**

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the Water district consolidation in the Town of Tupper Lake, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQR) with respect to the proposed enactment of said implementation report, with the result that the Town Board has acted as lead agency in this matter; and

**WHEREAS**, the adoption to said Local Law is an unlisted action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said consolidation plan, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said plan against criteria; and

**WHEREAS**, the local law was properly introduced by a member of the Town Board; and

**WHEREAS**, legal notice of the Public Hearing regarding the proposed local law was published and advertised and copies of the local law were made available at the Town Clerk's office for public review; and

**WHEREAS**, a Public Hearing on the proposed report was held on December 12, 2019 at 6:05 PM at the Town of Tupper Lake town hall, with public comments being offered; and

**NOW THEREFORE**, be it resolved as follows:

**RESOLVED AND DETERMINED** that the adoption of Local Law No. 2 of 2019 is an unlisted action, there are no other involved agencies and this Board acts as lead agency in this matter for purposes of SEQR review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; and that, accordingly, an environmental impact statement (EIS)

shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

**RESOLVED** that the Town Board hereby adopts Local Law No. 2 of 2019 titled “A Local Law Town of Tupper Lake Water District Consolidation of Districts 8-2 and 16 into District 1 Local Law 2019-1

Motioned by Councilman Dechene

Seconded by Councilwoman Luton

Adopted December 12, 2019

\_\_\_\_\_  
Laurie J Fuller – Town Clerk RMC

19. Resolution for Local Law #2 2019  
Water District 8-2 & 16:

**Resolution #51**

**TOWN OF TUPPER LAKE BOARD RESOLUTION  
December 12, 2019  
WATER DISTRICT CONSOLIDATION LOCAL LAW NO. 2019-2**

**WHEREAS**, the Town of Tupper Lake adopted an implementation report for water district consolidation and has introduced Local Law 2019-2 to adopt the implementation of the water district consolidation; and

**WHEREAS**, the Town Board has reviewed the local law provided; and

**WHEREAS**, the Town Board held a public meeting on December 12, 2019 for purposes of public comments; and

**WHEREAS**, the Town Board fully considered proposed Local Law 2019-2 and public comments; and

**WHEREAS**, the Town Board has fully considered and reviewed SEQR relating to water district consolidation and passed a resolution prior hereto regarding SEQR; and

**WHEREAS**, the Town Board desires to adopt Local Law 2019-2 on behalf of the Town of Tupper Lake.

**THEREFORE**, the Town Board hereby adopts and confirms the following resolution:

**RESOLVED**, that the Town of Tupper Lake hereby adopts Local Law 2019-2 as of December 12, 2019 titled “Town of Tupper Lake Water District Consolidation of Districts 8-2 and 16 into District 1 Local Law 2019-2” and in doing so shall consolidate the Town Districts; and it is

**FURTHER RESOLVED**, that the Town Supervisor is authorized to execute and documents to accomplish the foregoing.

Motion made by Councilman Quinn

Seconded by Councilwoman Luton

Adopted on December 12, 2019

\_\_\_\_\_  
Laurie J Fuller – Town Clerk RMC

20. SEQR Resolution to Approve  
Map Sewer District #1:

**Resolution #52 /2019  
SEQR RESOLUTION TO APPROVE MAP OF THE TUPPER LAKE SEWER  
DISTRICT NO. 1**

**WHEREAS**, the Town as part of its local law 2019-1 and implementation plan has consolidated Sewer Districts; and

**WHEREAS**, the adoption of said map is an unlisted action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said map, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said map against said criteria; and

**WHEREAS**, the Town adopted the Town of Tupper Lake Sewer District Map Approval; and

**NOW THEREFORE**, be it resolved as follows:

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; and that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

**RESOLVED** that the Town Board hereby adopts the map titled "Town of Tupper Lake Sewer District No. 1"

Motioned by Councilman Luton

Seconded by Councilman Dechene

Adopted December 12, 2019

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Laurie J Fuller – Town Clerk RMC

21. Resolution Adopting Amended Sewer Map:

**Resolution 53 /2019  
TOWN OF TUPPER LAKE BOARD RESOLUTION  
DECEMBER 12, 2019  
SEWER DISTRICT MAP APPROVAL**

**WHEREAS**, the Town of Tupper Lake has adopted Local Law 2019-1 to adopt a Sewer District consolidation; and

**WHEREAS**, the Town Board has reviewed the map provided in connection therewith; and

**WHEREAS**, the Town Board has fully considered the proposed map; and

**WHEREAS**, the Town Board has fully considered and reviewed SEQR relating to the map and passed a resolution prior hereto regarding SEQR; and

**WHEREAS**, the Town Board desires to adopt the map on behalf of the Town of Tupper Lake.

**THEREFORE**, the Town Board hereby adopts and confirms the following resolution:

**RESOLVED**, that the Town of Tupper Lake hereby adopts the Town of Tupper Lake Sewer District No. 1, as amended.

Motion made by Councilwoman Luton

Seconded by Councilman Quinn

Adopted on December 12, 2019

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Laurie J Fuller – Town Clerk RMC  
22. SEQR Resolution to approve  
Map Water District #1:

**Resolution #54 /2019  
SEQR RESOLUTION TO APPROVE MAP OF THE TUPPER LAKE WATER  
DISTRICT NO. 1**

**WHEREAS**, the Town as part of its local law 2019-2 and implementation plan has consolidated Water Districts; and

**WHEREAS**, the adoption of said map is an unlisted action for purposes of environmental review under SEQR; and

**WHEREAS**, the Town Board has determined that a short environmental assessment form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said map, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said map against said criteria; and

**WHEREAS**, the Town adopted the Town of Tupper Lake Water District Map Approval; and

**NOW THEREFORE**, be it resolved as follows:

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no significant adverse impact on the environment; and that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQR; and it is further

**RESOLVED** that the Town Board hereby adopts the map titled “Town of Tupper Lake Water District No. 1”

Motioned by Councilman Dechene

Seconded by Councilwoman Luton

Adopted December 12, 2019

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Laurie J Fuller – Town Clerk RMC

23. Resolution Adopting Amended Water Map:

**Resolution 55 /2019  
TOWN OF TUPPER LAKE BOARD RESOLUTION  
DECEMBER 12, 2019  
WATER DISTRICT MAP APPROVAL**

**WHEREAS**, the Town of Tupper Lake has adopted Local Law 2019-2 to adopt a Water District consolidation; and

**WHEREAS**, the Town Board has reviewed the map provided in connection therewith; and

**WHEREAS**, the Town Board has fully considered the proposed map; and

**WHEREAS**, the Town Board has fully considered and reviewed SEQR relating to the map and passed a resolution prior hereto regarding SEQR; and

**WHEREAS**, the Town Board desires to adopt the map on behalf of the Town of Tupper Lake.

**THEREFORE**, the Town Board hereby adopts and confirms the following resolution:

**RESOLVED**, that the Town of Tupper Lake hereby adopts the Town of Tupper Lake Water District No. 1, as amended.

Motion made by Councilman Dechene

Seconded by Councilwoman Luton

Adopted on December 12, 2019

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Laurie J Fuller – Town Clerk RMC

24. Accept Bid from Auction International:

Highway Superintendent put a 2005 Highway Pickup Truck for sale on Auction International.

Motion to accept bid of \$4,000.00 dollars from Auction International for a 2005 Highway Pickup Truck was made by Councilman Quinn.

Seconded by Councilman Dechene

All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

25. Approve Agreement with Preserve & Associates  
Cross Country Ski Trails:

**Motion: Councilman Quinn**

**Seconded: Councilwoman Luton**

**Absent: Councilwoman Fontana**

**Action: Carried 4/0 vote**



**Resolution #43 / 2019**

**Agreement – Cross-Country Ski Trail Access**

This Agreement is between **Preserve Associates, LLC** with a mailing address of PO Box 593, Unionville, PA 19375, (“Landowner”) and the **Town of Tupper Lake** with offices at 120 Demars Blvd, Tupper Lake, New York 12986 (“Town”), as of this 12<sup>th</sup> day of December, 2019.

**WHEREAS**, Landowner is the owner of property known by tax map number 511.-5-3(former OWD property) and 510.-1-80 (known as Cranberry pond property) upon which exist cross-country ski trails; and

**WHEREAS**, the Town is an adjoining landowner of property known as tax map number 510.-1-65, upon which cross country-ski trails exist that the general public uses for recreational purposes without cost; and

**WHEREAS**, Landowner is willing to grant permission to the Town for use by the public of the aforesaid trails located on the Landowner’s property until May 1, 2020; and

**WHEREAS**, the parties hereto desire to set forth their agreement with regard to such use.

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

1. This agreement shall remain in force until May 1, 2020 provided however it may be terminated earlier by the Landowner upon five business days’ notice to the Town in writing.
2. This agreement gives the Town no right, title, or interest in the Landowner’s property except on the terms set forth herein.
3. The use of the Landowner’s property shall be limited to the use of the existing trails on the Landowner’s property as shown on the attached map.
4. The Town shall have the right to groom and trim said trails and authorize public use of such trails, but not use or utilize the Landowner’s property in any other matter.
5. The Town shall indemnify, defend, and hold harmless Landowner for any loss, injury, claim, suit, action or damages of any nature which arise from the use of the Landowner’s property contemplated herein.
6. The Town shall provide to the Landowner evidence of insurance satisfactory to the Landowner regarding the use contemplated herein.

**IN WITNESS WHEREOF**, the parties hereto have executed this instrument as of the 12<sup>th</sup> day of December, 2019.

PRESERVE ASSOCIATES, LLC

TOWN OF TUPPER LAKE

\_\_\_\_\_  
By: Michael D. Foxman, Esq., as President

\_\_\_\_\_  
By: Patricia Littlefield, Supervisor

26. Approve repairing piece of Equipment

Donated by School:

Councilman Dechene explained this was a Kubota tractor donated from the School a few years ago to Town, equipment is used at Golf Course, an estimate of \$3500.00 dollars to repair from Mitchell Logging.

Councilman Dechene made a motion to approve estimate of \$3500.00 to repair Kubota tractor from Mitchell Logging.

Seconded by Councilman Quinn

All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

27. Approve help purchasing equipment for  
Kitchen at TLCC:

Town of Tupper Lake Town Board  
Franklin County, New York

**Resolution #56 / 2019**

**WHEREAS**, the kitchen equipment at the Tupper Lake Country Club restaurant, has to be replaced; and

**WHEREAS**, this is town owned property, the Tupper Lake Country Club Board has asked the Town to help with cost to purchase new kitchen equipment, such as a stainless steel three compartment commercial sink, required by the Department of Health, and a commercial dishwasher; and

**WHEREAS**, all equipment purchased for kitchen will become town owed.

**THEREFORE, BE IT RESOLVED**, at a regular Town Board meeting held December 12, 2019, board members passed a resolution to purchase kitchen equipment for the Tupper Lake Country Club restaurant, not to exceed \$5,000.00 dollars.

Date: December 12, 2019

Motion: Councilman Dechene

Seconded: Councilwoman Luton

Absent: Councilwoman Fontana

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

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Laurie J Fuller – Town Clerk RMC

28. Public Comment:

James Lanthier – Comment on how the Planning Board Meetings are often on the same night as the Village Board Meetings. Public should know when meetings are, possibly put on local radio station.

John Klimm – asked since the Town does not have a sidewalk snow plow, could the Town possible work out an agreement with Village.

29. Adjourn:

Motion to adjourn at 7:47 p.m. was made by Councilman Dechene

Seconded by Councilman Quinn

All Town Board Members voted AYE 4/0 Littlefield, Quinn, Dechene, Luton

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Laurie J Fuller – Town Clerk RMC

