

**Village of Tupper Lake
Board of Trustees**

Minutes

Date: Wednesday, February 15, 2017
Location: Board Room
Meeting: Regular 6:00-7:45 PM

At the Regular Meeting of the Board of Trustees held this date, the following were present: Mayor Paul A. Maroun, Trustees Clint Hollingsworth, David Maroun, Village Attorney Nathan Race and Village Clerk/Treasurer Mary A. Casagrain.

Absent from the Regular Meeting was Trustee Ronald LaScala.

Also present were Code Enforcement Officer Peter Edwards, Police Chief Eric Proulx, Water/Wastewater Superintendent Mark Robillard, Electric Superintendent Marc Staves, Fire Chief Carl Steffen, Volunteer Fire Department Members Royce Cole and Nicholas Rolley, Residents Mr. Joseph Hockey and Jan Yaworski and News Reporter Dan McClelland.

Call Regular Meeting
To Order

Mayor Maroun called the Regular Meeting to order at 6:00 pm.

Pledge

Pledge of allegiance to the flag and a moment of silence and prayer for the safe return of missing teen Colin Gillis.

Mr. Joseph Hockey
Raquette River
Brewing Road/Utility
Extension Request

Mr. Joseph Hockey with Raquette River Brewing was present to request that the Village Board consider extending the unopened Balsam Street and the utilities in anticipation them purchasing property from the Sarazen family. His request came with a formal asking that the Village consider swapping some of their surplus land in exchange for reclassifying wetlands on the Sarazen property.

Mr. Hockey asked if we would consider swapping the former Woulf Avenue trailer park property. Mayor Maroun advised that the Village of Tupper Lake has sold the property already. Mayor Maroun suggested that maybe the Town of Tupper Lake may have some property that could be considered and that he would follow-up with the Town Supervisor to discuss in the coming week.

Mayor Maroun advised that he has appointed Peter Edwards our Code Enforcement Officer as the point of contact for the brewery owners.

Resolution of Support
Option #7 UMP –
Remsen - Lake Placid
Corridor

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to formally authorize a letter of support for Option #7 to the 1996 Unit Management Plan (UMP) for the Remsen – Lake Placid Travel Corridor and creation of a multipurpose recreation trail from Tupper Lake through Saranac Lake and into Lake Placid as follows:

Resolution #1-021517

Resolution to Support for Option #7 to the 1996 Unit
Management Plan (UMP) for the Remsen – Lake Placid Travel Corridor

Whereas, the Village of Tupper Lake, Board of Trustees has endorsed the addition of Option #7, as currently proposed by NYS Department of Transportation and NYS Department of Environmental Conservation and deemed compliant to the Adirondack State Master Plan by the Adirondack Park Agency, to the current (1996) Unit Management Plan for the Remsen – Lake Placid Corridor, Option #7, as proposed, will entail railroad reconstruction from Big Moose to Tupper Lake and removal of the rails and ties to facilitate the construction of a multipurpose Recreation Trail from Tupper Lake through Saranac Lake and onto Lake Placid on February 17, 2016, and

Whereas, the Village of Tupper Lake Board of Trustees still supports their original resolution from 2016 and want to reaffirm that they do not want or support the rail road to extend beyond Tupper Lake and that 90% of the Tupper Lake Business Community and 90% of the Tupper Lake Taxpayers are in support of Option #7, and

Whereas, the proposed expansion of the railroad to Tupper Lake and the addition of the Recreation Trail from Tupper Lake to Lake Placid is in the best interest to the Tupper Lake Community as a whole economically and will add additional venues and activities to our area and beyond, and

Whereas, the Tupper Lake business community has put forth a petition of more than 90% of the businesses currently operating in Tupper Lake requesting the Village support Option #7 to the UMP, and

NOW, THEREFORE, BE IT RESOLVED that the Village of Tupper Lake request that the implementation of Option #7, as proposed, commence as soon as possible so that Tupper Lake can develop plans, promotions and funding that will help enhance this new and important addition to our community.

Whereupon the foregoing resolution was brought to a roll call vote and the following recorded:

Mayor Paul A. Maroun	“Nay”
Trustee Clint Hollingsworth	“Aye”
Trustee Leon LeBlanc	“Aye”
Trustee David Maroun	“Aye”

Seal:

<u>Village Clerk/Treasurer</u>	<u>Date</u>
(Carried 3-1, Mayor Maroun “Nay”)	

World Snowshoe
Championships
Invitation

The Village Board of Trustees were invited to the Village of Saranac Lake Mayor’s Reception honoring the World Snowshoe Championships on February 23, 2017, for those who would like to attend to please RSVP.

Annual Fire & Ice
Tournament

Motion by Trustee Maroun, seconded by Trustee LeBlanc to authorize the Village Board to participate in the Annual Fire & Ice Tournament February 25, 2017. (Carried 4-0)

MOU Village of Potsdam
NYS DOS Grant

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to formally authorize Mayor Maroun to execute an Inter-Municipal Agreement between the Village of Potsdam and the Village and Town of Tupper Lake for the 2014 Local Waterfront Program Grant as presented. (Carried 4-0)

Request for Expression
Of Interest – Land Use
Planning Consultant
Services

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to formally approve the drafted Request for Expression of Interest for Land Use Planning Consultant Services for Zoning and Land Use Code Development to proceed with updating our Joint Land Use Code and Subdivision Regulations for the Village and Town of Tupper Lake simultaneously. (Carried 4-0)

Open House Tupper
Lake Verizon Store

Mayor Maroun announced that the Tupper lake Verizon Store will be hosting their Official Ribbon Cutting for their newest store in Tupper Lake next Friday, February 24, 2017 at 12:00 Noon. All are welcomed to attend and there will be light refreshments.

Planning Board Vacancy
Tabled

Mayor Maroun announced that he was going to ask the board to hold the appointments for the Planning Board Vacancy until Trustee LaScala could be here next month.

Approve Minutes

Motion by Trustee LeBlanc, seconded by Trustee Hollingsworth to approve the Board Minutes from January 18th, 2017 and February 6th, 2017 respectively. (Carried 4-0)

Code:

Accept January
Report

Motion by Trustee LeBlanc, seconded by Trustee Maroun approve the January 2017 Monthly Code Report. (Carried 4-0)

10 Front Street
Unsafe Law

Code Enforcement Officer Peter Edwards advised that the 10 Front Street property owner has until February 27, 2017 to comply with the violation, if not we will move to the next step in the Unsafe and Dangerous Local Law proceedings.

Vendor/Peddler
Permit Meeting

After a brief discussion of implementing our Vendor/Peddlers Permit Fees it was agreed that we would call a meeting of all of the Park Users in the coming month to get feedback from before finalizing the permit fees for this summer.

Police:

Accept January
Report

Motion by Trustee LeBlanc, seconded by Trustee Hollingsworth to approve the January 2017 Monthly Police Report for the Village and Town of Tupper Lake. (Carried 4-0)

Speed Sign Discussion
& Cost Summary

After a brief discussion over the written request from the Town of Tupper Lake Joint Planning Board for the Village of Tupper Lake to consider the installation of traffic speed control devices at the western entrance to the Village.

Police Chief Eric Proulx advised that such devices would cost roughly \$6,400 per site. In 2 of the 3 entrances we have conflicts with the power being on the opposite side of the street and therefore we would have to consider installing a solar powered unit that would cost roughly \$3,700.00 per site. He suggested that we may want 2 solar and 1 powered units. Chief Proulx advised that he would contact Rob Haynes to advance the project.

Fire:

Accept January
Report

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to approve the January 2017 Monthly Fire Report for the Village of Tupper Lake. (Carried 4-0)

\$400,000 Class A Pumper

Bond Resolution

Fire Truck Purchase Motion by Trustee LeBlanc, seconded by Trustee Maroun to formally approve the following resolution for the purchase of a new Class A Pumper Fire Truck not to exceed \$400,000:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF ONE FIRE FIGHTING VEHICLE AND RELATED APPARATUS; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$400,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$400,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the "Board") the Village of Tupper Lake, Franklin County, New York (the "Village") proposes to authorize the issuance of \$400,000 in serial bonds of the Village to finance the acquisition of one Class A pumper fire fighting vehicle, and related apparatus to be used in connection therewith, including costs incidental to the financing of the foregoing (the "Project"), at an estimated maximum cost of \$400,000; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance the aforementioned specific object or purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees (the "Board of Trustees") of the Village of Tupper Lake, Franklin County, New York (the "Issuer" or the "Village") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Village is hereby authorized to undertake the acquisition of one Class A pumper fire fighting vehicle, and related apparatus to be used in connection therewith, including costs incidental to the financing of the foregoing. The estimated maximum cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$400,000 and said amount is hereby appropriated therefor. The plan for the financing thereof shall consist of (i) the issuance of \$400,000 in serial bonds of the Village, or bond anticipation notes issued in anticipation thereof as authorized by Section 2 of this resolution, to finance said appropriation, and (ii) the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds or notes and the interest thereon as the same shall become due and payable.

SECTION 2. Serial bonds of the Village in the principal amount of \$400,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned specific object or purpose.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is twenty (20) years, pursuant to subdivision 27. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village.

SECTION 8. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Board of Trustees hereby determines that the actions authorized by this resolution and the adoption hereof collectively constitute a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Board of Trustees as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

SECTION 13. In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or
 - (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 15. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting:
(Carried 4-0)

DPW:

Snow Removal

Department of Public Works Superintendent Robert Degrace
wasn't present due to snow removal on Park and Main Streets.

Water/Wastewater:
APA - SEQR

Water/Wastewater Superintendent Mark Robillard advised the board that our Water Project's APA Permit has been filed with Franklin County and we expect to go to bid in early March as well as have our drillers on site to begin their work.

Winter Projects
Reviewed

Water/Wastewater Superintendent Mark Robillard advised the board that his crews are working on their equipment repairs and painting the facilities during down time.

Electric:
Review Claim
Strategies Proposal

Electric Superintendent Marc Staves presented to the Board a subrogation proposal from Claim Strategies to help us recover costs from a motor vehicle accident on as needed basis.

Mayor Maroun recommended that our Village Attorney Nathan Race review and we revisit it at a later meeting.

MEUA Engineering
Workshop

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to send members of the department to the MEUA Engineering Workshop in East Syracuse March 25 & 16, 2017. (Carried 4-0)

ARC Flash Risk
Assessment Study
Completed

Electric Superintendent Marc Staves advised the board that he had an outside consultant complete an ARC Flash Risk Assessment Study of our Electric Utility System and now we will be implementing compliance with those recommendations progressively.

New Bucket Truck
Inspection

Electric Superintendent Marc Staves advised the Board that our bucket truck that is on order is in finishing stages in Kansas and we expect a virtual review of the as built in the beginning of March and delivery by the end of March.

Winter Disconnects

Electric Superintendent Marc Staves advised the Board that his department are implementing winter disconnects and he encouraged residents to please contact his department to make arrangements for payment of arrears before the disconnect day to avoid a load limiter being installed and payment in full.

James Moody
Get Well Wishes

Mayor Maroun took a moment to express his sincere condolences to Mr. James Moody for the passing of his father and to wish him a speedy recover following his recent surgery.

Verizon Joint Property
Pole Invoices
Outstanding

Electric Superintendent Marc Staves advised the Board that we now have six (6) outstanding Verizon Joint Property Pole invoices totaling over \$17,494.00. We will continue to be aggressive in collecting these funds from them.

Treasurer:

Approve Warrants

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to approve the February 15, 2017 warrant in the amount of \$239,312.48 for payment of the bills and abstracts for the month of January 2017. (Carried 4-0)

Review Cash
Position

Review the monthly cash position for January 31, 2017.

Flanders Performance
Park Professional
Services

Mayor Maroun advised that we have raised over \$37,000.00 in seed monies and we have the additional funds available through our local waterfront grants to cover the remaining costs of proceeding with the Flanders Performance Park Profession Services Agreements.

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to authorize Mayor Maroun to execute the professional services agreements with consultants not to exceed \$300,000 for design, planning, construction/implementation as presented. (Carried 4-0)

Enter Into
Executive Session

Motion by Trustee LeBlanc, seconded by Trustee Maroun to enter into Executive Session at 7:05 pm for the purpose of discussing proposed acquisition, sale or lease of real property as well as for the purpose of discussing matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. (Carried 4-0)

Willie Bencze
Appointed Line
Helper

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to appoint Mr. Willie Bencze to the position of Line Helper effective February 27, 2017. (Carried 4-0)

7:15 pm Trustee
Hollingsworth Exited

Trustee Clint Hollingsworth exited Executive Session at 7:15 pm.

Exit Executive
Session

Motion by Trustee LeBlanc, seconded by Trustee Maroun to exit Executive Session at 7:25 pm. (Carried 3-0)

Boundary Line
Adjustment for
21 High Street
Property

After an extensive review of the abstract completed for the 21 High Street property by Absolute Abstracting of Malone it appears that the 21 High Street property also included a small triangle piece of property comprising of the top portion of the old fire escape stairs. It was noted that Mr. Gerald Fletcher and his father before him have been paying taxes on the property since 1978 according to the Franklin County Real Property Records and the property in its current condition is a substantial liability for the village taxpayers.

After careful review of the situation the Village Board so moved by Trustee LeBlanc, seconded by Trustee Maroun to authorize a quit claim deed as a boundary line adjustment transferring the Village's interest in the property to Mr. Gerald Fletcher since it is not needed for municipal purposes and is deemed to be surplus property. It was deemed that the Village has received fair and adequate consideration since Mr. Fletcher has been paying taxes on the property since 1978 and it will no longer be liable for the property. This motion also gives Mayor Maroun authorization to execute all easements and transfer deeds as needed for the quit claim process to be completed. (Carried 3-0)

Adjournment

Motion by Trustee LeBlanc, seconded by Trustee Maroun to adjourn at 7:45 PM. (Carried 3-0)

Mary A. Casagrain, Village Clerk/Treasurer