

**Village of Tupper Lake
Board of Trustees
Minutes**

Date: December 18, 2023
Location: Board Room
Meeting: Regular Monthly 6:00-7:48 PM

At the Regular Meeting of the Board of Trustees held this date, the following were present: Mayor Mary Fontana, Trustees Eric Shaheen, David Maroun, Jason McClain and Village Clerk/Treasurer Mary A. Casagrain.

Absent from the Monthly Meeting was Trustee Leon LeBlanc.

Also present were Electric Superintendent Michael Dominic, Code Enforcement Officer Peter Edwards, Water/Wastewater Superintendent Mark Robillard, Police Chief Eric Proulx, Assistant Fire Chief Nicholas Rolley, Residents Kelly and Reese Fleury, News Reporter Dan McClelland and Aaron Marbone (Via Zoom) and Courtney Carey Goff Nelson Memorial Library Executive Director (Via Zoom).

Call Monthly Meeting
To Order Mayor Fontana called the Monthly Meeting to order and established the agenda at 6:00 pm.

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

Public Comment
Period:
Reese & Kelly
Fleury Against Pilot
For OWD Project

For the record Mr. & Mrs. Reese Fleury expressed that they are against the Village supporting a 30-year PILOT for the OWD Proposed Project.

Mayor Fontana
Announcement

Mayor Fontana read announced that after discussions with Tupper Lake's elected leaders, the OWD redevelopment team has withdrawn their PILOT request out of respect for community sentiment.

Town of TL
TAP Grant Support

Motion by Trustee Maroun, seconded by Trustee Shaheen to approve the following resolution of support of the Town of Tupper Lake's Junction Depot Pedestrian and Bicycle Connections Project under the 2023 NYSDOT TAP-CMAQ-CRP Funding Applications as follows:

**RESOLUTION IN SUPPORT OF
TOWN OF TUPPER LAKE JUNCTION DEPOT PEDESTRIAN AND BICYCLE
CONNECTIONS PROJECT
2023 NYSDOT TAP-CMAQ-CRP FUNDING APPLICATION**

WHEREAS, a Notice of Funding Availability for the Transportation Alternatives Program (TAP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), Carbon Reduction Program (CRP) been made available by the NYS Department of Transportation; and

WHEREAS, the Town and Village of Tupper Lake seek to build upon the State of New York's \$44 million investment in construction of the Adirondack Rail Trail and train depot improvements by providing safe and accessible connections for visitors and

residents using the trail to access Junction Depot businesses and neighborhoods and other destinations in the community; and

WHEREAS, the Town and Village of Tupper Lake seeks to advance the community's Junction Connectivity Study, Adirondack Smart Growth Bike Readiness Study and draft Local Waterfront Revitalization Program, which call for constructing safe and accessible pedestrian and bicycle infrastructure connecting the Adirondack Rail Trail and Junction train station depot to Junction downtown businesses and neighborhoods and other destinations in the community; and

WHEREAS, the recent announcement of the NYSDOT TAP-CMAQ-CRP Grant Program provides \$165 million in funding to support bicycle, pedestrian, multi-use path and transportation-related projects and programs that support the goals of New York's nation-leading Climate Leadership and Community Protection Act (CLCPA); and

WHEREAS, the NYSDOT TAP Grant Program provides funds for a variety of transportation related projects which increase options for non-vehicular transportation including planning, design and construction of on-road and off-road facilities for pedestrians, bicyclists, and non-motorized transportation users; and

WHEREAS, NYSDOT will provide up to 80% of the total eligible project costs with a 20% local share provided by the Town; and

WHEREAS, the proposed project is supported by the local community, Junction downtown businesses, volunteer groups, and partner organizations and agencies; and

WHEREAS, the Village of Tupper Lake Board fully supports the Town of Tupper Lake's Junction Depot Pedestrian and Bicycle Connection project proposed in the funding application; and

WHEREAS, sidewalk connections and streetscape system enhancements in the Junction Depot area constructed with the grant funding will be in the Village of Tupper Lake's and NYSDOT's street and sidewalk Right of Way and will be maintained by the Village.

NOW THEREFORE BE IT RESOLVED:

The Village of Tupper Lake Board of Trustees hereby authorizes and supports the Town of Tupper Lake's application for TAP funding and authorizes the Village's Department of Public Works to maintain the streetscape improvements constructed within the NYSDOT and Village Right of Way.

CERTIFICATE OF RECORDING OFFICER

I, Mary A. Casagrain, the duly qualified and acting Clerk of the Village of Tupper Lake, New York, do hereby certify that the attached resolution was adopted at a regular meeting of the Tupper Lake Village Board of Trustees held on December 18, 2023, and is incorporated in the original minutes of said meeting, and that said resolution has not been altered, amended or revoked and is in full force and effect.

Seal of Municipality

Mary A. Casagrain, Village Clerk/Treasurer

(Carried 4-0)

ESD Resolution of
Support – Cellular
Reliability

Motion by Trustee Maroun, seconded by Trustee Shaheen to approve the following resolution of support for ESD Designation of a Cellular Specific Point Person for the purpose of more reliable cell coverage in the park as follows:

**RESOLUTION SUPPORTING EMPIRE STATE DEVELOPMENT'S (ESD)
DESIGNATION OF A CELLULAR-SPECIFIC POINT PERSON TO LEAD THE
STATE'S EFFORTS ON ENHANCING CELLULAR COVERAGE, AND
FURTHER ENCOURAGING THE STATE TO IMPLEMENT A UNIFIED
STRATEGY TO ASSURE EVERY MAJOR ROAD CORRIDOR HAS RELIABLE
CELL COVERAGE AS RECOMMENDED BY ESD'S UPSTATE CELLULAR
COVERAGE TASK FORCE FINAL REPORT**

WHEREAS, cellular service is vital to public safety and the economic wellbeing of communities throughout the Adirondack Park; and

WHEREAS, county officials report that approximately 70 percent of 9-1-1 calls originate from cellular phones; and

WHEREAS, in a recent survey hosted on a State Senate website of almost 2,000 Adirondack Park residents, 99 percent of respondents reported owning a cellular phone and 67 percent reported that they rely exclusively on a cellular phone; and

WHEREAS, dependency on cellular service is significant and growing, which speaks to the absolute necessity of improved coverage and service; and

WHEREAS, the State of New York helped respond to this reality in the North Country by working aggressively to deploy COWS (Cells On Wheels) to provide adequate emergency response capacity to serve visitors to the World University Games; and

WHEREAS, state officials are proposing that Empire State Development (ESD) designate a point person to coordinate the state's efforts to enhance cellular coverage, similar to the manner in which ESD designated a point person to coordinate the state's efforts to expand broadband coverage; and

WHEREAS, the Office of Renewable Energy Siting (ORES), which works to align all state agencies and state policy regarding renewable energy siting and implementation, serves as another successful example of the state coordinating its strategy on important infrastructure matters; and

WHEREAS, barriers to achieving the state's goals with respect to both broadband and cellular coverage enhancement continue to exist within some state agencies, including but not limited to NYSDOT right-of-way requirements, tax policy, and APA restrictions, and an approach similar to ORES would be beneficial in overcoming these barriers; and

WHEREAS, improving broadband and cellular coverage is a safety issue, a public imperative widely demanded by our constituents, and has become increasingly regarded as a basic necessity; and

WHEREAS, some state policies, especially the APA's "substantial invisibility" standard, are not keeping pace with these trends and instead becoming antiquated and counterproductive from the perspective of emergency services best-practices in place elsewhere in New York State, including co-location of multiple telecommunication systems on cell towers; and

WHEREAS, APA's longstanding claim that the telecommunications industry does not oppose the "substantial invisibility" standard is inaccurate, demonstrated most recently in comments entered by Nixon Peabody into review of the 2002 APA Tower Policy, which recommend "that the Agency modify its 2002 policy that requires telecommunications facilities over 40' tall be 'substantially invisible,'" and which characterize that requirement as an "arbitrary standard [that] is the main impediment to delivering much needed reliable wireless telecommunications service to a greater portion of the Park;" and

WHEREAS, the general public is increasingly supportive of common sense policy changes that promote a more appropriate balance between public safety and aesthetics while maintaining sensitivity to the environment, as reflected in the aforementioned public opinion survey, in which 90 percent of respondents supported changes to the APA's "substantial invisibility" standard; and

WHEREAS, the state has begun taking steps indicating that policymakers recognize these challenges, including the issuance of Empire State Development's Upstate Cellular

Coverage Task Force Final Report and APA's advancement of a General Permit to assist with cellular coverage expansion; now, therefore, be it

RESOLVED, that the Village of Tupper Lake hereby supports the proposed designation by ESD of a point person to coordinate the state's efforts to enhance cellular coverage, and formally asks Governor Kathy Hochul to further enhance the state's efforts on broadband and cellular coverage expansion by employing a model similar to ORES that is respectful of the home rule process and designed to streamline policymaking across state agencies in pursuit of moving the state more expeditiously toward its goals; and be it further

RESOLVED, that the Village of Tupper Lake hereby joins emergency service and telecommunication professionals, and other towns and villages across the Adirondacks, in urging the APA and the Governor to review the 2002 APA Tower Policy's antiquated "substantial invisibility" standard, which stands as the main impediment to delivering reliable telecommunication services necessary for public safety in large portions of the Adirondack Park; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Kathy Hochul, Adirondack Park Agency Executive Director Barbara Rice, State Senator Dan Stec, State Senator Mark Walezyk, Assemblyman Matt Simpson, Assemblyman Billy Jones, Assemblyman Ken Blankenbush, Assemblyman Robert Smullen, AATV, and Adirondack Inter-County.

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Seal of Municipality

Mary A. Casagrain, Village Clerk/Treasurer

(Carried 4-0)

Board Minutes
Approved

Motion by Trustee Shaheen, seconded by Trustee Maroun to approve the board minutes from November 15, 2023 and December 4, 2023, respectively. Carried 4-0)

Treasurer:

Approve Warrant Motion by Trustee Shaheen, seconded by Trustee McClain to approve the December 18, 2023, warrant in the amount of \$690,609.73 for payment of the bills and abstracts for the month of November 2023. (Carried 4-0)

Review Cash
Position

Review the monthly cash position for November 30, 2023.

Special Meeting Reminder

12/19/2023 As a courtesy reminder there will be a special meeting tomorrow, December 19, 2023, at 4:00 pm to continue collective bargaining negotiations with CSEA Unit II Police.

Symquest Lease
Renewal

Motion by Trustee McClain, seconded by Trustee Maroun to renew our copier lease with Symquest as presented and to authorize Mayor Fontana to execute said agreement. (Carried 4-0)

Code Enforcement:

Accept November
Monthly Report

Motion by Trustee McClain, seconded by Trustee Maroun to approve the November 2023 Monthly Code Report. (Carried 4-0)

Miscellaneous
Updates

Code Enforcement Officer Peter Edwards advised the board that he has been attending the ARTA Meetings on behalf of the Village as well as assist in our Energize Uptown and AHC Grants respectively.

Police:
Accept November Monthly Report
Motion by Trustee McClain, seconded by Trustee Maroun to approve the November 2023 Monthly Police Report. (Carried 4-0)

Fire:
Accept November Monthly Report
Motion by Trustee McClain, seconded by Trustee Shaheen to approve the November 2023 Monthly Fire Report. (Carried 4-0)

DPW:
Accept Bid Items Auctions Int'l
Motion by Trustee McClain, seconded by Trustee Maroun to formally accept the bid price of \$5,200.00 for the sale of the 1994 Ford F250 Utility Truck from Auctions International. (Carried 4-0)

Junction Issues
Water Flooding
It was noted that Department of Public Works Superintendent was excused from the meeting due to a flooding event in the LeBoeuf Street area.

W/WW:
NYS DOH Water Inspection Report
Water/Wastewater Superintendent Mark Robillard advised the board that after reviewing the NYS DOH Water System Inspection Summary Report he must cut the growth around the tanks, pressure wash them and prime and paint the effected areas that need it.

WesTech Pilot Summary
Recommendations
Water/Wastewater Superintendent Mark Robillard advised the board that after reviewing the WesTech Pilot Summary it is recommended by our Engineers with C2AE that we move forward with the water project for Maddox Lane as anticipated.

Lift Station #3
Water/Wastewater Superintendent Mark Robillard advised the board that the Lift Station #3 equipment is here and should be installed by December 31, 2023 and be active very shortly thereafter.

Accept November Monthly Report For W/WW
Motion by Trustee McClain, seconded by Trustee Maroun to accept the December 2023 Water/Wastewater Monthly Report as presented. (Carried 4-0)

Electric:
Electric Meter Technician Hire
Motion by Trustee Shaheen, seconded by Trustee Maroun to formally approve the provisional appointment of Michael Kavanagh to the position of Electric Meter Technician effective January 2, 2024. (Carried 4-0)

Miscellaneous
Updates
Electric Superintendent Michael Dominic advised the boards that they have been working on Raquette River Drive's pole replacement. In addition they had a small outage on Bellevue Terrace as a result of the recent storm. They have been working on Chemical Street with the W/WW Department and they are working on their trucks doing necessary repairs.

Accept November Monthly Report for Electric
Motion by Trustee Shaheen, seconded by Trustee McClain to formally approve the Electric Department's November Monthly Report as presented. (Carried 4-0)

Into Executive Session
Motion by Trustee Maroun, seconded by Trustee Shaheen to enter Executive Session at 6:19 pm for the purpose of discussing collective bargaining negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law) for CSEA Unit II Police. (Carried 4-0)

Exit Executive
Session

Motion by Trustee Shaheen, seconded by Trustee McClain to exit
Executive Session at 7:47 pm. (Carried 4-0)

Adjournment

Motion by Trustee Shaheen, seconded by Trustee McClain to
adjourn the meeting at 7:48 pm. (Carried 4-0)

Mary A. Casagrain, Village Clerk/Treasurer