

Regular Town Board Meeting held October 17, 2013 at 6:00 P.M. at the Town Hall

in Schroon Lake N.Y.

Present:

Town Supervisor: Michael Marnell

Councilpersons: Roger Friedman, Don Sage, Meg Wood and Clara Phibbs

Town Clerk: Patricia Savarie

Also Present: Albert May, Skip and Fran Mahler, Marcia Harnett, Dick Newell, Michael Lee, Jaime Veitch, Jane and Bob Claus, Phil Wagschal, Eddie Vandercar, Mark and Kathy Granger, Gail Simon, Steven Cass, Steven Holmes, Paul McCann Sr., Linda Milsom, Tony Kostedia, Sharon Piper and Jon Kapstein

Supervisor Marnell called the meeting to order at 6:00 P.M. with a salute to the Flag and asked that everyone remember Rosemarie Ritson and have a moment of silence as she is recovering from and illness and never misses a meeting.

SLIC Network Solutions (SLIC) has been awarded a Connect NY grant

Phil Wagschal, President of SLIC Network, stated that they had been awarded a Connect NY Grant to construct a fiber optic network and expand broadband services in to the Town of Schroon. SLIC is also proposing to provide cable TV service in the Town of Schroon. Section 894.5 of the NY Public Service Commission rules requires the following to be included along with this application:

1. Description of System:

The Head End will be located on State Route 11B in the hamlet of Nicholville.

The Plattsburgh/Burlington off air broadcast channels will be received from a satellite feed.

SLIC will provide the following off air broadcast channels:

- WFFF (FOX, Plattsburgh)
- WCAX (CBS, Burlington)
- WVNY (ABC, Burlington)
- WPT (NBC, Plattsburgh)
- WCFE (PBS, Plattsburgh)
- CBOT (CBC, Ottawa)
- CJOH (CTV, Ottawa)

The system capacity is virtually unlimited but at the launch it will provide 124 standard definition and 60 high definition channels, in addition to 24 standard definition and 18 high definition premium channels.

CSI Digital will design and install the system using Minerva middle ware. Cable service will be delivered in an IP format over fiber optic cables to set top boxes. A separate set top box will be required for each TV connected to the system.

There are no plans to carry off air

FM radio broadcast channels. A tier including 50 digital music channels will be provided and available to all subscribers.

There are no plans at this time to build an origination studio or do any origination cablecasting.

This may be included in future upgrades as the subscriber base becomes large enough to support it. Public, Education and Government Access channels will be made available in conjunction with FCC and NY PSC rules governing this section.

The system is 2way and will be capable of supporting Video on Demand services which may be offered at some future date.

2. Free service:

SLIC will provide one free connection to each government and school building within the Primary Service Area that is within 150 feet of active distribution cable.

3. Rates and Construction Schedule:

The system will be built based on the schedule referenced as Attachment 1 to the enclosed franchise document. The preliminary channel lineup and rates are attachment 1 of this franchise application. The channel lineup may be adjusted prior to launch based upon completing contract negotiations with all content owners and any additional technical limitations that may arise after the full engineering study is complete.

4. Existing Incumbent Franchise Agreement:

There is an existing Time Warner Cable franchise in the Town of Schroon.

5. Statement of Experience:

SLIC Network Solutions is a competitive local exchange carrier and is a fully owned subsidiary of Nicholville Telephone Company (NTC). NTC is 100 year old company that has received a commendation for providing excellent service from the NYS Public Service Commission for 12 consecutive years. While the existing management team and employees of both SLIC and NTC have substantial experience in constructing and maintaining fiber optic networks, and they have been offer cable service since June xx 2013. SLIC has engaged the services of NTTU and CSI Digital to assist in completing all the steps required under FCC and NY PSC rules to establish the CATV system.

6. Documented plan for financing the system:

SLIC was awarded a grant/loan package of \$5.3M from RUS through the American Reinvestment and Recovery Act to expand broadband Internet services to undeserved areas. The award included funding for an IPTV headend and all associated equipment necessary to provide to deliver service.

SLIC also received a grant for \$2.16M to construct a fiber optic network in the towns of Schroon and North Hudson to provide broadband. This network will also allow the delivery of video service.

7. Ownership Statement:

SLIC Network Solutions is a wholly owned subsidiary of NTC. NTC ownership consists of 75% ESOP and 25% private shareholders. The owners, directors, and management team have never been convicted of a crime or punished in any jurisdiction for a violation of any law, rule or order relating to CATV operations.

Phil Wagschal, stated after we receive the grant, which was March 15, 2013 we begin the general work. As of today we have GPS on all the poles and are in the process of making maps and designs, next we will be applying for the pole application with Verizon and Nationalgrid. The goal is to possibly start installing in September of 2014. Councilman Friedman stated that the Broadband Committee had received letters from property owners on the north end of Letsonville Road in Paradox who would like to be included in the broadband hook up. The following letters were received from Sally Friedman, Jane Alpert, Michael and Lois Karp, Mary Cameron, Naomi Tannen and Carla Carpenter. Phil Wagschal stated they would see if there is money left over to connect those property owners at the end of the project. He suggested that they submit a letter to SLIC and state they would like to be included in the plan.

Public Participation

Mark Granger stated that the Schroon Lake Association would like to see the Board have AIM stay later in the season to collect Milfoil. The Schroon Lake Association hired Steve LeMere to harvest

more milfoil at the end of the season to help control it better.

Paul McCann had concerns about the transfer station and wanted to know what the zero sort was costing the Town. Supervisor Marnell stated that it cost the Town \$325.00 each time they come to pick it up and we are charged \$45.00 a ton. If we didn't have Zero Sort we would have to hire another man which would cost the Town \$42,00.00. The paper and cardboard go into another container to raise money for the school. The reason for the change with two man handling the money and the weigh in is because the State Comptrollers Office ordered us to do so. You must have two people for accountability and since then the Transfer Station has made over \$40,000.00 from 2011 already and we still have two more months to go. We had a very large short fall and we are correcting it. Supervisor Marnell stated he is looking at different companies to get better prices for the Zero Sort container and hopes to find a better price in the near future.

Linda Milsom stated that she really appreciates the Town putting up the new fencing at the Protestant Cemetery and that it looks great but said the only problem with it, is getting out of the Fish and Game Club Road, it is very difficult to see. Supervisor Marnell stated he would get a mirror and install it so drivers can see better.

Michele Lee stated that the Friends of the Library will be hosting a "Holiday Mail for Heroes" along with the American Red Cross. Holiday Mail for Heroes is a program that the Red Cross started. The holiday cards are distributed to American soldiers, sailors, airmen, Marines, veterans, and military families in communities nationwide and on military installations around the world. There will be a signing event at the Library the week of November 12, 2013 through November 16, 2013 during Library operation please come by and sign a card for a member of the military.

Steven Holmes stated that he just wanted the Board to know he had requested DOT to lower the speed limit by his business "Stix and Stones" but was denied.

Resolution #151 North Country Life Flight Contract

Councilman Sage moved a resolution to accept the North Country Life Flight Contract in the amount of \$500.00, seconded by Councilwoman Phibbs; carried

Resolution # 152 Audit of Claim

Councilman Sage moved a resolution to pay the bills as reviewed, seconded by Councilman Friedman; carried.

General Fund \$62,284.13 Water \$2,968.70 Highway \$38,763.75

Sewer \$1140.00 CDBG-RLF \$1151.41

Maintenance Building at Golf Course

Supervisor Marnell stated that he would like to take down the old maintenance building at the Golf Course and build a Pole Barn in its place. The cost for a package through Curtis Lumber will be \$19,000.00 and with doing the labor in house and the other expenses the total cost will be around \$35,000.00. The cost of the project will be funded by a loan and the Town would apply for the Revolving Loan Application which is a 5% Interest over 15 years. Councilwoman Wood would like to see detailed cost estimates so that the Board can see something in writing.

Resolution #153 4th of July Parade Committee Report

Councilman Sage moved a resolution to accept the 4th of July Parade Committee Report, seconded by Councilwoman Phibbs; carried.

Water Tower and Rental Income

Councilman Friedman moved to **table** the discussion on the Water Tower and rental income until they can research it more and get more information, seconded by Councilwoman Wood; carried.

Resolution #154 Purchase of New Christmas Wreaths

Councilman Sage moved a resolution to pursue the purchase of six new wreaths at the cost of \$1,600.00 to come out of the Parks Budget, seconded by Supervisor Marnell; carried. (Councilwoman Wood opposed.)

Resolution #155 Accept Beach Concession Bid

Councilman Friedman moved a resolution to accept the Beach Concession Bid from Gail J. Simons in the amount of \$750.00 a year for a three year contract, seconded by Councilman Sage; carried.

Resolution #156 Accept Amended Ordinance #6 Public and Private Sewers and Drains

Councilwoman Wood moved to amend Ordinance #6 Public and Private Sewers and Drains, seconded by Councilman Friedman; carried

Roll Call Vote:

- Supervisor Marnell Aye
- Councilman Friedman Aye
- Councilwoman Wood Aye
- Councilman Sage Aye
- Councilwoman Phibbs Aye

**NOTICE OF ADOPTION OF AMENDMENTS
ON ORDINANCE #6
IN THE TOWN OF SCHROON**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Schroon adopted amendments to ordinance #6 on October 17, 2013 at the Town Hall, 15 Leland Avenue, Schroon Lake, New York, regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system: and providing penalties for violations thereof: in the Town of Schroon, County of Essex, State of New York.

Amendments to Ordinance #6 are as follows:

Page 6 Article 5 Section 1

The words **cellar drainage** will be replaced with “sump pumps and leaking service laterals, which are home owner’s responsibility.”

Page 8 Article 5 Section 6

The words **Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent** will be replaced with “Any business that serves or prepares food is required to have a grease trap or separating system.” And also the words the **Superintendent upon request will be shown photocopies of hauler slips for grease**, will be replaced with “They shall annually submit cleaning and disposal records to the Town Sewer Department, those with grease traps will send copies of their hauler slips or bill and those with separators will have to submit maintenance records and disposal records.”

Page 10 Article 8 Section 2

The words **shall be fined in the amount not exceeding fifty dollars for each violation** will be replaced with “shall be fined a minimum of \$50.00 per day and all expenses incurred by the Town of Schroon Sewer Department in the collection system(lines and pump station) and the treatment plant until the process gets back to normal. Cost could be as high as \$650.00 a day.”

Resolution # 157 Public Hearing on Proposed Amendments Ordinance #7 Snowmobile Highway

Councilman Friedman moved a resolution to have a Public Hearing on Proposed Amendments to Ordinance #7 Snowmobile Highway for November 14, 2013 at 5:00 P.M., seconded by Councilman Sage; carried

**TOWN OF SCHROON
NOTICE OF PUBLIC HEARING**

PROPOSED AMENDMENT ON Ordinance #7 Snowmobile Highway

PLEASE TAKE NOTICE that the Town Board of the Town of Schroon, New York, will meet at the Town Hall, 15 Leland Avenue, Schroon Lake, New York, on the 14th day of November, 2013 at 5:00 p.m. for the purpose of conducting a Public Hearing on introducing proposed amendment on Ordinance #7. The Town Board of the Town of Schroon finds that the use of all Town Highways and certain

roadways as uncongested and safe for snowmobile travel on the shoulders thereof and would promote the economic and recreational interests of said Town. Therefore, the Town of Schroon by this amended Ordinance #7 is opening all Town Roads for the use of snowmobiles on the shoulders thereof; also, permitting similar additional usage of any other designated Town highways. The Town of Schroon supports the expansion of the Town's snowmobile trail network on the Forest Preserve where permissible now or in the future, on private properties with permission of property owners as well as snowmobile trail linkage with all of the Town of Schroon's neighboring communities.

PLEASE TAKE FURTHER NOTICE that at said Public Hearing to be held at the time and place set forth above, the Town Board will consider this amendment to Ordinance #7 and hear all parties interested therein concerning the same.

PLEASE TAKE FURTHER NOTICE that a copy of the full text of proposed Ordinance #7 may be obtained upon request from the Town Clerk of the Town of Schroon.

ORDINANCE #7 -- Amended

TOWN OF SCHROON

SECTION 1: PURPOSE

The Town Board of the Town of Schroon finds that the use of all Town Highways and certain roadways as uncongested and safe for snowmobile travel on the shoulders thereof and would promote the economic and recreational interests of said Town. Therefore, the Town of Schroon by this amended Ordinance #7 is opening all Town Roads for the use of snowmobiles on the shoulders thereof; also, permitting similar additional usage of any other designated Town highways. The Town of Schroon supports the expansion of the Town's snowmobile trail network on the Forest Preserve where permissible now or in the future, on private properties with permission of property owners as well as snowmobile trail linkage with all of the Town of Schroon's neighboring communities.

SECTION 2: AUTHORITY

Amended Ordinance #7 is enacted pursuant to the provisions of Title D of the Parks, Recreation, and Historical Preservation Law.

SECTION 3: TITLE

The title of amended Ordinance #7 shall be "Use of Town Roads by Snowmobiles."

SECTION 4: DEFINITIONS

As used in amended Ordinance #7, all words shall be defined as defined in Title D of the Parks, Recreation, and Historical Preservation Law.

SECTION 5: OPERATION

It shall be legal for all snowmobiles properly licensed and registered and insured as required by the Vehicle and Traffic Law of the State of New York to operate on the shoulders of all Town Roads in the Town of Schroon. It shall furthermore be legal for all snowmobiles properly licensed and registered and insured to operate on all Qualified Abandoned Town Roads in the Town of Schroon that do not dead-end on private property unless there is authorization from the private land owner for a snowmobile trail to cross their property.

All roads shall be identified by road markers in such manner as may be provided by the Rules and Regulation of the State Commissioner of Transportation, in accordance with said Statute.

No person shall operate a snowmobile on a Town Road in the Town of Schroon at a rate of speed in excess of 25 MPH.

All operators shall be in single file when driving upon or crossing a Town Road.

Youth ages 14 through 17 years old may operate a snowmobile, on lands upon which snowmobiling is allowed, without adult or other supervision if they have completed a snowmobile safety training course recognized by the State of New York. If youth ages 14 through 17 years have not completed the training course, they may operate a snowmobile if accompanied by (within 500 feet of) a person who is at least 18 years of age. Youth ages 10 through 13 may operate a snowmobile, on lands upon which snowmobiling is allowed, if they have completed a snowmobile safety training course recognized by the State of New York and are accompanied by (within 500 feet of) a person who is at least 18 years of age.

Children less than age 14 without a safety certificate may operate a snowmobile only on lands owned or leased by their parent or guardian.

A non-resident operator who is a resident of another state or country and is the holder of a valid snowmobile safety certificate issued by that state or country shall be considered the same as the holder of a New York State Safety Certificate.

SECTION 6: VIOLATIONS AND PENALTIES

A. Unless otherwise specifically provided, any person who violates any provision of this chapter or of any rule, regulation or order adopted pursuant thereto shall be guilty of a traffic infraction, if such

provision, rule, regulation or order is one which regulates traffic as specified in § 155 of the Vehicle and Traffic Law but does not relate to snowmobiles; or violation for any other offense.

B. A traffic infraction shall be punishable as provided in Subdivision (b) of § 1800 of the Vehicle and Traffic Law in the same manner as if the offense were a violation of the Vehicle and Traffic Law. A violation shall be punishable as provided in the Penal Law.

C. Upon conviction of a violation of any provision this chapter, the court may also require the convicted person, as a condition of the sentence in addition to any other penalty, to successfully complete a snowmobile safety course approved by the Commissioner of Parks, Recreation and Historic Preservation.

SECTION 7: SEVERABILITY

Should any sections or provisions of amended Ordinance #7 be declared invalid, such decision shall not affect the validity of the remaining portions of amended Ordinance #7.

SECTION 8: EFFECTIVE DATE

This amended Ordinance #7 shall take effect immediately upon its due passage and adoption, and its required public noticing and a copy thereof be filed with the: Commissioner of the New York State Office of Parks, Recreation and Historic Preservation, New York State Police, Essex County Department of Motor Vehicles and the Department of Transportation. Ordinance #7 was adopted on December 3, 1970 and subsequently amended on August 10, 1978. This additional amended Ordinance #7 was passed on _____, 2013.

Resolution #158 Budget Public Hearing

Councilman Freidman moved a resolution to have the Budget Public Hearing set for November 14, 2013 at 5:30 P.M., seconded by Councilwoman Phibbs; carried.

LEGAL NOTICE

PUBLIC HEARING ON 2014 Town of Schroon Budget

Pursuant to the town board resolution of October 17, 2013, the Town Board of the Town of Schroon will hold a public hearing on the proposed Town Budget for 2014. All citizens and especially senior citizens are invited to attend and provide the Board with written and oral comments on the budget.

The budget hearing will be held in the meeting room of Town Hall, 15 Leland Avenue, Schroon Lake, NY on Thursday, November 14, 2013, at 5:30 PM. The Regular Town Board Meeting will follow after the Budget Hearing at 6:00 P.M.

The Town Budget may be reviewed at the office of the Town Clerk during the regular office hours. All persons wishing to speak at this meeting will be permitted to do so.

Board Comments

Councilman Friedman stated that there is a Tennis Grant for \$50,000.00 through the United States Tennis Association with no matching fund. Councilman Friedman also stated that there is a Capital Project for the Strand Theater to convert to digital. You can watch a video on it which is called "Go Digital or Go Dark". There are cards at the Bank and around town so that you may make a donation to the Strand to try to save it.

Councilman Sage moved to adjourn at 7:15P.M., seconded by Councilwoman Phibbs; carried.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: October 22, 2013 _____
Town Clerk

