

Regular Town Board Meeting held April 8, 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

Highway Superintendent: Dana Shaughnessy

Town Clerk: Patricia Savarie

Also Present: Albert May, Rosemarie Ritson, Jay Phibbs, Marcia Hartnett,
Roger and Fran Mahler, Fran Filshie, Gail Simon, Steve Cass,
Elizabeth Insull. Michel Lee, Jean and Bill Strothenke, and Dick
Newell

Supervisor Marnell called the meeting to order at 6:00 P.M. with a salute to the
Flag.

Resolution #74 Audit of Claim

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

General Fund \$45,076.54 Water \$13,505.48 Highway \$25,774.53 Sewer \$4,362.97

CDBG – RLF \$930.00

Resolution #75 Re-Advertise Old Firehouse

Councilman Sage moved a resolution declaring the old firehouse property as surplus and
advertises it, with the money of the sale to be put back into the revolving loan fund, and to state
that the Town clerk will have Phase I and Phase II of the environmental site assessment in her
office to look at, seconded by Councilman Friedman; carried.

TOWN OF SCHROON

SALE OF SURPLUS PROPERTY

NOTICE IS HEREBY GIVEN that the Town of Schroon will review sealed bids, which must be received by
the Town of Schroon Town Clerk on May 13, 2013 at 2:00 p.m. at the Town of Schroon Town Hall to sell
all right, title and interest of the Town of Schroon in and to:

The Old Firehouse

In “as is-where is” condition which is available for inspection at 11 Broad Street Monday- Friday
8a.m. – 4p.m. Any bidder interested in looking at Phase 1 and Phase 2 of the Environmental Site
Assessment may contact the Town of Schroon Town Clerk.

Said bid will be opened at the Town of Schroon Town Hall in the Supervisors Office at 2:00 P.M. May 13, 2013.

The Town of Schroon shall reserve the right to reject the highest bid and all other bids and to waive any informality in any bid.

The terms of the sale shall be in cash on or before 10 days after bids are open. It is the responsibility of any prospective bidder or purchaser to investigate and ascertain the condition of the item being sold prior to the date of bidding.

A bid deposit in the amount of five percent (5%) of the bid price in the form of a certified check or bank cashier's check will be required of all bidders. Any bid received without such deposit will be automatically rejected. Such deposit will be refunded to all except the successful bidder by May 20, 2013.

Resolution #76 Approval of Minutes

Councilman Friedman moves a resolution to accept the March 11, 2013 minutes, seconded by Councilman Sage; carried.

Resolution #77 Contract with Casella Waste for "0" Sort Container

Councilman Friedman moved a resolution to have Casella Waste on a month to month contract for a container that needs no sorting on recyclables at the rate of \$75.00 a month, contingent on the contract with Serkil and seeing if the Town is allowed to contract with Casella Waste and that a security box will be installed at Town Hall for the money to be dropped off each day, seconded by Councilman Sage; carried.

Resolution #78 Resignation of Town Justice

Councilwoman Phibbs moved a resolution, with regret, the resignation of Judge Strothenke as Town of Schroon Justice effective April 30, 2013, seconded by Councilman Sage; carried.

Resolution #79 Appoint Town Justice

Councilman Sage moved a resolution to appoint Jean Strothenke as Town of Schroon Justice effective May 1, 2013 to be paid as the balance of the 2013 budget, seconded unanimously; carried.

Resolution #80 Contract for Labor Day Band

Councilman Friedman moved a resolution to sign a contract with Master Cylinder for the Street Dance being held August 31, 2013 in the amount of \$1200.00 to be possibly shared with the Schroon Lake Chamber of Commerce, seconded by Councilman Sage; carried.

Access at Route 74 on Schroon River

Supervisor Marnell stated that he had talked to Phyllis Hoover, the property owner, and she stated she had no problem with the public accessing at the Route 74 bridge and has no interest in signing a contract with the Town of Schroon as she will be selling in a few years possibly.

AT&T Tower Upgrade

Supervisor Marnell stated he had received a letter from AT&T stating they would be doing changes and improvements at the water tank they have proposed to remove the existing two antennas, while adding four new panel antennas at the 89 foot center line. The final configuration of equipment installed on the water tank will be four panel antennas, four TMAs, two RRUs, one Raycap Splitter, four coax lines, one DC cable and one fiber cable. The ground space will remain the same; however, they propose the placement of one new cabinet within AT&T's existing leased space.

Resolution #81 1K Kids Fun Run Support Letter

Councilwoman Wood moved a resolution to support the One K Kids Fun Run to be held September 21, 2013 at 2:00 P.M. in Schroon Lake on Leland Avenue, seconded by Councilman Friedman; carried.

Resolution #82 Post Closure Monitoring

Councilman Sage moved a resolution authorizing the Supervisor to sign the Landfill Post-Closure Contract with Adirondack Landfill Services which will be done twice a year. Requirements will include use of proper well purging and sampling, use of the appropriate Part 360 parameter lists, proper handling of high turbidity samples, an explosive gas survey, a site inspection report and a report sent to the Town of Schroon and NYSDEC, the cost will be \$3390.00, seconded by Councilwoman Phibbs; carried.

Budget Amendment for Approval

Supervisor Marnell moved to **table** the budget amendment until next month so that he can get more information on the water meters seconded by Councilman Friedman; carried.

Resolution #83 Town Clean Up Day

Councilwoman Phibbs moved a resolution to declare May 18th and 19th 2013 as Town clean up week-end at the transfer station, seconded by Councilman Sage; carried.

Town of Schroon Clean Up Weekend

May 18th and 19th 2013

Accepted Free of Charge Furniture, Carpet, Mattresses, Box Springs

Large Tires 14" – 20" \$3.00 a piece All larger Tires \$25.00 a piece

Refrigerators/ Freezers/ Air Conditioners \$5.00 a piece

No Charge for electronics, microwaves, washers, dryers and stoves

\$.10 a pound for garbage and C&D materials

Will not accept industrial waste, hazardous waste, regulated medical waste, radioactive waste, junk motor vehicles, dead animals, petroleum waste

and liquid waste, pressured tanks

and all out of county waste

Resolution #84 Town Clerk Annual Report

Councilwoman Wood moved a resolution to accept the Town Clerks 2012 Annual Report, seconded by Councilman Friedman; carried.

Resolution #85 Town of Schroon Library Annual Report

Councilwoman Wood moved a resolution to accept the Town of Schroon Library 2012 Annual Report, seconded by Councilman Friedman; carried.

Resolution #86 Advertise for Lake Steward for Schroon Lake

Councilman Friedman moved a resolution to advertise for Lake Steward, not to exceed \$2500.00 which will include all payroll expenses, they will be paid \$9.03 an hour, seconded by Councilman Sage; carried.

Resolution #87 Codes Officers Quarterly Report

Councilman Friedman moved a resolution to accept the Code Officers Quarterly Report, seconded by Councilman Sage; carried.

Resolution #88 Approval to pay S.D. Ateleir

Councilman Friedman moved a resolution to approve to pay S.D. Ateleir \$4,000.00 for the space needs design which will come out of the 1990.4 General Contingency fund, seconded by Councilwoman Phibbs; carried.

Resolution #89 Approval of new Liquor License

Councilman Sage moved a resolution to approve a new liquor license in the name of Stix and Stonz Incorporated, seconded by Councilwoman Wood, Councilwoman Phibbs abstained; carried.

Public Participation

Fran Filshie would like to set up a meeting for a presentation with the Town Board and the Library Board to discuss the construction grants that are being released for libraries. Fran will get back to them on a time and date.

Board Comments

Councilman Friedman stated that Schroon Lake, Chester and Hague had received a grant for \$300,000.00 through Warren County Water and Soil. Of that money Schroon Lake will receive \$168,000.00 for storm water work. The other will be broken up with \$38,000.00 going to administrative and oversight, \$13,500.00 for septic programs, \$14,000.00 for Erosion and sediment control, \$59,000.00 for the Town of Chester for storm water retention and \$6,000.00 for Auditing. This a matching fund grant, but we will be able to count all work performed by the Town of Schroon, any volunteer work and any meetings that we do and public education. This will take several years to complete and we should not have to touch our fund balance for this. I would like to thank Soil and Water in Warren County for all their help.

Councilman Friedman stated that he had another sore spot and that it related to last months meeting. As a member of this Board and a taxpayer I would like to address the Board on our lack of decorum, consistency and due process at our last meeting. There was a request for a presentation to the Board, but before the presentation the issue was pre-judged and then the presentation took place. Some of the Town Board comments had errors -- for instance when this issue was previously brought to the Board it was stated that there was a no vote (per minutes approved on 4/8/2013). This is not true per the minutes of July 11, 2011 the issue was tabled stating the need for more information. Attorney Smith's requests were: 1) can Wood and Friedman vote and 2) that the town attorney gives an opinion on the road issue. Our obligation is to get a legal opinion as to what the law says. Towards the end of the meeting there seemed to be a feeling in this room that a compromise was doable and in the best interests of everyone. I have no idea where this is going to end up. If there is legal action, the vote to prejudge without due process could be costly and not in the best interests of the taxpayers. We need a legal opinion.

Supervisor Marnell stated that in the first place, I thought they came in like they were bullying us. The letter that we received from Attorney Dan Smith states "We would ask your Board to confirm Fairfield Avenue bounded by the lake on the east, Leland Avenue on the west, parcel 22.3 on the south and 25.1 on the north has been abandoned by the town."

Supervisor Marnell stated that we have never abandoned this road and we never have discussed to ever abandon this road. Just last year an Oppenheim Trustee, representing Woods Lodge,

contacted to me about this same matter and I told him them it will never happen in Schroon Lake and it was settled. Keplers for years have wanted to shut down their both sides of the road but we have never done it for them. The Town of Schroon received a letter from Julia's lawyer contacting our Water and Sewer Department and they responded back. I asked Jim Roblee, the Town of Schroon Sewer Treatment Operator, if they put a 45 room lodge in, will it have an effect on our sewer plant? Jim stated that of course it will have an effect. You will have to upgrade and put in a pump station on their property so you would have to access it anyways. They will have to have a driveway, a parking lot and we need an easement to the pump station and it could all be incorporated into this road. Supervisor Marnell stated that if Julia had just simply stated that I will be building this and doing that and discussed what the town could do for her, instead of, I want that road. What if it all falls apart?

Councilwoman Phibbs stated that I still keep hearing law suit and I don't take that lightly. We do not have the right to give away tax payers property. This Board made a decision and it is made.

Councilman Friedman stated that you made a decision based upon not the law. Attorney Dan Smith did his homework according to Town Law and this was his conclusion and all he requested at our last meeting is that our Town Attorney reviews this.

Steve Cass stated that I was here at the last meeting, these people don't need an attorney they need someone to come in and tell the board I want something from you and here is why I want it and here is what I'm going to give you. Starting out with a letter that they sent to the Town, it sounds like an attorney saying to them, I got it and I can get this for you don't worry about it. We talked to them afterwards and what could we do, couldn't we move the road or couldn't we do this or that and it was going pretty good, but people should stop their lawyers from talking. The attorney piped up and said we will give you a right away for your kayak but you can't stop and sit on the beach. Right now I can walked down that road and sit at the beach, I was trying to come up with something to work with you but all of a sudden you start throwing things in that " Oh by the way you can't do this and you can't do that and by the way, if we sue you, were going to give you nothing" and it made me go home and think man if you sue us and we win I can't wait to tell you were giving you nothing and that was his attitude and that's where he went wrong, it just started off on the wrong foot. If they had just come in with some nice pictures and said this is what we want to do and can we get this approved by your board.

Supervisor Marnell said in the beginning I was so enthused by the project and had stated that the Town could work with her to make this happen, but then her attorney came in and he doesn't want to work together. I still say they have to have a road and any architect could design around that road or at another location on the property without the Town losing their road.

Councilwoman Phibbs stated what happens if we give this road away? If we give that road away, we don't have but so many. I never see a reason to give a road away that gives us public access to a lake. There's no more being made and it would be absolutely irresponsible for me as a board member to give away the taxpayers property. It's been there all of our lives, all of history. Why would I give it away for a project?

Councilman Friedman stated that all Attorney Smith requested was, when he spoke here, whether you liked his tone or not, was for this issue to be presented to our Town Attorney to review and render an opinion and if you want to use another attorney I don't care. I want someone who knows the heart of the law. You may find that it is not yours to keep or give away. That is why we have a Town Attorney any Town Attorney who is defending this Town will go to the heart of the law and render an opinion and if it does not jive with Attorney Smiths opinion, so be it, we move forward from there.

Councilwoman Phibbs stated that if they sue us they will pay the bill and the Town will pay some, but I'll take the chance on lake front property that I'll never get back. Property never goes away, property is real, and property has value.

Councilman Sage moved to adjourn at 7:27 P.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: April 14, 2013 _____
Town Clerk

