

Regular Town Board Meeting held July 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

Town Attorney Mark Schachner

Also Present: Albert May, Rosemarie Ritson, Jay Phibbs, Marcia Hartnett, Linda and John Milsom, Fran Filshie, Michel Lee, Diane D'Amico, Liz Insull, Joe Provoncha, Bob and Jane Claus, Carole Greig, Gail Simon, Michael Weinberg, Robert Minard, Gary Hobbs, Danny Pitkin, Beth Champeau, Valerie Champeau, Tabitha Champeau, Bonnie Griffin, Anita Drozdyk, Bill and Kristine Tribou, Jan Lee, Dick Newell, Tony Kostecki, Dennis Snay, Sharon Gochie Snay, Joyce Lawrence, Margo and Seth Barder, Chris Savarie, Julie Sawyer, Sharon Piper, Lester and Vivian Speiser, Chris Paradis, Len Waters, Jeff Anthony, Fran and Skip Mahler, Vicki Mast, Ann Breen Metcalfe, Joel Friedman, Dave Kaufman, Kathy and Dan Riggins, John and Connie Kapner, Bob and Patti Mehm, Pat Bennison and Cathie Mick

Supervisor Marnell called the meeting to order at 6:00 P.M. with a salute to the Flag and a moment of silence for the 19 Firefighters that lost their lives last week in Arizona.

Public Participation

Bill Tribou stated can we please do something about the dysfunctional recyclable situation. "I'm tired of seeing the large landfill container full to overflowing and stuff falling out.

Supervisor Marnell replied that a full container is about 2000 pounds and we are filling it up in 6 days. We now have to have two people there and it is being worked on and hopefully without having to go to two containers to be dumped.

Robert Miner who lives on the Adirondack road stated that the road is very rough and difficult to drive on. "What can be done about the road?" Specifically problems with Sugar Hill Rd.

Supervisor Marnell stated we could float a 5-year bond and do a major project on in instead of working on it piece by piece. Robert stated that trees fall and ditches back up sending water

across the road. Can the Highway Crew go over and get the ditches cleaned out. He has talked to 50 or 60 people who have indicated the road needs big time improvement. All the other Schroon roads seem to be in a lot better shape. "Could the Board Members take a ride over the road and see what they think? When is your next board meeting so I can come back to see what the board has decided? Supervisor Marnell stated that it would be the second Monday in August. Dana Shaughnessy stated In the last 4 years, we've paved about 2 1/2 miles of road. One mile of road costs \$70,000. At the end of August we have Sugar Hill Road scheduled to work on. We'll be ditching and pulling rocks, etc. We've got issues on 67 miles of town road right now." Robert stated this is a big project and there are 30 – 40 families living there year round. Dana stated that "It'll likely cost 5 or 6 million or more to do that road like it needs to be done."

Beth Champeau from Chamlar stated "Chamlar Cottages has been in my husband's family for over 50 years. On July 5th I was notified that there would be a presentation today regarding moving the town access road that is an extension of Fairfield Ave. I'm the only contiguous adjacent property owner to this property and I am caught at a disadvantage, as this wasn't posted until this past Friday night. I wasn't aware of any former decision or discussion about the property involved. Julia Pitkin Shantz never told me she was doing any of this nor did the Town. Chamlar is in a family trust and I'm the trustee. The beneficiaries are myself, my three daughters and step-son. As Trustee I have certain judiciary duties regarding the property; such as to keep the property kept up and that the value is maintained, until such time as the beneficiaries receive the property. Since this was not advertised until 6:00 P.M. on a holiday week-end and put on the Towns website, I cannot possible either say yay or nay to anything that is going to be presented here tonight. I believe the trust has a great interest in this because we are the only adjacent property. I would like the Board to do the right thing for the people in the family trust. I have to be able to consult with professionals and I have to be able to talk to the attorneys' firm that handles the trust and have him tell me what my duties are as a trustee and how my decision would impact my trusteeship in carrying out my duties properly and I need time for that. I am the sole proprietor, and the beach is mandated by NY State Department of Health as a private beach and it needs a lifeguard on duty whenever folks are in the water or on the beach, so I cannot leave my property until 8:00 P.M. in the evening to do anything. I do not have the ability at this time to go to NYC and work with the trust attorney on this. I have not had time to think this through but feel like I have been forced under the gun on this. My property has

been kept up nicely. I'd respectfully ask that the town board to make no decision on this matter until the end of the summer season (Labor Day) when I can make an informed decision being that I just learned about this Friday evening."

Presentation on the Plans for Woods Lodge

Julia Pitkin Shantz the new owner of Woods Lodge passed around her designs for the new lodge, restaurant and indoor pool. "As some of you know, I came to the Board in March of this year and talked to many of you about the recollections of the use of this road and about the extension of Fairfield St. I brought my attorney, Dan Smith, and asked formally for the town to abandon this road because I was under the impression it is not being used. The Town Board declined that request. I have since then talked to almost everybody on the Town Board and at the last Town Board meeting, where I made my presentation. Mike Marnell suggested it might be better to move the access road that the town owns to go to the northern side of the property. I had an architect in the last ten days draw this very preliminary drawing up. What I'm trying to show here is that the proposed new inn doesn't present sufficient room for me to place an economically viable inn between the edge where the existing paper street is and the setbacks required from Chamblars property.

The other issue is that I am in the midst of a New York State North Country Grant application I'm in the process to make this a priority project status for its worthy benefits (tourism infrastructure, more jobs, regional positive impact on economy) to the Town and North Country. My deadline for this application is Aug. 12 at 4:00 P.M. and in that grant application I'm asking for 20% of the project costs. In order to go through the expense and the time and commitment necessary to submit this grant, I'm hoping that the Town will be willing to say that you are willing to take Dana's recommendation and Mike's suggestion to relocate the Town's access to another point and that the specific location will be decided later, so that Dana, I and Beth and her family can work together to find a solution that will work for all of us. The last thing I want to do is negatively impact an eight week season. I'm currently trying to recycle the buildings that are going to be removed, the lodge, cottages and sheds, are in disrepair. The Lake House will remain intact and the idea is to restore it to allow 4 or 5 suites. I'm planning a Lodge and a pool as well as keep the Lake House intact with much restoration planned. I want to see beautification of the property, economic benefits to area people who will be employed, and to

provide places for tourists to stay, to keep the buildings looking iconic. This would provide at least 15 jobs for locals the first year. The payroll would increase with time. I have a willingness to ask any questions but Dana is the man that actually can suggest to the Board officially that the road be relocated as Mike and he suggested.

Supervisor Marnell stated if it was relocated, it would be a non-vehicle road limited to pedestrian traffic. I don't see any problems this could present to either property. It would just be a pedestrian road down the property line. Julia stated I didn't even think to talk to Beth because it would have no impact on her property at 150 feet away. "What can be done tonight that people are comfortable with in order to get this application in and get the property developed because if the road stays where it is now, I cannot build this project?"

Supervisor Marnell stated that to relocate the road will require a public hearing. Julia stated can there just be an agreement that the road can be relocated, and then decide on this relocation later. Beth Champeau stated that "if you had told me in April about this possibility so I could have checked it out judicially. No matter what you do it will be closer to my property. I do take into account that the people need to access the lake perhaps drive their vehicles to the lake and I'm not diminishing how important that is, but I'm the only property holder contiguous to this property and this decision will affect us financially as well as the looks of my property. I have no way to get the proper guidance at this time to even check these issues out. I appreciate the fact that Meg Wood and Mr. Friedman have recused themselves from the last votes and I would respectfully request that they do the same again this evening." Supervisor Marnell stated: "Would it make any difference to you if the road was pedestrian access only?" Beth stated it was just too quick. "You also have to appreciate that I was unaware that there was a problem. The property was sold with the road going down it, everybody knew what they were getting into and some people actually walked away from it because of that. I had no concept that this was even being thought about and when I found out Friday I said, 'Oh my! What do I do now? I have responsibilities and I must consult with an attorney and know the impact on the trust. I can't possibly agree with anything at this time until the end of this season.

Gail Simon stated, "We have a town road that has been here forever, and we're talking about giving away this road to a smaller section with no vehicular access now? Supervisor Marnell stated no, we didn't talk about size, it still can be a 32 feet right away with no vehicles

allowed on it. Gail asked why? I'm curious to know. You're giving up a road that goes all the way to the lake and now you're going to change the road at whose expense and now you're going to make it so nobody can use a car. Supervisor Marnell stated that this was just a possibility or suggestion that he came up with today. Gail stated I just wanted to know where the Board was on this and how much road they were talking about relocating and who will pay for it?

Chris Paradis stated I'm a small business owner and I wonder how the Board can give up an access road that everyone in town enjoys. If you give up that access you're doing it to all of us, it affects everyone in town and we would not have that road to the lake anymore. You would be causing a hardship to the adjacent property owner and the value of her property. I do want business to succeed in our town, but you will be setting a precedent for the future for Kepplers, Hayes Road and Youngs Lane. It appears we are defending this lady that we don't even know, against the Chamblars who have been here for years.

Lil Richardson stated I have lived here all my life and that was not what we'd have called a road to go to the lake. We always have gone down Fowler Ave. to the lake. I don't think your giving up anything that is terribly valuable to the Town. It's never been really used much. It was used for cutting ice at one time, and I have a friend who has used it, but I never really even knew this was a public access. Fowler Ave. is really the access we use. What worries me is, not the road or where the road goes, and I love Chamblar its beautiful and they have kept it wonderful, but what we are looking at here is, will this project get the support of the Town? We need to do something soon to increase the beds and make our town more accessible to more people. I vote that we support this project with some kind of compromise, so this project doesn't go down the drain!"

Beth Champeau stated that my big concern is simply that I haven't had time to make an informed decision. I haven't been able to consult my Trust Attorney and time to consult with an attorney on Municipal Law even to know what my rights are to ask for. I have concerns as to putting something at the property in that I have little children. What about their safety? I have concerns it will diminish my business because people will see that there's an access road next to the property. I don't know I can't make an informed decision until I have had a chance to think about this and to speak to professionals who can advise me properly.

Meg Wood stated exactly what are the legal parameters we are working in? I know that before we can do anything we have to have a Public Hearing but is one neighbor saying nay, I'm just asking I'm playing devil's advocate here; I'm not for or against anything. Would that make a difference in the long run?

Mark Schachner, the Town Attorney, stated "There's not necessarily a veto power from any one individual, although there are legal constraints to deal with existing road ways. I haven't heard any one contest that we are talking about a public roadway at least technically speaking and I think one unfortunate thing is this got started on the wrong foot back in February when the would be applicant's attorney presented an argument that I read carefully that said the road is being deemed abandoned by operational of law pursuant to a certain provision of NYS Highway Law. I think that was incorrect and I think as a result of that, it influenced the Town Board's decision back in March. You have to identify a legal avenue for doing that. There are some potential avenues for doing this. You could write a request and a formal written release from the adjacent property owner. In fairness to Mrs. Champeau, I agree we need a Public Hearing so we can have all the public people who are interested in this in one room at the same time, this is legal advice that is unpopular, but I do everything by the book. We have not noticed this as a Public Hearing on this matter. If you notice a Public Hearing it could be in August or after Labor Day either way you are not at a decision point tonight. If there is a legal avenue, which I have not heard the legal avenue identified, for how we go about this which the applicant wants to accomplish, there are several provisions in NYS Highway Laws that might be utilized to accomplish this goal. There are certain "T" crossings and "I" dotting formalities that would have to happen and I haven't seen any of it. You have to have a written petition and we have to have a potential petition and or releases from the adjacent property owner which I understand Mrs. Champeau to be. There are legal procedures that have to be accomplished if you want to go down this road again, none of which have been started as I understand it. It's entirely possible that one of the property owners may have some very compelling authority here, in terms of participating in the process as compared to some property owner that is not an adjacent property owner.

Rich Schoenstadt stated technically she is not an adjacent property owner. That's a question that must be answered. The road presently doesn't touch Beth's property. Beth stated it

would be an adjacent property owner if the road goes next to my property. I think that's what is being proposed. Julia stated, no absolutely not.

Joan Lawless asked why can't we just abandon the road and not change it.

Dennis Snay stated that the road is still being used. I use it frequently. It is not abandoned!

Mark Schachner stated that Dennis was correct, the road is not abandoned and people are using it.

Allen Press stated that he serves on the zoning board back home where we ruled for requests on variance. When time was of the essence we called special meetings so we could honor the requests of an individual such as the one before you today. Would it be possible to call a special meeting with all the legal requirements fulfilled to discuss the matter in a legal form so this could be decided? Is a special Board meeting possible?" Supervisor Marnell stated that this will not be decided tonight and yes we could have a special meeting on this.

Carolyn Greig stated that she appreciate the town lawyer being here so we can understand the legal perspective. She quoted Roger Friedman on a previous matter: "When questions exceed answers and unknowns exceed the known, then there is little doubt that we should wait to make a decision." I hope you can take this under consideration and not rush into anything tonight.

Dave Kaufman stated that I made my career in the tourism business and we had several specialty stores in my day . The Northway and planes have made it possible for people to pass Schroon Lake on their way to destinations with more places to stay and find rooming. We are now at a crossroads, and need to recapture that strong economy we once had. I own a piece of property here with more taxes on it than my fully developed property in Vermont. Tourism is one industry that is going to survive into the future. Schroon Lake is a tourism community. We must step into the future here or we're going to lose our chances. We must move out of the past into the future with a healthy economy. This lady has to have the opportunity to take advantage of her \$2 million dollar grant! I hope my message is clear!

Valerie Champeau stated I've been coming up here for years and Schroon Lake is my home. We want our business to keep going to. I do agree that it is all about compromise and we would like to see Julia succeed. There are other viable options to consider rather than moving or not moving the road. If you split up the Inn and Fitness Center on either side of the road, it

would work right. I think this is something to look into if the architectural plans are not set in stone.

Beth stated I am in agreement about the importance of tourism to Schroon Lake. Chamlar Estates have been maintained and improved progressively through the years. No one can say that we don't contribute to the community. I take offense at the "full speed ahead" comments made by Mr. Kaufman. I'm a taxpaying citizen who needs consideration in regards to our part in this project.

Charles Keppler stated that he felt that the people at Chamlar deserve the time to check this out. The time frame here has been screwed up and to Beth Chapeau's disadvantage.

Valerie Champeau stated I think this is a good compromise. People can dry off and walk back from the Fitness Center that has showers. Waiting a week or two would help everyone be satisfied with the solutions. This would give Julia a time to work with her architects on this project and how it might work with the present road.

Cathy Mick stated I wanted to address a grant timeline. Right now it seems like the immediate decision is to get Julia to the point where she can get this grant. What needs to be the responsibility of the Town Board in notification for her to get this? Where is the responsibility of the knowledge of this project to help Julia get to this decision? Obviously the town has been aware of this project deadline for a long time. Where is the responsibility of the Town for this notification? Supervisor Marnell stated it was last winter when we talked about the possibility of moving the road, but it was a no go. Moving the road was just brought up July 3rd in my office with Julia and Lil Richardson.

Beth asked Julia if it was possible for her to have the project redesigned so that what you want to build would fit between the road and the Lake House. Julia stated, "I was hoping to preserve the road as open space and to replace the buildings where the lodge is." Beth asked if it was possible to put the smaller building to the north of the road and the larger building to the south of the road. So that was one question to you, if you could "flip" the building designs. The other question is you purchased the property knowing what was there so why would you not design your project to fit on the property as you purchased it without thinking that you would have to have the Town do things in order to accommodate your project. I do know some people

who did walk away from looking at ownership because the road was there. So I just need to understand that. Julia stated Yes, I talked to many and several lawyers, and to people who had lived here for decades. I understood that this was not a used town highway. It wasn't until after I owned the property that I could ask anyone anything legally. The comment was that it was used in the past seven years, but not as a vehicular highway. When I looked at the law, I understood that after seven years, if a road hadn't been used as a public highway, it would no longer be considered a highway.

Beth stated I do remember that Davis and Davis Real Estate Brokers marked this as an extension of Fairfield Ave. There was a real estate agent that was explaining this to everyone that this was a public highway extension of Fairfield Ave. not just a driveway. And you say you didn't have that information? If it had been me, I would have designed the property with that knowledge.

Julia stated "that was correct because I didn't own the property and when I talked to the prior owner who was a trustee of the property, he was unwilling to go to the expense involved in this."

Dave Williams stated that no one has said anything about being against this project. We all want to act as a community and be good neighbors. We are now faced with this time crunch and the possibility of this project going up in smoke? I need to ask as a Board: Is there something we can do now to help this grant process? What can we all do now in the next few weeks to enable this project to go on? Maybe there's a way somehow to decide what we do agree on and be able to enable you to proceed and move forward with this project.

Dennis McDonald stated I want to commend this project. It's a wonderful idea. I'm 90% behind it. As far as the access road, and the Town relocating the road, I don't know about that. If the town gives up this road, I believe there will be a domino effect at that end of the lake. I would not blame the Keplers for doing the same. To close off these roads will cause a major problem down the way. Chamlar and Woods Lodge need to make some kind of agreement to move the road but keep the access.

Beth stated that after being a fifty year property owner and good citizen of this town, I don't think it's unreasonable to ask for more time to make the right decision. You're asking me

to do something that is very unfair because there's an imminent deadline approaching. Chamlar did not create this problem the property was purchased knowing what the restrictions were and that the road was there. Perhaps another kind of structure should have been thought of. I'm not saying I'm against anything, I would just like the proper time to consult with professionals to see what my options are.

Councilwoman Wood stated can you call your Attorney and get his wisdom on this? Beth stated this is not just a telephone kind of conversation. I will need to be face to face with my consultants. Right now I have a full house of guests every day until Labor Day and I have to be there and cannot take time to go to NYC right now.

Patty Keppler stated that my husband's family has lived on Fowler Ave. for over 100 years. I would ask you Julia that there be some way that you could allow pedestrian and kayak traffic (no dogs) through your property for launching only. At Keppler's Point we've had a lot of problems with people sitting on our boats, our property, etc. It is not great, having to deal with the problems of having public access go through your property, but maybe you could work something out where you have an overpass from the hotel to the pool area, and a bike path down to the beach area or whatever. If people are cutting through your property, they may become customers at your bar or restaurant. Maybe you could work something out like this that would be agreeable to everyone. Work with the town to maintain it.

Liz Insull stated that I live on Leland Ave. and I walk my dogs down the road and watching Woods Lodge falling down and Chamlar looking lovely. I like that word "compromise". No matter what Julia does, those buildings will be there and the falling-down buildings will be gone. The lovely walking trail really would add to the value for customers. Think of another way of looking at this.

Dennis Snay stated that I've owned property for over 40 years. We use the Kepplers' access to launch our kayaks every week. On the 4th of July there was no way you were going to launch a kayak down at the Boat Launch; there wasn't enough room for getting our boats in. If we cut off the access to Schroon Lake, what do we have? People will not come here anymore. Our best commodity is Schroon Lake, and if we cut off access to it, we will lose people! We not only have to build hotels for people to stay in, but we need to do something with Main Street. Maybe if the Town gave you an easement to build an archway over the road to connect the two

building I would help, it is done all the time. Schroon Lake is the number one commodity. Look at Paradox Lake there is no public access to the lake except through the NYS Campsite and you need to pay to launch your boat.

Chris Paradis stated that maybe the discussion should have been between Beth and Julia these last four months instead of seeing everyone blow up here in public.

Seth Bader stated that Julia is not asking for a decision about where the road will be, but simply that the road will be changed when a good option is decided. That way she can get her grant. This way everyone is satisfied by way of notice and by way of ability to get this grant. I don't understand whether the abandonment possibility is totally off the table or not. By saying we've got to come back in September, it means that Julia now has no chance to get the grant.

Let's make a general decision here and then work the details out. Supervisor Marnell stated that: How do we do that? We need to protect Beth. Seth Bader stated that you give the bureaucracy of the state what it wants. Make a simple decision that will help Julia procure this grant and then decide the details.

Tabitha Champeau stated the word I keep hearing is time and compromise. Compromise doesn't give one person exactly what they want but giving both parties viable options to make a decision agreeable to everyone. We are just asking for a little time to make sure our business will not be hurt.

Craig Maisonville stated I think one of the problems of making decisions like this, they are not well defined yet. We have public interest, egress interest, and property owner interest. Perhaps the town just needs to sit down and decide why we need this road. To try to make decision based on all these ethereal ideas is ill advised. The parameters need to be defined very clearly as far as infrastructure and the citizens of Schroon. Pedestrian and vehicular are two totally different things. You need to define everything before you can make a decision.

Julie Sawyer stated that I have tried my best to be involved in the town. I have heard compromise tonight only on one side. Is there something we can do to help Beth decide about this possibility, so the grant doesn't dry up and go away? We must help Beth do some work before the grant is due.

Julia stated I have an attorney here from L.A. Group, Gary Hobbs, who could possibly make some comments and make a decision. Gary Hobbs stated, my suggestion here would be that we not close off access to folks here. What we would need is a resolution from the Board just indicating that the Town would be willing to relocate the road wholly within Julia's property at another location that is agreeable to the Town, so she can take that to the state and go forward with her application. You would lose nothing in making that resolution and we could then sit down with the town and make arrangements that would be agreeable to all parties and to both property owners. With that suggestion, I think we could close the discussion, and move on to the other agendas that need to be covered tonight.

Beth asked, Julia what about moving the road to the south and moving this building over? Why does it have to be to the north on the property line? Julia stated let's not discuss the details of the road, but just go on with this resolution. Supervisor Marnell stated I would be glad to do this but, I don't want to throw Beth under the bus, until her family is satisfied too. Beth asked is there any way to get specifics, I feel I need to know exactly what is being talked about here. Rich Shoenstadt stated if I understand this right, we are not making any decision here except resolving to move the road with the agreement of the Town Board and the people of Schroon.

Supervisor Marnell stated that we are talking about moving this access road for pedestrians and kayaking and not vehicular. It could even be grass. It would not have to be blacktop. Beth stated I'm willing to compromise I just want in the resolution that defines the road type.

Supervisor Marnell stated we will call a special meeting on Friday or Monday and make this resolution together so stating that this would be only a pedestrian walkway, with some type of barrier so vehicles could be blocked from using it. Councilwoman Phibbs stated we are asking people with big project to compromise and we can't even be considerate to each other in a room. What is the problem? Please use respect to the person who is talking. This is not a civil conversation here. Beth stated that I want to know what decision is being made here. I need to know what to get counsel on. Supervisor Marnell stated that there is no reason in the world we cannot do that. Councilwoman Phibbs stated you're saying you will have that description ready by next week – the 15th. Supervisor Marnell stated yes we can do that. Julia stated you're saying we can't make this decision tonight? We have two lawyers here. Can we make this resolution tonight? Supervisor Marnell stated that the Board still has not had a chance to discuss this.

Mark Schachner, the Town Attorney, stated that I can take a stab at a resolution right now if you'd like. Supervisor Marnell stated go ahead and read your resolution.

“The Town Board resolves that it will undertake to relocate the eastern terminus portion of Fairfield Ave. if appropriate alternative public access is provided on the property of Inn on Schroon Lake LLC and/or 54 Leland LLC and if a suitable location is identified as acceptable to the Town Board, such relocated public access to be limited to non-vehicular pedestrian access only.”

Councilwoman Wood stated that if I understand this, we are simply doing this as a legal formality, just to get the grant through the gate, but we are giving up some property here. My job is to protect taxpayer's interest. How do we dead end this, if this project never happens? We need a contingency clause here.

Supervisor Marnell moved to recess the meeting at 8:30 P.M., seconded by Councilman Sage; carried.

Supervisor Marnell called the meeting back to order at 8:43 P.M. and asked Mark Schachner, the Town Attorney, to read back the resolution he had written. Mark stated he had drawn up something quickly and if the Town Board would like to wait on it he was fine with that, but this is what I have written down: “That the Town Board resolves that it will undertake to relocate the eastern terminus portion of Fairfield Avenue if appropriate public access is provided on the property of Inn on Schroon Lake, LLC and/or 54 Leland, LLC and if a suitable location is identified as acceptable to the Town Board; such relocated public access to be: 1. limited to non-vehicular pedestrian access only; 2. include a minimum 20 foot width for Town use for drainage, storm water or any other public purpose; and 3. relocation effort to be implemented only upon issuance of a Building Permit for the Inn on Schroon Lake project of scope similar to that proposed to the Town Board on July 8, 2013”.

Councilman Friedman stated looking at the sketch there's a little driveway that goes on the north side of where the proposed easement is for possible deliveries, if we are making this pedestrian then you can't have it vehicular deliveries. Mark Schachner stated that's correct.

Councilwoman Phibbs stated is it becoming obvious right now that what we are asking and needing is time and I appreciate all of the concerns of the grant date but I'm not sure that we

should be pushed when we are asking questions right up to the moment to write a resolution that is going to affect us all. We don't even have our act together. We are reacting to a push date, it has happened here before and we have made decisions under this stress are usually not good decisions long term.

Supervisor Marnell asked Mark Schachner what he thought and he replied: "You have at least an issue that I can't define, the portion that you're telling me would not be limited to non-vehicular pedestrian access only, and I don't know how to write that right now."

Councilwoman Phibbs stated that you have a lot of people who are not in this room and yes we didn't have this on the agenda until late Friday afternoon. You have another whole world out there and tomorrow when this goes around town, be it good or bad, will be asking questions. I think we are rushing this for one reason grant writing. How long does it take to write them, I don't know. Why did we just find out about this on Friday to meet this deadline? Supervisor Marnell stated that the Board could wait and have a meeting Friday or Monday if they so wish, so we can find out how many feet we would need.

Julia Pitkin Shantz stated she had a question about the ability to build on this property. A building or driveway starts at the property line and goes in how far? What's the point that I can put a building on this property? Rich Shoenstadt stated I don't think for commercially zoned pieces of property there are any setbacks. I know there are no setbacks for sidewalks; I don't think there are any front line setbacks. Julia stated there are currently buildings virtually on the property line right now. My understanding is that the location that they are in right now is grandfathered so I could theoretically put the buildings exactly where the cabins are right now. Rich stated the person who gives you the official answer is our Codes Officer. Julia stated my point is this resolution is not about where I can put a building or a driveway its allowing us as a Board and a community to locate a pedestrian access that has up to 20' somewhere on my combined property. Mark stated that it is a minimum of 20'. Julia stated my point is I don't think I have any interest at this point to put it on the north end of the property, so can you let me work with the landscape architect to figure out where is the right place to put a pedestrian access here so that I can have the people who do this for a living have them decide and it doesn't have anything to do with the value of Beth's property. Supervisor Marnell stated that you can take all the time in the world you want we were just trying to move this along for you. Julia stated that I would be delighted to do that provided we can get the resolution passed tonight. There's no reason why we can't do it tonight. The only issue with the resolution is that it needs to say, upon the approval of the Grant, not Building Permit, because Building Permits are subject to, well let's just say it needs to say grant approval. Councilwoman Phibbs stated to Julia excuse me, did you not just hear that there was even at this dark

hour discussion about a delivery zone. I have heard nobody say they're against your project but we need time. Julia stated if a resolution is not passed now or in the next 48 hours all these people have showed up to support this and I don't understand how it is going to help to delay it the Town Attorney is here, he has drafted a resolution that he is comfortable enough to speak out loud. Attorneys don't do that if there not comfortable. Dana Shaughnessy stated that you could actually build a paved road from your access road all the way to the lake if you wanted to and now you're trying to work to get a construction easement, my concern, and a pedestrian walk.

Julia stated right, I'm trying to get a good solution for everybody but we are not going to do that tonight. All were going to do tonight is say, yes we agree she has the right to move the road to another place on her property and only restrict it to pedestrians. Supervisor Marnell stated that you can't say that, because all of a sudden you want to move it over by the Lake House and there's a 25' off the bank. Julia stated right, but when I submit that to the Town Board and they don't approve it, I can't do it. Supervisor Marnell stated he had heard enough and asked Mark Schachner what they could do tonight? Mark replied I don't hear any objections from the applicants as I read it, maybe I misunderstood. Julia replied the words "Building Permit" needs to be changed to say "upon the awarding of the grant". Councilman Sage stated, no, that's not a Town business thing. A Building Permit is something to do with the Town. A grant is something personnel to your cause. Supervisor Marnell stated that we need to leave it "Building Permit" and if that's not good we will table it for now so we can get on with our agenda. Julia stated that she was fine with building permit. Supervisor Marnell asked Mark Schachner to please read the resolution as he had written it one more time. Mark read it out loud once again.

Resolution #118 Woods Lodge Town Access Road

Councilman Sage moved a resolution that the Town Board resolves that it will undertake to relocate the eastern terminus portion of Fairfield Avenue if appropriate public access is provided on the property of Inn on Schroon Lake, LLC and/or 54 Leland, LLC and if a suitable location is identified as acceptable to the Town Board; such relocated public access to be: 1. limited to non-vehicular pedestrian access only; 2. include a minimum 20 foot width for Town use for drainage, storm water or any other public purpose; and 3. relocation effort to be implemented only upon issuance of a Building Permit for the Inn on Schroon Lake project of scope similar to that proposed to the Town Board on July 8, 2013, seconded by Supervisor Marnell.

Roll Call Vote

Supervisor Marnell Aye

Councilman Sage Aye

Councilwoman Phibbs Opposed

Councilman Friedman Abstain

Councilwoman Wood Aye

Motion was carried.

Sand Bids

Highway Superintendent Dana Shaughnessy stated his recommendation was to award the bid to Koller for Sand Bids. I know he is higher but I was not happy with the quality of the material from Caza's, it was inferior and just too many rocks.

Resolution #119 Award Sand Bid

Councilman Sage moved a resolution, on the recommendation of the Town Highway Superintendent, to award the Sand Bid to Koller Sand and Gravel at the rate of \$3.75 per cubic yard, seconded by Councilwoman Phibbs; carried. (Councilman Friedman Abstained)

Thank You for Donation for Tennis Court Backboard

Supervisor Marnell and the Town Board would like to thank Carole Greig for her \$1,000.00 donation to the Tennis Courts in helping to maintain them.

Resolution #120 Approval of Town Board Minutes

Councilman Sage moved a resolution to accept the June 10, 2013 minutes with the addition of Councilman Friedman stating that there was a real danger at the corner of Cross Street and Center Street with an exposed foundation and that he was working on a Tennis Grant with USTA, seconded by Councilwoman Wood; carried.

Resolution #121 Changing the Name of Sweenie Fields Road on the West end

Councilwoman Phibbs moved a resolution to change the name of Sweenie Fields Road on the west end to **Shonon Way** seconded by Councilwoman Wood; carried.

Fuel Bids

Supervisor Marnell moved to **table** the Fuel Bids until he can have Essex County Purchasing look at them, seconded by Councilman Sage; carried

Resolution # 122 RESOLUTION AUTHORIZING THE TOWN OF SCHROON TOWN CLERK TO FILE CERTIFICATE DESIGNATING THE SECRETARY OF STATE AS THE AGENT FOR SERVICE OF NOTICES OF CLAIM

The following resolution was offered by Councilperson Wood, who moved its adoption.

Upon the recommendation of the Town of Schroon Town Board, and the same appearing proper and necessary.

WHEREAS, the State Legislature has enacted and Governor Cuomo has signed Chapter 24 of the Laws of 2013, which, *inter alia*, adds a new Section 53 to the General Municipal Law, effective June 15, 2013; and

WHEREAS, Chapter 24 of the Laws of 2013, permits claimants to serve notices of claim upon the Secretary of State rather than effecting personal service of such notices upon the municipality which is the subject of the claim; and

WHEREAS, the statute directs the Secretary of State to forward copies of notices of claim served in the above-referenced manner to the municipalities involved; and

WHEREAS, Section 53 of the General Municipal Law requires that municipalities, within thirty (30) days after the effective date of the law, file a certification in the office of the Secretary of State designating the Secretary of State as the agent for service of notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Schroon Town Board hereby authorizes and directs the Town Clerk to file not later than July 15, 2013, a certificate with the Secretary of State designating the Secretary of State as the Town of Schroon agent for the service of notices of claim; and

BE IT FURTHER RESOLVED, that the Town Attorney is hereby designated to receive such notices of claim served in the manner set forth herein; and

BE IT FURTHER RESOLVED, that the Town Clerk in such certificate, and in amendments thereof as from time to time may be necessary, provide the Secretary of State with the name, post office address and electronic mail address of the Town Attorney.

This resolution was duly seconded by Councilperson Friedman, and adopted.

Resolution #123 Appoint Alternate Lifeguard's

Councilwoman Phibbs moved a resolution to hire Daniel Wilson and Katharine Shirley as Alternate Lifeguards, as needed, at the rate of \$9.03 per hour, seconded by Councilman Sage; carried.

Resolution #124 Approval to sign Contract with LC-LG Regional Planning Board for RLF

Councilman Friedman moved a resolution to sign a contract with LC-LG Planning Board for the Revolving Loan Fund , seconded by Councilman Wood; carried.

Thank You to Lenchen Marnell

Supervisor Marnell and the Town Board would like to thank Lenchen Marnell for applying and receiving a Food Pantry Grant for \$6,000.00. This will go a long ways in helping out the Food Pantry and our community.

Resolution #125 Local law and ATV Use

Councilman Sage moved a resolution to have a Public Hearing on a Local law and ATV use for August 12 2013 at 5:00 P.M., seconded by Councilman Friedman; carried.

Thank You for Donation to Cemetery

Supervisor Marnell would like to thank Fred Morse for his donation of \$100.00 towards the Protestant Cemetery which the Town now owns.

Resolution #126 Move Parks Building to Old Firehouse and Declare Parks/Water Building Surplus and get Appraisal for Sale

Councilman Sage moved a resolution to move the Parks/Water Building to the Old Firehouse and declare the Parks/Water Building as surplus and get an appraisal for sale, seconded by Councilman Friedman; carried.

Court/ Library Project Continue or Discontinue

Councilman Sage moved to **table** the discussion on the Court/Library Project until budget time since there is no money this year to continue, seconded by Councilwoman Phibbs; carried.

Update on Canoe/ Kayak Access on Route 74

Supervisor Marnell stated that the access for kayaks and canoes is just about completed off of Route 74 he will be meeting with the APA tomorrow and will be putting in the steps to the river.

Resolution #127 Audit of Claim

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

General Fund \$77,813.73 Water \$285.53 Highway \$26,577.16 Sewer \$12,553.52

Vendor Permits

Councilman Sage moved to **table** the discussion of the Vendor Permit Ordinance until September, seconded by Councilman Friedman; carried.

Thank You to Roger Friedman for his donation of \$1,000.00 for the Labor Day Fireworks

Supervisor Marnell and the Town Board would like to thank Roger Freidman for his \$1,000.00 contribution to the Labor Day Fireworks with the Chamber of Commerce paying the balance. Supervisor Marnell stated that they will be bringing a bigger barge so that they will be able to load more fireworks on it.

Resolution #128 Tennis Court Grant

Councilman Sage moved a resolution to have Supervisor Marnell, the Town Supervisor for the Town of Schroon, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in an amount not to exceed \$400,000.00, and enter into and execute a project agreement with the State of New York for such financial assistance to this Town of Schroon for Waterfront Park and Sport Hub improvements and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, seconded by Councilwoman Wood; carried.

Resolution #129 Sidewalk by Protestant Cemetery

Councilman Sage moved a resolution to have Ernie LaBarge volunteer his time to install a new sidewalk, four feet wide, by the Protestant Cemetery with the funding coming out of the sidewalk budget in the amount of \$5,000.00, seconded by Councilwoman Phibbs; carried.

Board Comments

Councilwoman Phibbs stated she would like to thank the Parks Department for cleaning the streets up so fast on the 4th of July everything looked great the next day. Councilwoman Phibbs would also like to thank the Town Attorney, Mark Schachner, for coming to the meeting.

Councilman Friedman stated he had attended the Lake Steward Workshop in Paradox and was very impressed and thought it was very educational.

Public Participation

Dan Riggins stated it is important to enhance Schroon Lake for Tourism and we have a lot of recreational opportunities in this area and must improve what we have. We had a wonderful 4th of July in Schroon Lake the fireworks were a little short but the music was wonderful the performers did not miss a beat. The Parks and Highway do a wonderful job of cleaning up so the Town looks great the next day. You responded to our request with the Tennis Courts and they are much better. The Golf Course is wonderful now and people can't believe that you can have membership for \$300.00 a season. There is not a better place to live in the Adirondack's then Schroon Lake.

Bill Tribou stated he applauds Mike and the Board for the amazing Kayak access on 74. The fact that you did that and didn't wait for the APA people that just show me real initiative on the towns part and a huge improvement to the town.

Michele Lee stated she is the President for the Friends of the Library. For years we have been saying we need to expand the Library and the Courts. We are the 5th busiest library in the Clinton, Essex and Franklin system. We can't seem to get the ball rolling to get to the point where we can say here are the plans, let's do the fund raising, let's do the bond issue, let's do the grants, let's get the project moving, I was under the impression we had a fairly workable plan, it needs to be tweaked and we need to get more information regarding the security needs for the Court. Has that information come through yet? Now I'm hearing there is no money in the budget.

Supervisor Marnell stated we are close to budget time and we do not have the money this year in the budget. Michele asked, do we know the amount of money from the architect required for the final tweaking? Supervisor Marnell stated no, we don't even know if we are going to use this architect. We have to go out to bid for architectural designs and that alone will cost between \$65,000.00-\$70,000.00. Michele stated you do not have to have shoveled ready plans to go to the town's folks and say hey guys this is what we would like to do for the Town we would like everyone to know about it. Supervisor Marnell stated, I really don't feel comfortable going and spending money on a little Lego box. Councilman Friedman stated that I think we are approaching a firm commitment and Michele you are right, it drags. I think we are working with a firm that knows what they're doing. The motion was to table this until budget time and we are talking two months. I would really like to finish the plans and get an estimate to how much it would be to finish the plans and we can get that. We are going to need it at budget time anyways.

We can have those numbers ready. Fran Filshie stated, if they are going to build a module are they going to build it on what the presentation was, because there was some changes that some of us talked about and I don't know if that has been transmitted to the architect. I would not like to see the module made like the presentation that night because there are changes we need to make such as we do not need three bathrooms. Councilman Friedman stated those ideas need to be transmitted to Atelier. Michele stated if we have changes to the design there is a chain of command who should we send our information to.

Jay Phibbs stated you folks made a decision a few meetings ago the decision was you weren't going to give this road up; I'm not for or against it. What has changed? The vote was 3 to 2 the same issues were there two months ago as they were tonight. I don't know what the rest of this board changed to make this decision. The issue was for jobs the issue was for the community to do better so what has changed. At this point I would like to say, that Clara stood her ground.

Supervisor Marnell stated I was for moving the road in March and suggested it. Over the years we have moved roads to accommodate projects.

Chis Stone she felt the resolution is not correct. You have put in there 20' wide when it should be over 32' wide. Mark Schachner stated it is a minimum of 20' so it can go over.

Councilwoman Phibbs stated why we would go from 20' to 32' wide. We have over 32' and to protect the taxpayers, why would we go down to 20' that's not acceptable. We do not want any less than 32' because that is what we own right now. Mark Schachner stated you can amend the resolution to say that. Councilman Sage stated we can do that at the Public Hearing.

Councilwoman Phibbs stated the reason I voted no was not anything to do with the project it was about involving and changing Town property and I'm hear to protect the taxpayers.

Resolution # 130 Endorsement for Seagle Colony Grant

Councilman Friedman moved a resolution stating:

WHEREAS, **Seagle Music Colony, Inc.**, located at **999 Charley Hill Road, Schroon Lake, Essex County** is applying for a New York Empire State Development Grant under the 2013 Regional Economic Development Council (REDC) for critical capital needs; and

WHEREAS, **Seagle Music Colony, Inc.** is applying for a Market New York grant to publicize and attract national and international opera and musical theatre lovers to attend its summer-long Centennial Celebration in 2015; and;

WHEREAS, the cultural contributions of the **Seagle Music Colony, Inc.** to the local and national community are priceless; and,

WHEREAS, the positive economic impact on the Town businesses, employment, and tax payers from the presence of the Young Artists, regional patrons, nationally renowned master teachers and coaches at **Seagle Music Colony, Inc.**; and,

NOW, THEREFORE, be it resolved by this Board of the **Town of Schroon** does hereby strongly endorse the application of **Seagle Music Colony, Inc.** for grants known as **Seagle Music Colony, Inc. Campus Revitalization and Centennial Celebration** under the 2013 REDC Consolidated Funding Application Process.

Seconded by Councilwoman Wood; carried.

Roll Call Vote

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

Councilman Sage moved to adjourn at 9:47 P.M., seconded by Supervisor Marnell; 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: July 23, 2013 _____ Town Clerk