

REGULAR MEETING – MAY 12, 2009

The regular meeting of the Town Board of St. Armand was held on the above date at the Town Hall, Bloomingdale, NY.

PRESENT: Supervisor Joyce W. Morency, Deputy Supervisor Samuel Grimone, Councilmen Charles Whitson, Jr., Earl J. Dakin, Jr., Thomas Jones, and Town Clerk Cynthia A. Woodson

GUESTS: Sandy Hayes, DeForest & Arlene Tinkler, John Jones, and Bob Vaughn with two family members.

Supervisor Morency called the meeting to order at 6:30 P.M.

The Pledge of Allegiance was led by Supervisor Morency

RESOLUTION #37 – MINUTES

A motion was made by Councilman Whitson, and seconded by Councilman Dakin, to accept the Regular Town Board meeting minutes of April 14th.

Discussion by Councilman Jones that he feels the minutes did not really state that a trench box will be used the next time there is a water break. Town Clerk, Cindy, did list three areas of the trench box mentioned in the minutes. Supervisor Morency stated that there will be a trench box whether it is a borrowed one as we didn't agree to buy one. Councilman Jones stated that he didn't get exactly what he wanted, but if that means there will be a trench box there and no one has to go down the hole without one, he's satisfied. Councilman Whitson stated that the statements in the paragraph are a very strong intent. Town Clerk did ask Councilman Jones if he would like it worded differently. No response. Supervisor Morency asked if all accept the minutes. All were in favor. Motion carried.

RESOLUTION #38 – MONTHLY BILLS

GENERAL: Vouchers #113 - 133, Abstract #5	\$14,424.04
HIGHWAY: Vouchers #94 - 109, Abstract #5	\$13,681.46
WATER & SEWER: Vouchers #53 - 65, Abstract #5	\$ 5,767.27
SEWER PROJECT: Voucher #1, Abstract #1	\$ 900.00

A motion was made by Councilman Dakin, and seconded by Councilman Whitson, to accept and pay this month's bills.

Councilman Jones stated that he has questions for Roger on the bills, but he is not here. He asked about the N.C.M.S. bill for \$190.20. He stated that he saw a bill for \$190.20 twice. Town Clerk, Cindy, explained that Bill Empsall did not submit his March bill as it was received on May 5th for March, and the other one is for April services received on May 12th. Supervisor Morency stated that Bill is the CPA for the Town. Councilman Jones asked if the bill for \$1781.00 is for accounting. Supervisor Morency stated yes, for two months. Councilman Jones questioned paying \$90.00 for mud flaps for the Highway truck. He asked the other board members if they have mud flaps on their trucks. Supervisor Morency stated that they were purchased to help protect the tires, and it was not a questionable item from the other board members. Councilman Jones stated that it was for him. Councilman Jones questioned the \$7346.00 for the John Deere Loader, and there was another bill with a total of \$9,594.00. Councilman Whitson stated that the repair work done on the bucket loader was the front cylinders and pivot pins, as it was constantly leaking the hydraulic fluids. Supervisor Morency stated that the board was aware of this for several months, there was a quote given somewhere around \$10,000. Councilman Jones stated that the new Mack Truck had \$838.00 worth of services. Supervisor Morency stated that they had to take it to Watertown as that is where they do their services; she stated that Roger wasn't expecting the cost to be that high. The problem is, there is no other Mack dealer to do the work. Councilman Jones

stated that he is not necessarily mad about these items, just wanted to learn. Councilman Jones asked if this is the same truck (Mack) that Bob (Besaw) worked on for \$1585.00. Supervisor Morency stated that we agreed to this also at previous meetings on quarterly maintenance checkups, or 1,000 hours. He came into the garage and bought all the items needed and gave us a quote and we agreed to try him and if we are not happy then we'll have to go back to Nortrax. Councilman Jones stated he saw a bill for \$2,443.52 and asked if that was the payment for non-insurance. Supervisor Morency asked who it was paid out to. Tom stated it looked to him a person. Supervisor Morency stated that it is the medical insurance. Councilman Whitson stated it was for Blue Cross and Blue Shield. Supervisor Morency asked if all were in favor of paying the bills. All were in favor. Motion carried.

RESOLUTION #39 – SUPERVISOR’S REPORT

RECEIPTS:	\$ 49,069.48
DISBURSEMENTS:	\$110,371.69
CHECKING BALANCES:	\$ 77,397.13
SAVINGS BALANCES:	\$727,132.88
CASH BALANCES:	\$804,530.01
WATER & SEWER BALANCE	\$ 12,017.49

A motion was made by Councilman Whitson, and seconded by Councilman Dakin, to accept the Supervisor’s Report, the Financial Reports, and the Water & Sewer Report.

Councilman Jones discussed that there is money in the Water & Sewer budget to buy a trench box. Supervisor Morency explained that the money taken in monthly also goes to expenses paid out. The budget is an estimate of what money will come in and what money goes out for expenses. Councilman Whitson stated that there are circumstances that come up with expenses for the water and sewer districts, such as the new pump for the lift station, and we didn’t anticipate that at budget time. That was something that came up and fortunately we had enough money just to pay for it. Councilman Jones stated that obviously you are aware that those types of things can happen and there is money to cover it.

Councilman Whitson stated that there wasn’t that much money put aside this year with anticipation of something like that. Councilman Dakin also stated that there is the study for the sewer plant for the evaluation with a cost of \$10,015 and we only paid \$400 on it, and need to let the money build up. Councilman Jones stated yes, and it is April and April is looking at \$15,000 in the budget. Councilman Jones stated that he is somewhat familiar with budgets and I’ve been able to make a living in this life and a little bit of money to do it with, so I understand that. My point is, there is money in water and sewer and is always treated like there isn’t. Supervisor Morency asked if all accept the Supervisor’s Reports. All were in favor. Motion carried.

BOB VAUGHN

Bob stated that he filed for a building permit and submitted his paperwork and drawing in August of 2008. Bob stated that he still has no building permit. He said Rick Heath, Code Enforcement Officer, told him to continue work on the project. Supervisor Morency asked if Rick came and looked at the work and Bob said that Rick stopped only once. He stated that he came home one night and told to stop work. He said that he was ready to do his rafters. Supervisor Morency asked him about the Stop Work order and he said that Rick called him on the phone and told him stop work. Supervisor Morency asked Bob what the reason was and Bob said it was improper glazing on the windows. Bob said that he(Rick) drove by and never even stopped. Bob said they are thermal pane windows as his father put them in and they came from his mother’s house. Bob said that he spoke to Rick and Rick said he was not giving him a permit. Bob said that Rick told him to get an architecture or engineer to look over the drawing to approve it. Bob said he told Rick he would go see an engineer. Bob said that is why he is here giving his grievance properly. Supervisor Morency asked if Rick received payment for the permit.

Bob said no. Councilman Whitson stated that we should wait a couple more days and talk to Rick to find out his reasoning.

SALES TAX – ESSEX COUNTY

Supervisor Morency stated that the Essex County Board of Supervisors passed a Resolution beginning in 2010, all Towns, and Villages will get a cut of the sales tax. The Resolution says that the money will be paid direct to the town, and the money can be used for whatever the Board decides. If a Resolution is not done, then the money will be reduced off the general Town taxes levied upon real property.

RESOLUTION #40 OF 2009 – ELECTING DIRECT PAYMENT

Councilman Jones, who moved its adoption, offered the following resolution.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ST. ARMAND
ELECTING DIRECT PAYMENT OF ESSEX COUNTY SALES AND
COMPENSATING USE TAX ALLOCATION**

WHEREAS, Essex County imposes sales and compensating use taxes pursuant to the authority of section 1210 of the Tax Law of the State of New York; and

WHEREAS, Essex County has elected to allocate a portion of the net collections from its sales and use taxes to the towns in the county; and

WHEREAS, section 1262 (c) of the New York Tax Law authorizes a town to elect to be paid all or a specified part of its share of the county's allocation directly, in lieu of reduction of county taxes and general town taxes levied upon real property in such town; and

WHEREAS, the Town Board now desires to make such election;

NOW, THEREFORE, BE IT RESOLVED, that the Town of St. Armand hereby elects to be paid directly all of its share of Essex County's sales and compensating use tax net collections, for calendar year 2010; and

BE IT FURTHER RESOLVED, that, pursuant to such section 1262 (c) of the Tax Law, a copy of this resolution shall immediately be mailed by certified or registered mail to the chief fiscal officer of Essex County and to the Clerk of the Essex County Board of Supervisors before September 1, 2009, in order for this election to take effect January 1, 2010; and

BE IT FURTHER RESOLVED that this resolution shall remain in effect until rescinded by the Town of St. Armand Town Board in accordance with the notice provisions of such section 1262 (c) of the Tax Law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

This Resolution was duly seconded by Councilman Whitson, and adopted as follows:

Supervisor Joyce W. Morency	AYE
Councilman Charles Whitson, Jr.	AYE
Councilman Earl J. Dakin, Jr.	AYE
Councilman Samuel A. Grimone	AYE
Councilman Thomas C. Jones	AYE

Cynthia A. Woodson
St. Armand Town Clerk

Dated: May 12, 2009

WATER & SEWER

Bart submitted his monthly Water & Sewer report. He reported that the back rack and amber light for the water truck is installed. Highway Dept. helped flush out the River Road lift station with the flusher truck. Began flushing hydrants, all hydrants on the west side of Sumner Brook have been done to date. The month of April a total of 1,851,000 gallons of water were produced with an average of 60,000 gallons of water per day. The month of April, a total of 1,297,000 gallons of sewage was treated with an average of 44,000 gallons per day. The effluent BOD was 17mg/l, our limit is 25mg/l and our effluent suspended solids was 16mg/l, our limit is 70 mg/l.

WATER & SEWER TRUCK

Supervisor Morency stated that there has been no offer on the truck, until today by George Paye. He is interested in buying the truck for \$200.00 for use of the parts.

RESOLUTION #41 – WATER & SEWER TRUCK

Councilman Jones, who moved its adoption, offered the following resolution.

WHEREAS A Resolution of the Town Board of the Town of St. Armand agreed to sell the old Water & Sewer truck to George Paye for the cost of \$200.00.

This Resolution was duly seconded by Councilman Dakin, and adopted as follows:

Supervisor Joyce W. Morency	AYE
Councilman Charles Whitson, Jr.	AYE
Councilman Earl J. Dakin, Jr.	AYE
Councilman Samuel A. Grimone	AYE
Councilman Thomas C. Jones	AYE

Dated: May 12, 2009

Cynthia A. Woodson
St. Armand Town Clerk

DRAIN VALVES

Supervisor Morency stated that while Bart was flushing out the hydrants, he notice that three drains need replacement of new drain valves. The valves are about \$200.00 apiece. In the budget is \$1,600 for four new hydrant kits to raise them. This is more priority of replacing the drain valves and there still may be enough money to raise two of the hydrants. Board members agreed to get them replaced.

LIFE FLIGHT CONTRACT

Supervisor Morency stated that the Life Flight contract and resolution has been sent to her for the annual cost of \$500.00 for the year 2009. The following resolution was written by Life Flight, Inc.

RESOLUTION #42 – LIFE FLIGHT CONTRACT

Councilman Jones, who moved its adoption, offered the following resolution.

WHEREAS: North Country LIFE FLIGHT, Inc., is a not-for-profit, tax-exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake and private fixed-wing aviation resources; and

WHEREAS: The New York State Police and private fixed-wing aviation resources do not provide a medically trained team or medical equipment for patient transports; and

WHEREAS: The people of Clinton, Essex, Franklin, Hamilton, and St. Lawrence Counties receive a vital emergency medical service which is free of charge to critically ill and seriously injured patients, and, therefore municipal governments are asked to pledge monies for this worthwhile program;

NOW, THEREFORE, BE IT RESOLVED: That the Town Board of the Town of St. Armand hereby authorized the Supervisor to enter into a contract with North Country LIFE FLIGHT, Inc. for the purpose of operating the medical component of the medevac program, which will serve its residents and visitors, and paying the amount of \$500.00 which represents the Town's share for 2009; and be it

FURTHER RESOLVED: That the sum of \$500.00 is hereby appropriated to the General Fund account for payment to North Country LIFE FLIGHT, Inc.

Offered by: Councilman Jones

Seconded by: Councilman Dakin

Vote: Supervisor Morency	AYE
Councilman Whitson	AYE
Councilman Dakin	AYE
Councilman Grimone	AYE
Councilman Jones	AYE

Dated: May 12, 2009

Cynthia A. Woodson
St. Armand Town Clerk

CELL TOWER

Supervisor Morency stated that she has received a call from Steven Rubenthal about the lease. He wanted her to look in the lease of what the Town can do and they wanted a narrative for the application so that the Town can use it for an emergency if needed. She asked him how long before APA would receive it and was told about a month around June 4th. They are revising the road access a little bit because of the survey and not wanting to cut down trees; they will alter the road access. Supervisor Morency stated that if on June 4th, the APA said that it will be 60 days then it would probably be until August 4th. There is a good chance there will be some building going on late this summer for the tower.

1993 FORD L9000 DUMP TRUCK

Supervisor Morency stated that with the Highway truck for sale there has been no offer on it until Roger has received a call from a company that markets your products. The AutoMarketing company offers a 90 day contract for \$199.00 and if truck is not sold then there is a refund of \$170.00 with the \$29.00 nonrefundable fee, or a one-time fee for \$99.00 non-refundable. Supervisor Morency stated that she would like the board members to review it first before making a decision. Sandy Hayes asked if there has been a comparison. Councilman Whitson stated that they will come up and look at it first.

FRONT STEPS

Supervisor Morency stated that there is still no one to do mason work. Sandy stated that Kurt is interested in looking at it and may do the work.

SURVEY ON GARAGE

Supervisor Morency stated that a survey was done on the Highway Garage by Alan Latrouelle. She stated that he has all the deeds with this area. She has not talked to Artie Niederbuhl about this as she wanted the board to review the survey. She stated that Artie thinks he owns the area, but as the survey goes, the Town owns the area. The piece

of property was owned by Eugene Freeman and there are two deeds to that piece of land. The first part of the land was close to the road where the house sat; the building that burned. The second piece behind it was a described piece of land that belonged to Eugene Freeman also. What may have happened is that Real Property in Essex County, when they can't find something this is where they may have "flopped" it. But, we are almost positive that this is the second piece that was described in the Freeman deed. Artie has assessment for this Eugene Freeman property, but he was thinking he was paying all for the area right outside the highway garage.

The deed shows positively that we own 131 feet there on Main Street, the Post Office, Barnard building, garage, Town garage, loading dock, salt shed, etc. Supervisor Morency stated that Alan is pretty sure from the research he has done from the assessments and information from the County that this is accurate. Artie definitely owns the Freeman property and the back area. Supervisor Morency stated that she will take the survey down to the County and get this unscrambled and get this right. Councilman Whitson stated that it is confusing and if one thinks they own a piece of property and paying taxes on it to find out he doesn't own it; they would be upset. Sandy stated that Alan is a very thorough surveyor. Supervisor Morency will talk to Artie. Councilman Whitson stated that Artie will probably have a lot of questions that the board can't answer. Supervisor Morency stated that Alan has talked to Artie and will again. She will talk to Artie and let him know.

FIRE ADVISORY BOARD

Supervisor Morency asked Councilman Dakin to give them an update on the last meeting with the meeting with the fire advisory board of surrounding towns. Councilman Dakin stated that he and Tom went to the meeting on April 29th. Larry Miller, Supervisor of the Town of Harrietstown has given a copy of the Saranac Lake Village 2010 budget to all members of the advisory board to review and discussed. Saranac Lake, without talking to anyone, has changed the percentages. Saranac Lake was paying 50% then was dropped down to 45%. St. Armand was paying 4.90% and it was increased to 5.40%. The other Towns are not happy with the changes and they are going to their board to see if they want to stick to the original agreements. They are asking all Towns to stay together on keeping the original agreement.

Councilman Whitson stated that when he and Councilman Dakin starting attending the meetings, Saranac Lake Village stated then that they wanted to have 35% to 40% and that the surrounding townships to pay the difference. The Towns then stated no, as it was not fair. Supervisor Morency stated that all the Towns should stay together about keeping the percentages as was agreed upon. They have not kept their agreement on hiring an EMT. The \$50,000 was to be used for the hiring of the EMT. Councilman Jones stated that maybe we need to go to Lake Placid for rescue services. Supervisor Morency stated that it may be possible to use somewhere else instead of Saranac Lake. Lake Placid also charges the insurance companies for the services, whereas Saranac Lake does not. Supervisor Morency asked if there is another meeting scheduled yet. Councilman Dakin stated no, as Larry wants all the Towns to get back to him of what decision was made.

Supervisor Morency adjourned the meeting for ten minutes while a telephone call was made to Rick Heath, Code Enforcement Officer, to come to the Town Hall for a short meeting.

CODE ENFORCEMENT OFFICER

Supervisor Morency told Rick Heath about Bob Vaughn's situation of not having a building permit. Supervisor Morency told Rick what Bob said at the meeting. Rick said he told Bob not to start before he got the permit and show him some kind of plans, and Bob said can he start a little bit and Rick said okay, meaning small preparations. Rick went down there and would not give him a permit as he had vertical logs and 2 x 6's for corners with the logs sitting on it having nothing for bearings in the corner. He put the logs up and there is nothing holding up the corners. He put up 2 x 4 rafters with no ridge beams holding it, and Bob said that was good enough. Rick said there is no load

bearing integrity . Bob then asked how he could get a permit, and Rick said he has would have to get an engineer that will sign off on it as he has nothing in his books that will show what a diagonal is going to hold up any snow load weight of 85 pounds, wind sheer of 90 mph.

So, he just went ahead and built it on his own. I went down and told him he has to stop. There was no way he could get insulation of R21 in those diagonal corners. There was no insulation in the logs and log homes have to be built with at least 8 inch thick logs and some form of insulation in between those logs. He used landscape nails for the logs. That is not a proper building, and I won't give him a permit where if there was an accident, he would sue the Town. Supervisor Morency asked Rick since you never got the application back with his drawing then he shouldn't have been building.

She stated that he shouldn't have to have an engineer approve of the drawing. Rick said Bob wouldn't have too, if he just built it the right way such as stick build, then put the vertical logs on. The corners are terrible of how he did them with toe-nails, there is nothing there to hold them structural sound. Rick said the Bob wanted that design and Rick told him how he could correct it but he didn't do it. There was nothing in the design that showed how he was going to insulate it. Supervisor Morency asked if this was on a foundation, Rick said that Bob already poured the cement before asking for a permit. Rick said Bob told him they were four feet deep, and Rick said if he had a shovel he could dig down and see the dirt about 12 inches deep.

Supervisor Morency stated that Rick should write a letter of all the things discussed tonight and call Bob to get things worked out. Rick said he will do the letter and call Bob.

END OF MEETING

A motion was made by Councilman Jones, and seconded by Councilman Whitson, to adjourn the meeting at 9:20 p.m.

I, Cynthia A. Woodson, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Regular Town Board meeting minutes held on the above referenced date.

Cynthia A. Woodson
St. Armand Town Clerk