

Town of St. Armand  
Regular Board Meeting - 6:30 PM  
Tuesday, November 10, 2020

*These Meeting Minutes were approved by the St. Armand Town Board on December 8, 2020.*

A Regular Board Meeting of the Town of St. Armand was held on the above date and time at the Town Hall, Bloomingdale, NY. The Board Meeting was held in the Town Hall, along with webinar access to the Public.

**BOARD MEMBERS PRESENT:**

Town Supervisor Davina Winemiller, Deputy Supervisor D. Joseph Bates, Councilperson Donald Amell, Councilperson Jennifer Fuller, and Councilperson Karl Law. A quorum of the Board was in attendance.

**TOWN EMPLOYEES PRESENT:**

Town Clerk Barbara Darrah and Accountant Donna Bramer.

**EXCUSED:** All department Superintendents and the Code Enforcement Officer Derrick Martineau were excused due to COVID regulations and Town Hall spacing limitations.

**GUESTS:** Chris and Samantha Coleman, Warren McCarthy, Ethan Mikasell, and Jeffrey Tedford, all from the community.

Notice was posted regarding the date and times of the Regular Board Meeting and webinar.

Supervisor Winemiller called the meeting to order at 6:3 pm and asked all to stand for the Pledge of Allegiance.

Winemiller: Good evening, everyone. Thank you so much for joining us on this lovely November 10<sup>th</sup> evening. Just a quick update that this meeting is also being recorded on webinar, and we have a microphone now and we have speakers, so that webinar attendees can hear what those in this room are asking and stating, and we can hear what webinar attendees are asking and stating. The webinar is active right now and we have Jennifer Fuller present on the web. I'm going to give the floor to Barb (Darrah).

Darrah: Each Board member has received a water and sewer adjustment packet in their folder for a customer who was going to be here tonight to present his case in regard to receiving an adjustment on his high water and sewer bill. As you recall, in July 2019, the Town Board mandated all water and sewer customers would have working meters and readers with an effective date of October 15, 2019, to be completed. Basically, his readings indicated a large amount of water use. In March of 2020, Chris Spicer reported the building did not have a reader. I sent the customer a letter in May of 2020, reminding the customer of the mandate and stating he needed to contact me. At the end of May, the customer called asking to have the water turned on at the premises. I asked the customer if the meter and reader had been repaired and he stated he was working on it and that he had contacted Cory Skiff to install the reader. In June 2020, Cory told me he had installed a new reader and gave me the initial reading. The June bill reflected one month of water use and the bill was paid. The readings for the fourth quarter indicated a large amount of water use and that is when the customer came in and stated the readings were being read incorrectly. However, if we calculated the readings per his thoughts, there would only be 210 gallons of water used for the entire summer season. The customer admitted that could not be accurate either. I informed the customer I could not adjust the bill and the only way it could be adjusted was to come to the Board meeting and present his case. I did say that one question I knew they (the Board) was going to ask was if the meter and reader were fixed? The customer stated he could not fix it now because he had removed the meter from the building so it would not freeze. I asked him how he removed the meter without the water being turned off? He stated he shut the water off from the inside of the building. This customer had had the water turned off and on outside the building by someone else other than the town and I had informed him about 2 years ago that only the Town employees are allowed to do so. Otherwise, we have no idea if the water is on or off and what the customer should accurately be charged.

Jennifer Fuller: The customer had contacted me about this issue and said he was coming to the Board meeting tonight. I'm not sure what happened. I texted him this afternoon and let him know what time the meeting was tonight.

Don Amell: One thing we do not want is the water being turned on and off by others, so maybe we should shut it off and put the lock on it until there are new owners and the problem is fixed or if he returns to the business next summer.

D. Joseph Bates: In the meantime, we use the double estimate since he did not say what he was seeking?

Davina Winemiller: We could table the discussion until the end of the meeting, in order to allow him time to come in tonight.

The Board agreed to wait until the end of the meeting to see if the customer showed up.

Winemiller: (addressing two guests in the room) You folks are not here for water and sewer, is that correct?

Chris and Samantha Coleman: No, we are not.

Winemiller: Okay, hang tight and we will get back to you. The next thing on the agenda is HEX and HOP. We have Ethan Mikasell here. As many of you are aware, we have had several complaints about the live music at Hex and Hop. We had received a letter of complaint from a resident regarding the music many months ago that we did discuss at a meeting.

This past Friday, I received a phone call from a pretty irate resident complaining about the loud music. Then Jen Fuller, who lives quite a distance away, called me and asked if that was Hex and Hop music that she was hearing? I called Ethan

and within three minutes of getting off the phone with him, the music was off. Thank you, Ethan, for that very quick response. Our citizen was supposed to be here this evening, but I don't see anyone.

Bates: Who, Deb? No, she is not coming.

Winemiller: Did she want to pop in on the webinar?

Bates: No. She is a little too frustrated for that at the moment. She opted out. So, anything that the Board decides to do, of course, I have to recuse myself, because I happen to be one of the complainants. But, I would hope that even if I do recuse myself, I can at least participate in any of the conversation.

Winemiller: Of course, and you could even say, "I am speaking as a citizen, and not as a Board member".

Bates: I understand that. I know.

Winemiller: Given the fact that I know Deb had some strong feelings about it, would you like to speak as a citizen at this point?

Bates: Actually, I would like to speak as a Board member first. As a Board member, and I am only speaking for myself as a Board member, I kind of feel that we were led down the wrong path. When Nick (part owner) came in the first time, with his wife and daughter, and he (Nick) painted this picture of a brew pub, occasional food carts, possible vendor farmer's markets, etc., but nothing was ever mentioned about music. We spoke last year on numerous occasions. Speaking as a citizen, it is not really a brew pub anymore, it's basically just a rowdy bar. That's how loud the music is. If they can hear it almost in Vermontville, and if they can hear it up to the Four Corners, which I know they can, and the customers are 30 feet away, I don't see the necessity for that type of loud music. We have not had a good weekend in two summers. When it's nice out and we want to be in our backyard, Hex and Hop is playing loud music. Fridays, Saturdays, lately Thursdays, occasionally Sundays.

Ethan: Thursday?

Bates: Yes, one Thursday. I don't know if Thursday and Sunday is a trend starting, but we work five days a week, we've got a weekend that we like to enjoy our back yard; we cook out, we sit out by the fire, we visit.....it drives us right inside. And Friday, she could hear it inside the house, she couldn't be on one side of the house. It's an issue. And, we (you and I) have chatted.

Ethan: And, we've made adjustments.

Bates: You've moved them.

Ethan: Yes. We moved them because you wanted us to. We moved them to the other side of the building.

Bates: I didn't want you to move them anywhere, I just didn't want to hear them.

Ethan: We tried to accommodate.

Bates: That may be, but it's not working.

Ethan: And, this is as a Board member or a citizen?

Bates: This is as a citizen. I can't speak as a Board member because I am both factions.

Winemiller: I would like to speak as a Board member for a moment. And, I will say because my house is close, too, I do see both sides. I will say that the last two phone calls that I got from Deb, when I called Ethan both times, Ethan was not at the bar, he was off that night. So, that made me say, "Hey, it seems like when Ethan is not there, the music gets louder and louder and louder". I did want to point that out, because both times that happened, you (Ethan) were not there, that maybe the employees were either unwilling or whatever to turn down the music or step in.

Bates: They don't have any control, do they?

Ethan: They work inside, primarily. Right now we are having people coming to the bar. Them (employees) getting outside is less frequent than when I am there.

Bates: Well, I have to honestly believe that they can hear it inside?

Ethan: No. Not inside. We have one little speaker inside and if that is playing, you can't really hear the music outside.

Winemiller: Ethan, at this time I am going to open up the floor to you and let you speak. You have the floor.

Ethan: The one thing I would say because I really don't like the term "rowdy bar"; we close by 8:00 pm, we create a family friendly environment, we don't have fist fights, we don't have people getting drunk. All the things that are associated with the term "rowdy bar" we made it a very specific point to not do, with this one exception of exceeding the noise level. I want to make it clear that when it comes to a "rowdy bar", all the other things that we assume with that are not the case at Hex and Hop, at all, and that is not what we brought to this town. I would like to get a clearer understanding of the complaints. I have heard many mentions of the noise complaints and I only get the ones where Davina has called me and I immediately turn it off. Is it five, is it six?

Winemiller: It is quite a few, Ethan. I have honestly not kept track. I am speaking from the times when I sit on my porch, depending on who is playing, I can hear it very, very loudly, but when I go in the house, I can't hear it, and if I go in my back yard, I can hear it. I haven't called you every time it was overly loud. Part of that is because it's 6:00 on Saturday night. Is it loud? Sure, but it's 6:00 pm on Saturday night. That being said, last Friday night after the music was off, Ethan called me back and we talked about different ideas what Hex and Hop could possibly do to alleviate the sound traveling. Shooting from the hip, I said something about a sound-proofing fence...that might minimize the sound.

Ethan: I have to be up front and say we are not interested in building a fence. I think some of the reason the sound has elevated is because the leaves have dropped. There is no longer foliage absorbing the sound. I am open to the idea, but before we build, or invest more money, I am trying to understand what the rules are. Is there a time or a volume? Those are typically how noise is dealt with, not necessarily construction. I would rather be on the same page as to what is the expectation of the Town is on time and on noise level, before we go to building something.

Winemiller: We do have a town nuisance ordinance, but it does not specifically say a certain amount of megahertz or anything like that. I think NYS does have some type of requirements for decibel levels.

Ethan: In this area the Park (Adirondack Park) which has quiet hours after 10:00 pm, but doesn't apply to the hamlet. The nuisance ordinance to me, reads as a Public Health and Safety document. There is not really a noise thing in it right now. Lake Placid has one which is better than the park. It is 9:00 pm until 7:00am. It can usually be defined by commercial and residential, and we are very mixed. There are trucks and motorcycles and the Highway Department right there. I don't want to jump to a solution, unless we've talked about the problem more. Typically, it's 9:00 at night and 70 - 75 decibels. I can download that app. It is on my phone.

Bates: As a citizen, at 9:00 pm, we are probably in bed.

Ethan: I am just telling you what everybody else does.

Bates: I understand that. So, it's not a time period, it's every weekend. And, I know that's your livelihood. I don't want anything to do to hurt your business, but we also would like to enjoy our backyard.

Ethan: So, I think that there needs to be a common understanding of time and volume.

Bates: Or days.

Ethan: Sure, weekends usually run later than weekdays in most of the things I have read on most cities is later hours on weekends and we are only run the music on the weekends, period. That is our biggest profit margin nights.

Bates: Because you have music.

Ethan: It helps. I didn't know if we want to keep talking about the issue. I'm not sure where to proceed from here.

I was wondering if there has ever been complaints brought up about Route 3, or have any complaints been received about the Highway Department? These rules would apply to them, too.

Winemiller: Oh, yes.

Bates: Not the Highway department. They are considered essential vehicles.

Winemiller: You (Ethan) are absolutely right in that. We have to find balance with the people who live next to Hex and Hop and the property owner's right to have safe enjoyment of their property. And you (Hex and Hop) have the right to do things to keep your business going. I think we need to have a Special Board Meeting to delve into the problem and come to a solution. I would like to suggest we table this issue and schedule a Special Board meeting. You (Hex and Hop) are not going to have music again until the Spring, is that correct? And just for the record, when I call you, I am not asking you to shut the music down. I was just asking to turn it down.

Ethan: We can put together a meeting, but it cannot be a subjective outcome. It cannot be, I "felt" it was loud, because it's too interpretive. Then we get into a sticky area.

Don Amell: I think to Joe's point, when it was initially presented to us, music was not one of the issues. We could not have anticipated that. That is where I am sitting. What are your hours now?

Ethan: 1:00 – 8:00 pm.

Amell: If you have a band, it wouldn't be all afternoon.

Ethan: It would be typically 3 hours.

Bates: It usually starts at 5:00 pm

Winemiller: What is the following Tuesday after the Regular Board Meeting?

Darrah: December 15<sup>th</sup>.

Ethan: I can compile documents from other cities and towns to assist with the meeting.

Bates: I apologize for my statement of "rowdy bar". I take that back.

The Board and Hex and Hop agreed to meet for a Special Board Meeting scheduled for December 15th, at 5:30 pm.

Winemiller: We also have some other guests here. I would like to give them the opportunity if you would like to speak now.

Chris Coleman and Samantha Coleman introduced themselves, stating they were opening a registered automotive repair shop at 1653 NYS Route 3, Bloomingdale. I have to get a letter from the town for the DBA and that there is no zoning in the Town and that there is no problem with our opening a repair shop at that location.

Coleman: I would like to leave some literature regarding what the state needs for the letter.

Winemiller: Will you be doing inspections?

Coleman: Eventually, yes, I will be doing inspections.

Winemiller stated she would do a letter of approval for the DBA Business Certificate per their request.

Coleman: I am ASC master certified technician, almost GM World Class certified. I went to Alford State College for automotive technology. I got out of the field for a little bit, and then this opportunity came along.

Bates: And, people will not be parking on the sidewalk?

Coleman: Definitely, I would like to put up a road fence, because I do have people pulling in to do "U" turns all the times.

Winemiller: You are welcome to do that, but I would just talk to Doug Snickles, before you do that. Also, you should be aware that there is an ordinance regarding the number of unlicensed, unregistered vehicles that can be stored there.

Coleman: Do you happen to know the number of the limit?

Winemiller: I can get that to you. This is good news and if you have any questions, please reach out to us.

The Board also welcomed the new business and wished them luck.

## HIGHWAY DEPARTMENT MONTHLY REPORT

Highway Superintendent Douglas Snickles submitted the following written report to the Board:

### Town of St. Armand Highway Report for the November 10, 2020 Board Meeting

- 1) We have all the trucks ready for winter.
- 2) The new Western Star was taken to Malone to have some warranty work done.
- 3) We started cutting trees and chipping brush at the cemetery.
- 4) We have been cleaning ditches that are full of leaves before they freeze.
- 5) We received 8 inches of snow, between Monday, November 2nd and Tuesday, November 3rd, so we have had a couple of plow days already.
- 6) We serviced all the vehicles that needed servicing and had to put new tires on the pick-up.
- 7) The one-ton needs front tires to get through the winter.
  
- 8) The material is arriving for the new platforms for the Transfer Station.

9) The ceiling is ordered for the new Records room upstairs.

## WATER DEPARTMENT MONTHLY REPORT

Water Trainee Cory Skiff submitted the following written report to the Board:

### Town of St. Armand Water Report for the November 10, 2020 Board Meeting

- 10/1 - Tank cleaning/Anodes replaced.
- 10/2 - Installed Bill Bailey's water tap and curb stop at 66 River Road.
- 10/6 - Stopped at 1771 NYS Route 3 to speak with customer about meter and reader problems. Customer is having new meter and reader installed.
- 10/9 - Checked 4TH quarter meter readings for Barb.
- 10/12 - Shut off water to 3 River Road for the winter.
- 10/14 - Verified reader repair at 6 Alpine Way. Gave Barb reading.
  - Went to 10 Roosevelt Lane to check on reader per landlord's request. Reader is working fine. Tenant discovered toilet was leaking.
- 10/19 - Located water main for Dig Safe at 39 and 42 Roosevelt.
  - Checked 6 Alpine Way - reader is moving.
- 10/20 - Located curb stop for 55 Prospect.
  - Went to 82 Maple Lane to discuss recurring reader problem. Customer is contacting plumber to replace meter and reader.
- 10/28 - Shut water off at 23 Oregon Plains Road for Meter and Reader repair by Dave the Plumber. Town sold reader to customer, plumber installed.
  - Located water main for Dig Safe at the reservoir.
- 10/30 - Verified reader repair at 24 Andrew Way. Initial reading is zero.

## CODE ENFORCEMENT OFFICER'S MONTHLY REPORT

Code Enforcement Officer Derrick Martineau submitted the following written report to the Board:

### Town of St. Armand Code Enforcement Officer Report for the November 10, 2020 Board Meeting

1. Returned 8 phone calls and 6 emails
2. 4 permits issued
3. Inspections on ongoing open permits. And still checking sites for compliance with Covid laws to best of my ability.
4. Gladd property has court date for November 20<sup>th</sup>.
5. Investigated complaint on Rockledge. There were no violations.

## WASTEWATER DEPARTMENT MONTHLY REPORT

Wastewater Superintendent Stanley Ingison submitted the following written report to the Board.

Town of St. Armand Summary of last month's Wastewater activities for the November 10, 2020 Board Meeting

- 1) Did daily collections, testing and recorded data.
- 2) Did daily checks of all systems at the PTB and WWTP and recorded the data.
- 3) Wrote up the DEC monthly operating report and the discharge monitoring report and submitted them digitally.
- 4) Did weekly generator checks.
- 5) Did weekly greasing of the paddle wheel drive and clarifier drives.
- 6) Did weekly grit removal from the classifier drive outfall and unloaded it into the transfer station trash dumpster.
- 7) I did the weekly flexing of all the aeration diffusers.
- 8) Nate Leary re-ran sewer laterals from 42 Roosevelt Ln to the road edge. They also videoed the line to the main, all is clear and good.
- 9) Kevin Cogan and Steve came out to look at solar manifolds # 1 and #2 that were not working anymore and found them both fried with burnt out wiring and panels. The system had gotten hit by lightning, so they are looking into installing surge protection to protect all three manifolds when they replace the burnt-out panels. Also, animal nests had been built inside the electronics boxes of all three panels, so we need to figure out how to seal them off better.
- 10) After 35 years of use the laboratory stirrer unit on/off speed adjustment unit failed and could not be repaired or replaced. In May of this year I purchased a new stirrer from USA Blue Book and within a month the motor seized up. I figured out how to free it but in June the company sent us a new one anyway. Late in September the new motor started seizing up every couple of weeks and then the speed adjustment control started malfunctioning. USA Blue Book sold us another company's stirrer and will refund us for the one we have after returning it to them for inspection.
- 11) During this long Indian summer, I did get the main plant site all mowed and ready for winter. I have reduced the volume of blower use for the winter as less air is needed for operations and it will save us money.

- 12) I am continuing to look for a 15-amp cooling thermostat for the blower room to get that room to cool better this coming summer.
- 13) It turned out that PTB water solenoid was damaged by faulty pressure reducing valves so I ordered new ones to replace them to keep it from happening again.
- 14) I am half done with the annual lift station inspections and hope the town is able to find ways to replace the remaining three and or turn them over to the households that use them instead of the sewer district doing it.
- 15) I continue to work on the St. Armand Wastewater Department Comprehensive Improvement and Repair Program.

RESOLUTIONS # 60 - # 64

RESOLUTION # 60 OF 2020

ADOPTION OF THE 2021 BUDGET OF THE TOWN OF ST. ARMAND

Deputy Supervisor D. Joseph Bates, who moved its adoption, offered the following Resolution:

WHEREAS A Resolution of the Town Board of the Town of St. Armand, hereby authorizes the adoption of the 2021 Town Budget with a tax levy of all funds and districts in the amount of \$ 863,801.00.

THIS RESOLUTION was duly seconded by Councilperson Karl Law, and adopted by Roll Call Vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer	AYE
Councilperson Karl Law	AYE

Dated: November 10, 2020

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Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 61 OF 2020

ADOPTED WATER & SEWER RATES FOR 2021 FOR THE TOWN OF ST. ARMAND

Councilperson Karl Law, who moved its adoption, offered the following Resolution:

WHEREAS a Public Hearing was held on November 5, 2020 with regards to the 2021 Budget and Water and Sewer Rates for 2021, and

WHEREAS, as the Town of St. Armand Water & Sewer District is currently operating on an “On-Consent” Order by the NYS DEC for our SPDES Permit, and

WHEREAS, some of the cost of this construction and operation must be brought to the Users of the St. Armand Sewer District.

THEREFORE, LET IT BE RESOLVED that the 2021 Water Usage Rate shall remain at \$6.18 per 1,000 gallons, and the 2021 Sewer Usage Rate shall decrease from \$15.14 per 1,000 gallons to \$14.25 per 1,000 gallons, and the 2021 Water Debt Service shall decrease from \$8.00 per quarter to 1.70 per quarter for properties that are connected, and the 2021 Sewer Debt Service shall increase from \$68.00 per quarter to \$71.00 per quarter for properties that are connected. The Capital Reserve Sewer Improvement Fund for 2021 shall increase to \$12.00 per quarter for properties that are connected.

BE IT FURTHER RESOLVED, in reference to NYS Town Law, vacant properties (lots) where the location of the lot runs along existing water and sewer lines within the Town of St. Armand Water and Sewer District are to be charged an amount determined by the Board for Water Debt service and Sewer Debt service. The Water Debt charge for vacant lots will decrease to \$0.85 per quarter and the Sewer Debt charge for vacant lots will increase to \$35.50 per quarter.

BE IT FURTHER RESOLVED these new billing rates shall become effective during the first quarter of 2021, which includes the dates of October 1st through December 31st of 2020, and billed in January 2021 as adopted in the 2021 Budget for the Town of St. Armand.

This Resolution was duly seconded by Councilperson Donald Amell, and adopted by Roll Call Vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer Fuller	AYE

Dated: November 10, 2020

Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 62 OF 2020

TOWN OF ST. ARMAND BOARD APPROVAL  
TO SHRED UNUSED CHECKS FROM  
INACTIVE BANK ACCOUNTS

Councilperson Donald Amell, who moved its adoption, offered the following Resolution:

WHEREAS, it is in the best security interest of the Town of St. Armand to shred unused checks from the town’s inactive bank accounts, and

WHEREAS, per Board Resolution # 39 of 2020, the funds in the following accounts were approved to be moved to NY CLASS Accounts for interest bearing purposes,

THEREFORE, LET IT BE RESOLVED that the following checks from the listed checking accounts will be shredded upon approval from the Town of St. Armand Town Board:

BANK: COMMUNITY BANK                      TOWN OF ST. ARMAND SEWER DISTRICT  
Saranac Lake, NY 12983                      CHECK NUMBERS: 10 CHECKS – NO CHECK #’S  
  
ACCOUNT # 1504681                      MOVED TO CLASS ACCOUNT # 031 Date: 6/15/20

BANK: COMMUNITY BANK                      TOWN OF ST. ARMAND HIGHWAY DEPARTMENT  
Saranac Lake, NY 12983                      CHECK NUMBERS: 11 CHECKS – NO CHECK #’S  
  
ACCOUNT # 1504495                      MOVED TO DA CLASS ACCOUNT # 0032 6/15/20

This Resolution was duly seconded by Councilperson Jennifer Fuller, and adopted by Roll Call Vote as follows:

Supervisor Davina Winemiller              AYE  
Deputy Supervisor D. Joseph Bates        AYE  
Councilperson Donald Amell                AYE  
Councilperson Jennifer Fuller              AYE  
Councilperson Karl Law                      AYE

Dated: November 10, 2020

Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 63 OF 2020

REVISION OF STANDARD WORK DAY AND  
REPORTING FOR EMPLOYEES RS 2418

Deputy Supervisor D. Joseph Bates, who moved its adoption, offered the following Resolution:

WHEREAS A Resolution of the Town Board of the Town of St. Armand approving the Standard Work Day for Employees for the New York State Retirement System, Form RS 2418 was completed on August 11, 2020, however errors in the reported hours were discovered, and this RESOLUTION # 63, hereby supersedes RESOLUTION # 50 of 2020, dated August 11, 2020.

**Standard Work Day and Reporting Resolution**

BE IT RESLOVED, that the Town of St. Armand, Location Code 30278, hereby establishes the following

as standard work days for its employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hours/day)
Accountant	6
Clerk to the Supervisor	6
Court Clerk	6
HEO / MEO	8
Laborer	8
Recreation / Ice Rink Attendant	6
Sewer / Water Assistant	6
Transfer Station Attendant	6
Water Meter Reader	6

On this 10th day of November, 2020

Date Enacted: November 10, 2020

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(Signature of Town Clerk)

I, Barbara J. Darrah, Town Clerk of the governing board of the Town of St. Armand, of the State of New York, do hereby certify that this is the Town's revised Resolution and passed by such board, at a legally convened meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of 5 members, and that 5 of such members were present at such meeting and 5 of such members voted in favor of the Resolution.

This Resolution was duly seconded by Councilperson Karl Law, and adopted by Roll Call Vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: November 10, 2020

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Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 64 OF 2020

TOWN OF ST. ARMAND TOWN BOARD  
APPROVAL OF SENIOR CITIZENS OVERLOOK  
APARTMENTS IN LIEU OF TAXES (PILOT)  
AGREEMENT

Councilperson Jennifer Fuller, who moved its adoption, offered the following Resolution:

WHEREAS, the Senior Citizens Overlook Apartments fall under the Wholly Exempt Status for property taxes and therefore, do not pay property taxes in the Town of St. Armand, and

WHEREAS, the Senior Citizens Overlook Apartments has contributed a payment of \$2,000 In- Lieu-Of payment (PILOT) to the Town of St. Armand for many years per an agreement with Town Supervisor Joyce Morency, and

WHEREAS, a copy of said agreement could not be located in Town records, Senior Citizen Overlook Apartments records or the Essex County Clerk's office, and

WHEREAS, an email dated April 4, 2018, was received from the Senior Citizens Overlook Apartments requesting the Town send an invoice in January of each year for the In-Lieu-Of payment, and

WHEREAS, an erroneous amount of \$4500 was budgeted in the 2020 budget, line A1081.100, and an invoice in that amount was sent to the Senior Citizens Overlook in January 2020, and

WHEREAS, the Senior Citizens Overlook Manager contacted the Town to say the agreed-to amount was \$2,000, which is indicative of past years' payments.

THEREFORE, BE IT RESOLVED, the Town Board of the Town of St. Armand agrees that the Town needs an existing written agreement with the Senior Citizens Overlook Apartments and approves the In-Lieu-Of (Pilot) agreement with the Town of St. Armand and the Senior Citizens Overlook Apartments dated November 10, 2020.

This Resolution was duly seconded by Councilperson Karl Law, and adopted by Roll Call Vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: November 10, 2020

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Barbara J. Darrah  
St. Armand Town Clerk

**MOTION TO PAY MONTHLY BILLS**

The payment vouchers for November 2020 were presented for the Board’s approval as follows:

General Vouchers # 333 - # 357 in the amount of \$ 21,251.25  
 Trust and Agency Fund Vouchers # 70 - # 74 in the amount of \$ 1,055.69  
 Highway Vouchers # 172 - # 192 in the amount of \$ 62,323.86  
 Highway Outside Voucher # 4 in the amount of \$ 168.51  
 Water and Sewer Vouchers # 153 - # 172 in the amount of \$ 100,331.79  
 “B” Fund Voucher – # 9 in the amount of \$ 172.99  
 I&I Fund Voucher # 9 in the amount of \$ 7,331.15

Councilperson Jennifer Fuller made the Motion to approve payment of this month’s bills; the Motion was seconded by Deputy Supervisor D. Joseph Bates. A Roll Call Vote was as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor D. Joseph Bates	AYE
Councilperson Donald Amell	AYE
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

All in favor. Motion carried.

Dated: November 10, 2020

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Barbara J. Darrah  
St. Armand Town Clerk

**MONTHLY REPORT FROM THE SUPERVISOR**

Supervisor Winemiller presented the Supervisor’s Monthly Report for October 2020. Winemiller asked for a Motion to accept the Supervisor’s Report. Councilperson Donald Amell made the motion to accept the Supervisor’s Report. The Motion was seconded by Councilperson Karl Law. All in favor. Motion carried.

**REVIEW AND MOTION TO APPROVE PREVIOUS MONTH’S MINUTES**

Deputy Supervisor D. Joseph Bates made the Motion to approve the Regular Board Meeting Minutes of October 13, 2020, and the Public Hearing held on November 5, 2020. The Motion was seconded by Councilperson Karl Law. All in favor. Motion carried.

**TOWN CLERK’S MONTHLY REPORT**

Town Clerk Barbara Darrah gave the following report for the month of October, 2020.

There were (8) Dog Licenses for October: (4) Spayed (3) Neutered (1) Unneutered	\$ 63.00
Total Revenue Earned	\$ 63.00

Paid to Town Supervisor: \$ 53.00      Paid to NYS Agriculture & Markets: \$ 10.00

**WATER AND SEWER BILLING MONTHLY REPORT:**

The Water and Sewer Receivables as of November 10, 2020 is \$ 73,545.50. This includes the 4<sup>th</sup> quarter meter readings. Bills were sent out October 12, 2020 and are due November 12, 2020. Re-levy is due to the County on November 16, 2020. Reminders have been put on Facebook and the Bloomingdale Neighborhood FB page.

Winemiller: At this point I have a feeling that Jeffrey Tedford is present to discuss the water and sewer bills.

Tedford: I know as a result as we went through this whole COVID issue, and it came from the Governor's office that there would be no penalties and basically, people would not have to pay their utility bills. As a result of penalties not being charged and/or not shutting their water off, and anything that went along with it, and as a result of that, many people did not. So, now guess where that money from that is going? Anyone that owns rental property is incurring the bill.

Winemiller: It was an Executive Order that no utilities could be shut off during the COVID pandemic. And no late penalties could be charged on those bills. As you are well aware, anyone who was on unemployment for a very long time, got the extra \$600.00 a month. You are absolutely right that the number is very high. By law, we cannot shut their water off and we cannot charge them late fees. Also by law, we must re-levy any unpaid balances on the taxes. In 2016, the Town had an Audit from the NYS Comptroller's Office. That was a finding in the audit, and even if the amount is 25 cents the Town has to re-levy the amounts to the taxes.

Tedford: I know you tried, I know you mandated meters. My bill alone for 2 people was over \$400..... is there any way of pushing out the loan that the Town owes.

Winemiller: The EFC loan is going to be paid off in 2045. I think you are thinking of the Capital Reserve Fund. We expect that to be done in 2023.

Tedford: So you expect these rates to be in effect for a good long time?

Winemiller: The Sewer Debt service will be around the \$70 mark, and even more, until 2045.

Tedford: I would say as the Board, you have some issues because people cannot afford this. People will be moving out of town.

Winemiller: We do expect the rates to drop about \$10.00. We did pay off a Water loan, so the water debt went down.

Tedford: I know you have looked at this every-which way in the past. I know you really tried. But, there are people out there that cannot afford this. I haven't raised my lot rent in 5 years or more, maybe. I don't plan to, as long as the taxes don't go crazy. But, the water and sewer is driving them out. Some of these people, their water and sewer bill is more than the lot rent. I get \$200 per month. Some of these water and sewer bills are \$600+.

Winemiller: That seems high. Barb, do you know of any bills that are that high in the trailer parks?

Darrah: Most of the trailer park bills are between \$250 - \$300 per quarter. The only ones that are higher are the ones who do not have working meters, and they are estimated and their estimate is doubled per the mandate.

Winemiller: But if he fixed his reader, he would not be paying that.

Darrah: Correct. I would like to point out that we did charge late fees in the first two quarters; January and April's billings, before the COVID Executive Order regarding utilities came out. Also, we can't shut the water off during the winter months.

Winemiller: Jeff, I would like to go over some of this with you. Is it possible for you to stop by on Thursday afternoon to discuss some of the numbers.

Tedford: I am not doubting your figures. I am just trying to point out that you have low income families in this town. I think you need to keep an open mind to finding alternatives.

Winemiller: There were a couple of people I steered toward United Way for some help, and I believe that happened. I would love it if you could stop by on Thursday, so I could show you some of the figures.

There were two non-verbal Water and Sewer adjustment forms submitted for the Board's approval: Richard Betty and Terry and Kim Snyder. The adjustments were approved.

#### OLD BUSINESS:

Winemiller: The Gladd Property – We do have a court date for the Gladd property on December 22, 2020.

Fuller: I have a question on that: On Derrick's report, it says there is a court date on November 20, 2020.

Winemiller: Okay, November 20, 2020, is in Lake Placid and that one is on the eviction, and then we have to go to Elizabethtown on December 22, 2020, in front of the Supreme Court. There was a court date in October, but it was postponed until November 20<sup>th</sup>.

Winemiller: Friends of Moody Pond – the letter they sent prior to attending October's Board Meeting is in your packets. I just wanted you to have it as a matter of record.

Bates: Nothing was decided on that date that they showed up.

Winemiller: Nothing was decided on that date, but during our budget work sessions, we decided on \$550 for 2021, which was generated from the parking tickets written at Moody Pond.

#### NEW BUSINESS

Winemiller: Adirondack Daily Enterprise Article: There was a reporter who tested positive for Covid who was here at the Town Hall on Election Day. According to Linda Beers, Essex County Public Health Director, Elizabethtown, the reporter spoke to three people outside in the parking lot. In the Enterprise, the article stated that he spoke to voters. I

asked Linda if he talked to the three people inside or outside the Town Hall. Linda Beers assured me that it was three poll workers and it was outside, and those three people were identified by name and they were quarantined. No further quarantine or COVID tracing needed to occur. According to Linda Beers, the Enterprise article was not 100% accurate. I have placed the letter in your packets.

Winemiller: Health insurances premiums for Doulas Snickles and Stanley Ingison: Let's start with Doug Snickles. Basically, a few months ago when I started initialing all of the deposits and all of the vouchers prior to processing, I

discovered errors in the Health Insurance contributions. Because of the errors, it prompted me to look at Doug Snickles and Stanley Ingison's contributions. I went back all the way to 2019. The Town's share of Doug Snickles, medical, dental and vision is capped at \$ 27,500 and Doug pays the remainder of those premiums per Board Resolution in 2017. What we found was that Doug had been paying the wrong amount. What it boils down to, for 2019 and 2020, Doug owes \$2,702.50 to the Town of St. Armand. I have given several options here: 1) forgive the whole thing, 2) say he has to pay it back and give him a choice of 1 year of extra payments at \$103.94 per month or 3) pay it back in 2 years at extra payments of \$51.97 per month. I will tell you that I will be the one from now on to figure out what they pay and make sure the amounts are 100% accurate. And, the information is stapled inside the front page of their personnel files, so that these errors don't happen again. On Stan Ingison's contributions, we found he owes \$937.98. One year of extra payments would be at \$36.08 per month and two years of extra payments would be at \$18.04 per month.

Don Amell: Where is Doug in his term of office?

Winemiller: I think he has one year left.

Darrah: His term is up in December 2021. So, he would have to run next year.

Winemiller: I don't think you would have to worry about Doug. Even if he chose the two-year plan, we could recoup the funds from his final paychecks.

Bates: Is Doug aware of this?

Winemiller: Yes.

Bates: And Stan?

Winemiller: Yes, I told them both. I feel terrible this happened.

Amell: What if there is an early departure? Would it be wise to have them sign something that states in the event of disengagement of their employment that they would allow the Town to recoup the balance from their final paycheck.

Winemiller: I could put an addendum on to the document, where they sign for the choice as to how they want to pay it back and also states if they left the Town of St. Armand, they allow the town to recoup the amounts from their final pay checks. We will let them decide which way they want to pay

Warrene McCarthy: It just seems to me that it is kind of petty for 20-year employees to pay all that back when it wasn't their fault.

Winemiller: You are right, it is not their fault. But, we are also talking about taxpayer money, and there was an agreement made in 2017 with both employees as to what share the Town would pay, and what share was their responsibility. Who are we to say that they don't have to pay it back? When it comes to taxpayer dollars, a dollar is a taxpayer dollar.

Karl Law: I am with Joe on leaving it up to them to choose how they want to pay it back, either one year or two years.

Winemiller: Assessment Law Suit: We were served with an assessment law suit from Cure Cottage Development which was the AMA property. When they purchased the property, it was assessed at 6.6 million dollars. Our omitted tax for 2021 was the \$29,765 that caused us such a headache in figuring the tax cap. They served us with the lawsuit, and then they asked me to join them in a pilot meeting with the Village of Saranac Lake. It is up to the Essex County IDA, it has to be presented to the Town Board, and they have to have Public Hearings.

Winemiller: Rockledge Water District: We need to have a very in-depth discussion on the Rockledge Water District. We need to talk about the repairs that need to be made and take a good hard look at the MJ Engineering report and figure some things out as to what our options are. If we don't do something, and something breaks, we are going to be forced to do something. I have an idea, but I don't want to get into it right now. Barb, what do we have for dates in January for a Special Board Meeting? Martin Luther King, Jr. Day is the 18<sup>th</sup>. So, let's do Tuesday, January 26, 2021 at 5:30 pm.

Winemiller: Youth Field Issue – Security cameras. I sent you all an email a while ago regarding the youth field and building. Some kids pushed some huge boulders down in front of the basement entrance. I got a quote for the cameras.

Amell: Shouldn't the issue be that the wall is unsafe? Shouldn't it be that they were able to push the rocks over?

Putting cameras up is not the issue. Whatever they did, will happen again.

Winemiller: As far as that goes, they could climb on the roof and leap off. Are you saying that we shouldn't bother with the cameras because they are going to do what they are going to do?

Amell: Let's say a kid did get hurt. If they were able to roll those rocks out of there, and someone got hurt, it would be the Town's fault.

Winemiller: So, what are you saying we should do? We could probably put something there to firm that up.

Donna Bramer: Would we save some on our insurance if we got cameras?

Winemiller: We would.

Amell: We never did anything when the Town Hall was broken into. How far do we go? Do we put cameras on the Highway department?

Bates: It might be beneficial to have surveillance. I know what you are saying, but I think if you recorded a kid with a crowbar, prying a rock

Winemiller: If we didn't have the cameras, and a kid got crushed by a rock, it's the Town's fault. If we did have the cameras, and the camera shows one kid pushing the rock onto another kid, is that the Town's fault?

Bates: I think you have a better leg to stand on if there is a recording.

Winemiller: It's \$775.00 and that is four cameras.

Law: And who would monitor the recordings?

Winemiller: We would have to make a schedule to check the building and field. Then if something is spotted, we would check the cameras. We would have to have a schedule and take a swing around the area. This camera has a repeating loop. It is motion activated and would record while there is motion in front of the camera. What are you thinking Don?

Amell: Is there a possibility that we can get insurance on the security camera? I foresee it getting broken. Some night when skating is going on, the cameras get broken.

Winemiller: The security system is in a locked room in the building. It is a locked room in the Youth Building.  
Amell: I have no objection to trying it for \$775.00  
Winemiller: Can I get a Motion to approve the estimate for the cameras, please?  
Bates: I'll move.  
Winemiller: Can I get a second?  
Karl Law and Jennifer Fuller: I'll move.  
Winemiller: All in favor. Motion carried.

#### QUESTION OR CONCERNS FROM GUESTS AND STAFF:

Supervisor Winemiller asked if there were any questions or concerns from guests or staff?

Amell: Now, we need to finish the decision on the tabled Water adjustment from the beginning of the meeting?  
Winemiller: Yes, we need to look at the adjustment for Teddy's Ice Cream. Barb prepared a packet with the background.  
Law: Barb, I am looking at the grid here. How did you determine what the charges were without previous readings?  
Darrah: From the readings.  
Bates: Prior to that there was nothing, and it was estimated.  
Winemiller: So, the quarter was for April, May and June?  
Darrah: Yes, but, it did not open until May 26<sup>th</sup>. He called to for the water to be turned on, on May 26<sup>th</sup>. Cory installed a new reader in the first week of June and it started at zero. From the end of May to the end of June, the usage was 27,000 gallons.  
Amell: So for the quarter, July, August and September, the usage was exactly what one quarter should equal based on the first reading.  
The Board agreed the bill stands as calculated. In addition, since this was a seasonal business, the Board determined the water shut-off located outside of Teddy's Ice Cream should be turned off and locked, to ensure the meter and reader are operational for the new summer season of 2021.

#### MOTION TO ADJOURN:

Deputy Supervisor D. Joseph Bates made the Motion to adjourn. The Motion was seconded by Councilperson Donald Amell and the Regular Board Meeting adjourned at 8:25 pm.

I, Barbara J. Darrah, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Regular Board Meeting minutes held on the above-referenced date.

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Barbara J. Darrah  
St. Armand Town Clerk

Dated: November 10, 2020