

Town of St. Armand  
Tuesday, September 12, 2019  
Public Hearing – “Prior Written Notice” Local Law 6:00 pm  
Public Hearing – “Septic System Inspections – Lake Placid” Local Ordinance 6:15 pm  
Regular Board Meeting 6:30 PM

*These Meeting Minutes were approved by the Town Board on September 12, 2019.*

Two Public Hearings and the Regular Board Meeting of the Town of St. Armand were held on the above date and times at the Town Hall, Bloomingdale, NY.

**BOARD MEMBERS PRESENT:**

Town Supervisor Davina Winemiller, Deputy Supervisor D. Joseph Bates, Councilperson Jennifer Fuller, and Councilperson Karl Law.

*A quorum of the Board was in attendance.*

**TOWN EMPLOYEES PRESENT:**

Highway Superintendent Douglas Snickles, Water Superintendent Jeffrey Cotter, Wastewater Superintendent Stanley Ingison, Town Accountant Donna Bramer and Town Clerk Barbara Darrah.

**EXCUSED:** Councilperson Donald Amell and Code Enforcement Officer Derrick Martineau were excused from this meeting.

**GUESTS:** Sandy Hayes, Warrene McCarthy, Jeffrey Tedford, and David Whitson, Jr., all from the community.

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

**PUBLIC HEARING “PRIOR WRITTEN NOTICE” LOCAL LAW**

Supervisor Davina Winemiller called the Public Hearing for the “Prior Written Notice” Local Law to order at 6:00 pm and immediately asked all to stand for the Pledge of Allegiance.

Supervisor Winemiller asked Town Clerk Barbara Darrah to read the Public Notice aloud.

Darrah: Notice is hereby given that the Town Board of the Town of St. Armand, Essex County, NY will meet at the Town of St. Armand Town Hall, 1702 NYS Route 3, Bloomingdale, NY 12913, on the 12<sup>th</sup> day of September 2019 at 6:00 pm for the purpose of conducting a public hearing on adopting proposed Local Law #1 of 2019 entitled “Prior Written Notice”. Published: September 3, 2019.

Winemiller: Do we have any public comments on the Prior Written Notice Local Law? Any questions, concerns, comments?

There were none. Winemiller asked for a motion to close the Public Hearing.

Councilperson Jennifer Fuller made a Motion to close the Public Hearing. The Motion was seconded by Deputy Councilperson D. Joseph Bates. All in favor. Motion carried. The first Public Hearing ended at 6:03 pm.

**PUBLIC HEARING “SEPTICE SYSTEM INSPECTIONS LAKE PLACID” LOCAL ORDINANCE**

Supervisor Winemiller called the Public Hearing for the “Septic System Inspections on Lake Placid (Lake) Local Ordinance to order at 6:15 pm. Supervisor Winemiller asked Town Clerk Barbara Darrah to read the Public Notice aloud.

Darrah: Notice is hereby given that the Town Board of the Town of St. Armand, Essex County, New York will meet at the St. Armand Town Hall, 1702 NYS Route 3, Bloomingdale, NY 12913, on the 12<sup>th</sup> day of September, 2019 at 6:15 pm for the purpose of conducting a Public Hearing on adopting the proposed Local Ordinance “Septic Systems Ordinance for Lake Placid”. Published: September 4, 2019.

Winemiller: Does anyone have any questions, comments, or concerns about the proposed Local Ordinance?

There were none. Winemiller asked for a Motion to close the Public Hearing. Deputy Supervisor D. Joseph Bates made a Motion to close the Public Hearing. The Motion was seconded by Councilperson Karl Law. All in Favor. Motion carried. The second Public Hearing ended at 6:18 pm.

## REGULAR BOARD MEETING FOR SEPTEMBER 12, 2019

Supervisor Winemiller opened the Regular Board Meeting at 6:30 pm, and announced the meeting would begin with the monthly report from Highway Superintendent Douglas Snickles.

### HIGHWAY DEPARTMENT MONTHLY REPORT

Highway Superintendent Douglas Snickles presented the following report to the Board:

#### Town of St. Armand Highway Report for the September 12, 2019 Meeting

- 1) We installed a new culvert on Vine Street in the driveways. We went with the bigger culvert to help with water run-off.
- 2) We started painting the fire hydrants.
- 3) We helped other towns haul black top.
- 4) We received the new sweeper broom and are getting it ready to put on the tractor.
- 5) We fixed the box on the 2009 Mack – getting ready for the sander to be installed.
- 6) Our sand is all up and the salt shed will be full this week.
- 7) We got our roads ready to pave and paved them last week.
- 8) We are doing the aprons and ditch lines currently.
- 9) Nortrax is scheduled to come up and look at the loader.
- 10) The crew will be mowing one more time this season.
- 11) Tires are ordered for the 2015 International,
- 12) The summer help worked out well.

Douglas Snickles stated we are still waiting to hear on the NYS Route 3 contract. Winemiller stated we have not received any contract to date and as far as she was concerned there is no discussion to have. Winemiller invited Snickles to discuss his thoughts on the number of employees on the highway crew.

Snickles: My thoughts were if the State road contract is not a go, do we need a full time or can we go with a part time employee? In this case then a part time would work out most of the time. As far as plowing, I don't mind plowing, doing my route. It would just eliminate another full time. If the State road is a go, then we would definitely need another full time.

Winemiller: Did you get a chance to talk to Keith Bordeaux at all?

Snickles: I didn't. I did talk to Robert if he wanted to do part time? He is interested. Obviously, he is willing to do it, but he would be looking for benefits. It is still up in the air.

Winemiller: So, you haven't made a final decision at this point?

D. Joseph Bates: We still have to deal with the Union about that, too.

Snickles: You would think the Union would see that the State road is 2/3 of our work and that if we don't do it, then we don't need another full time.

Winemiller: So, further discussion to ensue. Anything else, Doug?

Snickles: We started ditching the ball park today for the drainage problem. We have to put a culvert in on the River Road for the County. Right across from Sandy Haye's property.

Winemiller: Do they set an amount that they pay or do we send them a bill?

Snickles: No, we send them the materials, equipment, time, etc.

Winemiller: Anyone have any questions for Doug?

There were none.

### WATER DEPARTMENT MONTHLY REPORT

Water Superintendent Jeffrey Cotter presented the following report to the Board:

Water Report for the Town of St. Armand Board Meeting for September 12, 2019

1. Met With Jake Gardner of NYRWA - On 8/14/19, I met with Jake Gardner of NYRWA to conduct an energy conservation audit of our water system. Jake will be following up with his report.
2. Monthly Coliform sample was taken from the Town Hall. The sample came back from the lab as negative.
3. Verified readings for Barb - On 8/19/19, I verified some meter readings for Barb. One at 3 Andrew Way and one at 43 Matthew Way.
4. Met With Owner of Hex and Hop - On 8/21/19, Davina and I met with the one of the owners of Hex and Hop to discuss overflow parking near the Pump House garage.
5. Disinfection By-Product Testing Completed - On 8/26/19, I obtained annual disinfection by-product samples from the last fire hydrant on the River Road and the Town Hall. Samples were sent to Life Science Lab for testing.
6. Stand Pipe Inspection Completed - On 8/26/19, Atlantic Underwater Testing inspected our Stand Pipe reservoir. They did an internal inspection with a remote-controlled sub. They also took aerial videos with a drone. They will be sending us their report.
7. Replaced the Battery on the Pump House Emergency generator.
8. Reviewed the Rockledge Water District Engineers Report by MJ Engineering.

Cotter: I reviewed the entire report, Davina. I agree with a lot of it, but not all of it. There are some things they recommended for pressure that I question.

Winemiller: They are concerned about the hydrants and by looping it, it will increase the pressure.

Cotter: No, it won't. Hydraulics don't work that way.

9. Turned on 30 Roosevelt - On 9/9/19, I turned on the water to 30 Roosevelt Lane at Brian Draper's request. The water line froze last winter flooding the basement and contractors have been working on the residence this summer.
10. Attended a special Water Ordinance Meeting on 9/9/19.
11. Door Knockers Issued - On 9/10/19, I issued 40 door knockers to customers who were late on paying their bills.
12. Obtained Reading for Barb - On 9/11/19, I obtained a water reading for Barb at 70 River Road. There is a new tenant.
13. Test Ran Emergency Generator with no issues to report.
14. Ordered the Frost Free Hydrant and depth extensions from USA Bluebook. Also ordered a heavy duty spray nozzle for the hydrant.

Cotter: I will get together with Doug Snickles and see when the equipment is ready.

Winemiller: I ran into Brian Goetz at the Fire Department the other night, and they have a 1" canvas hose that they will not be using and they wanted to donate that hose to the Town to flood the rinks.

Darrah: I have a question on 30 Roosevelt Lane. The previous renters who lived there were estimated because the meter didn't work.

Cotter: There is no meter on the house at all, now.

Darrah: So, how will we be billing them? Should we send a letter to the new owner letting him know he will be estimated double until the meter is installed?

The Board agreed a letter should be sent.

Winemiller: I ordered 10 new meters through the United Way Grant and they are in. Are there any more questions for Jeff?

Supervisor Winemiller invited guest David Whitson, Jr., to present his question.

Whitson: I am Dave Whitson and I live on Roosevelt Lane. I have two pieces of property that are across from each other. I am looking for Board approval to tie into my own 1" copper line to put water on the piece of property across the road. My daughter and fiancé are building a house across the road. I just want to "T" off my line with its own shut off and gate box and feed that piece of property. Because, there is no main on my road.

Cotter: He's got to go at least 600'?

Whitson: I measured it last night. It's 430'.

Cotter: It's a long way away.

Whitson: And, to get down to the water main, I think it's 900' to the corner. When I hooked that up 20 years ago, Bart said the end of that line could not take another tap.

Cotter: It's one of the oldest lines we have.

Whitson: I'm looking to tie onto my line. It would have its own meter and its own way box. They will both be able to be shut off separately.

Cotter: This is the one I was talking to you (the Board) about. They are going to go copper to the curb stop and then they can go with Pex.

Whitson: I'm not even sure of the date, it may be next Spring. I have to get with Doug.

Winemiller: Just so you know, anytime you do anything like that you will need to have Jeff Cotter present. And, you need to let Barb know for billing purposes. I personally do not have a problem with that. Does the Board have any problems with that?

The Board stated they do not have a problem and Whitson's request was approved by the Board.

## CODE ENFORCEMENT OFFICER'S MONTHLY REPORT

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

### Code Enforcement Officer's Report for the September 12, 2019 Meeting

1. Permits issued: 4.
2. 2 applications incomplete. Working with applicants to get them finished. Allowed work to start.
3. Answered 14 calls. Most were code questions and permit application questions.
4. Started condemnation paperwork on Monroe Gladd residence due to conditions and him not meeting conditions agreed upon by attorneys.

I personally am not comfortable leaving anyone living there over the winter in fear it will collapse. Mr. Gladd has failed to answer my notice of condemnation therefore I will be placing it in court along with the original violations he was issued.

5. Moose pond. I am researching with the State the best steps to take with getting vehicles removed from property.

## WASTEWATER DEPARTMENT MONTHLY REPORT

Wastewater Superintendent presented the following report to the Board.

### Summary of last month's activities for the September 12, 2019 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) I did the weekly flexing of all the aeration diffusers.
- 7) Had our annual DEC inspection with Kelly Duval and will get the report this month some time. She says that the plant is in good shape but they are pushing for a further reduction in effluent phosphorus levels from 1.7 pounds a day to 1 lbs./D by 2024 (I think)
- 8) The Union Lane lift station pump quit working which is as you know a difficult task to replace as it requires entry into the sewage wet well along with rewiring the control system. The alarm system is also acting up and I am working on getting it operational again. This episode is a strong reminder of the need to replace this lift station; hopefully with a gravity feed line for saving us money in the future. We are working on getting preliminary engineering work done for that.
- 9) I continue to work on the St. Armand Wastewater Department Comprehensive Improvement and Repair Program.

Supervisor Winemiller asked if there were any questions for Stan? There were none.

## RESOLUTIONS # 70, and #'s 77 – # 82

Town Clerk Barbara Darrah announced there was a correction to the numbering of Resolutions for the month of August. Resolution # 65 was originally passed in July for the Code Enforcement Officer's reimbursement of the

use of his boat. In August, #65 was assigned again for the Resolution re-appointing Donna Bramer as the Town Assessor. Therefore, the Resolution numbers for August all moved up one number to put them back in correct order. Barbara brought this to the Board's attention as a matter of public record, so if questioned at a later date, it would be understood what occurred.

Supervisor Winemiller referred to last month's discussion on Resolution # 70, the agreement with Hex and Hop for parking. Winemiller stated she added sections #24 and #25 as well as a map, basically for clarification where they could park.

Winemiller: So, if you are standing with your back to the road and you looking at garage area, the parking would be to the left of the garage. They wouldn't be parking in front of the garage or in front of the water treatment house and the private driveway would also be clear. They are going to buy 5 no parking signs to be installed in different areas and the parking allowed would be just in that one section. They did ask if the Board would allow a small sign to say "Overflow Parking" with an arrow towards that area.

D. Joseph Bates: It's not a problem as long as it doesn't get out of control. We can try it.

Winemiller: So if there are no further questions regarding that agreement, can I have someone make a motion for the Resolution? The insurance stuff is already submitted.

Bates: What about snow removal? I know they are responsible for snow removal, but where are they going to go with it? The thing I am worried about is as they plow that up, the cars are going to keep moving up, so someone needs to keep an eye on that.

The Board agreed to try it.

RESOLUTION # 70 OF 2019

TOWN OF ST. ARMAND PARKING  
AGREEMENT WITH HEX & HOP, LLC

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

WHEREAS Hex and Hop, LLC, 1719 NYS Route 3, Bloomingdale, NY, has requested permission from the Town of St. Armand to allow overflow parking from their business to be located at the Town's Water Pump House and Garage lot located at 3 Canal Lane, Bloomingdale, NY, which is adjacent to Hex & Hop, and

WHEREAS the Town of St. Armand wishes to accommodate the request for additional parking space for Hex & Hop, LLC, to assist them in establishing and evolving into a successful business, and

WHEREAS the Town of St. Armand has requested Hex & Hop, LLC to provide additional Insurance Certificates per the Town's Insurance Agent, and Hex & Hop, LLC has provided this documentation and agrees to maintain the requested insurance,

THEREFORE, LET IT BE RESOLVED by this Resolution, the Town Board of the Town of St. Armand authorizes Town Supervisor Davina Winemiller to execute the Parking Agreement with Hex & Hop, LLC.

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	ABSENT
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: September 12, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

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

BE IT RESOLVED that the Town of St. Armand Town Board hereby adopts proposed Local Ordinance # 1 of 2019 entitled "Septic Systems Ordinance for Lake Placid (lake),

Section A. Statutory Authority.

1. An ordinance is enacted with the authority granted to the Town of St. Armand under the New York State General Municipal Law and the New York State Home Rule Law.

Section B. Title

1. This ordinance shall be known as the "Septic Systems Ordinance for Lake Placid (Lake)."

Section C. Intent

The intent of this ordinance is to better protect Lake Placid (lake) from exposure to excess nutrients and pollutants, and the Town of St. Armand finds that the occurrence of such nutrients and pollutants is increased by the presence of inadequately functioning septic systems proximate to Lake Placid (lake) and the brooks and streams feeding said lake. In addition, such septic systems are more likely to be a threat to public health with particularly, and acute impacts upon the general public through impairing and contaminating precious ecological resources of the Town of St. Armand and rendering drinking water unsafe. In determining the geographic scope of this ordinance, the Town further finds that all real property parcels a distance of five hundred (500) feet or less from the shoreline of Lake Placid (lake), in whole or in part, shall be considered proximate to Lake Placid (lake) and such properties shall be subject to and governed by this ordinance.

Section D. Applicability.

1. All septic systems servicing or located on properties covered by this ordinance as set forth in Section C above shall be subject to periodic inspections or overview by the Code Enforcement Officer of the Town of St. Armand or such other person designated by the Town Board to enforce the provisions of this ordinance.

2. The Code Enforcement Officer, or such other designee, shall have the right to inspect the septic systems subject to this ordinance upon the occurrence of any one of the following:

- (a) Upon the effective date of this ordinance and every five (5) years thereafter for seasonal properties and three (3) years thereafter for year-round residences;
- (b) There exists reasonable cause to believe that a particular septic system is not functioning properly; or
- (c) Upon the conveyance of the property upon which a septic system is located or which is being serviced by a septic system not located on said property.

Section E. Septic System Inspection.

1. The septic system inspection shall include a septic tank pump out or dye test or both to check the integrity of the system by a New York State Department of Environmental Conservation registered septic hauler, engineer or code enforcement official. The inspection, pump out or dye test shall be arranged by the property owner as soon as possible in order to obtain an accurate and timely assessment of the Onsite Wastewater Treatment System ("OWTS"). The property owner must make arrangements with the Code Enforcement Officer to schedule the inspection and coordinate with the septic hauler to be onsite simultaneously. The cost of the inspection shall be paid by the property owner. A septic system inspection shall not be required in the event that the owner can provide the Code Enforcement Officer with records indicating that a licensed septic system hauler has cleaned the tank with five (5) years for seasonal camps and three (3) years for year-round residences or in the event that the system was newly constructed within five (5) years in conformance with engineering standards.

2. The OWTS inspection shall utilize the New York Onsite Training Network (“OTN”) materials, including the OTN System Inspection Request Form, Findings Worksheet and Site Report (Inspection Findings), all of which shall be available in the office of the Code Enforcement Officer. The following minimum standards shall all apply to each inspection:

(a) All septic tanks must be within two hundred fifty (250) gallons of the minimum volume requirement.

(b) All holding tanks shall be equipped with a float switch and high-level alarm located in a conspicuous place to indicate when pump out is necessary. (A copy of pump out records shall be submitted during the inspection prior to conveyance of real property.)

(c) For an aerobic treatment system or enhanced treatment unit, the new owner must send a signed copy of an updated service contract to the Town within thirty (30) days after the conveyance of real property.

(d) If the OWTS is determined to be failing or inadequate, a written Notice of Violation will be issued, and an approved compliance agreement to correct the violation must be obtained prior to conveyance of real property.

(e) If the property was the subject of a letter of acknowledgement from the Code Enforcement Office within 12 months prior to the conveyance, the provisions of this Section shall have been met and no additional inspection shall be necessary to comply with the Section.

(f) Septic systems servicing multiple properties must meet the current standards for size and load given the number of properties utilizing the one septic system.

#### Section F. Failure of the Inspection.

1. Failure of an existing OWTS occurs when the standards for a lawful OWTS as prescribed by the New York State Health Department or the local board of health are not met as determined by the Code Enforcement Officer. While not exhaustive, some examples of a failing system include, but are not limited to, the following:

(a) Lack of a pre-treatment vessel (e.g., septic tank, aerobic treatment unit, enhanced treatment unit) prior to effluent discharge to any subsurface treatment area or absorption field;

(b) There is a discharge of effluent directly or indirectly to the ground’s surface, with surface breakouts, ponding or saturated soils over the soil treatment area;

(c) Direct pipe surface discharge of gray water;

(d) A dye test results in the presence of dye on the ground surface or adjacent/downstream water body;

(e) There is a backup of sewage into the home, building, septic tank or facility as a result of a septic tank overload or malfunction, or a clogged soil treatment area;

(f) The septic tank requires pumping more than four times per year and/or sewage is observed flowing back into the septic tank from the secondary treatment area during pump out;

(g) Presence of a metal septic tank that is undersized and/or corroded;

(h) A cesspool, defined as a covered hole or pit, used to receive untreated sewage from a house or building constructed as a primary source of wastewater disposal; and,

(i) A holding tank that discharges effluent to surrounding sub-surface areas.

2. No septic tank, seepage pit, enhanced treatment unit or soil treatment area shall be permitted to discharge to any natural outlet or adjoining property.

#### Section G. Review

1. Appeals from determinations of the Code Enforcement Officer or requests for variance/waivers from the provisions of this ordinance must be sought from the Town Board and the local board of health within 30 days of the determination complained of.

2. Forms for such appeals and/or requests for variance and waivers will be made available to the public in the office of the Code Enforcement Officer. Such forms must be properly filled out and must be submitted to the office of the Code Enforcement Officer with payment of the applicable fee as established by the Town Board from time to time.

3. In evaluating appeals from determinations of the Code Enforcement Officer, the Town Board may consider whatever information it deems relevant, including any evidence or information submitted by the

applicant and any information obtained from the Code Enforcement Officer or Town Engineer. In the event additional information is needed, the Town Board may direct a subsequent inspection of the OWTS at issue.

4. In regard to any request for variance or waivers, such applications to the Town Board shall be governed by and reviewed by the procedure set forth in NYS Town Law §267-a that is used for appeals or variance applications to zoning board of appeals. The Town Board should take into consideration all matters it deems relevant, including the age of the OWTS, whether it appears to be functioning, its proximity to any water body, the circumstances concerning the request for variance or waiver and the hardship to the property owner in the event no variance or waiver is granted.

5. The above remedies shall be exhausted prior to any judicial review.

Section H. Notice of Violation and Penalties.

6. If a property owner fails to complete an inspection required by this ordinance, or to allow access to the property for the required inspection, or if the property owner fails to comply with any other provision of this law, a Notice of Violation may be issued by the Code Enforcement Officer mandating compliance with the inspection requirements.

7. An offense against any provision of this ordinance shall constitute a violation, punishable by a fine not exceeding Nine Hundred and Fifty Dollars (\$950), or imprisonment for a term not exceeding 15 days, or both. Each week such violation continues after notification to the person in violation shall constitute a separate violation.

Section I. Severability.

1. If any clause, sentence, paragraph, subdivision, section, or part of this ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this ordinance, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section J. Effective Date.

1. This ordinance shall take effect immediately upon the unanimous passing of a resolution by the Town Board Members.

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Armand shall hold and conduct a Public Hearing on adopting the foregoing proposed local ordinance on the 12th day of September 12, 2019 at 6:15 pm in the forenoon of that day, to hear any and all persons concerning the same: and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of St. Armand published a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

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	ABSENT
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

DATED: September 12, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

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

BE IT RESOLVED that the Town Board of the Town of St. Armand hereby adopts proposed Local Law # 1 of 2019, as follows:

SECTION 1. Purpose

The purpose of this local law is to provide for the requirement of prior written notice to the Town of St. Armand of a defective, out of repair, unsafe, dangerous or obstructed condition of any street, highway, bridge, culvert, sidewalk, or crosswalk, or the existence of snow or ice thereon, as a condition precedent to liability on the part of the Town of St. Armand for damages or injuries to person or property alleged to have been cause by such condition.

SECTION 1. Notice of Defects Required

No civil action shall be maintained against the Town of St. Armand or the Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of.

SECTION 2. Notice of Snow and Ice Conditions Required

No civil action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

SECTION 3. Notice Regarding Sidewalks

No civil action shall be maintained against the Town of St. Armand or the Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Town or the Superintendent of Highways of the town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or to the Town Superintendent of Highways, and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

SECTION 4. Supersession

It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede §1 and §2 of §65-a of the Town Law of the State of New York.

SECTION 5. Effective Date

This local law shall take effect immediately upon its filing in the office of the Secretary of State.

BE IT FURTHER RESOLVED that the Town Board of the Town of St. Armand shall hold and conduct a Public Hearing on the foregoing proposed local law on the 12th day of September, 2019 at 6:00 pm in the forenoon of that day, to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of St. Armand published a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

This Resolution was duly seconded by Deputy Supervisor D. Joseph Bates and adopted by Roll Call Vote as follows:

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

Dated: September 12, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 79 OF 2019

AUTHORIZATION FOR TOWN SUPERVISOR  
DAVINA WINEMILLER TO EXECUTE AND  
DELIVER THE NYCLASS COOPERATIVE  
INVESTMENT AGREEMENT ON BEHALF OF THE  
TOWN OF ST. ARMAND

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

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, the Town of St. Armand wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement amended and restated as of March 28, 2019; and

WHEREAS, the Town of St. Armand wishes to assure the safety and liquidity of its funds;

THEREFORE, LET IT BE RESOLVED that the Town Board of the Town of St. Armand hereby authorizes Supervisor Davina Winemiller to execute and deliver the NYCLASS Cooperative Investment Agreement in the name of and on behalf of the Town of St. Armand.

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	ABSENT
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: September 12, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 80 OF 2019

TOWN OF ST. ARMAND TOWN BOARD  
AUTHORIZATION FOR TOWN SUPERVISOR  
DAVINA WINEMILLER TO SUBMIT A MINI BID  
THROUGH NYS OFFICE OF GENERAL SERVICES

FOR A NEW 2021 SET BACK AXLE HIGHWAY  
PLOW TRUCK

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

WHEREAS, the Town Board of the Town of St. Armand has been informed by the Highway Superintendent Douglas Snickles that one of the Highway Department's plow fleet is in poor condition and a new replacement plow truck is needed, and

WHEREAS, the Town Board of the Town of St. Armand does hereby approve of the purchase of a new plow truck that meets the Highway Superintendent's required specifications, and

WHEREAS, the Town Board of the Town of St. Armand has been informed by the Highway Superintendent that the purchase of such vehicle will need to be submitted as a Mini-Bid Request through the NYS Office of General Service's Vehicle Market Place,

THEREFORE, LET IT BE RESOLVED that the Town of St. Armand Town Board does hereby authorize Town Supervisor Davina Winemiller to sign and submit the Mini-Bid Request to the Office of General Services on behalf of the Town of St. Armand.

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	ABSENT
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: September 12, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 81 OF 2019

TOWN OF ST. ARMAND'S SUPPORT OF  
2019 GLOBAL STUDENT STRIKE FOR  
CLIMATE CHANGE ACTION SCHEDULED  
FOR SEPTEMBER 20, 2019

This Resolution failed to have a motion made in its favor:

WHEREAS, our major industries of agriculture and outdoor tourism are affected by unpredictable and changing weather, and

WHEREAS, in our lifetime we have already experienced environmental changes that have endangered our farmers' crops and our winter tourism, and

WHEREAS, climate change, based on the known changes that have already occurred, will accelerate over the next ten years, likely changing our temperatures in our community at three times the national rate, and

WHEREAS, there is still time to tackle climate change, but it will require effort from all sectors of society, and

WHEREAS, to boost ambition and accelerate actions to implement the Paris Agreement on Climate Change, UN Secretary-General Antonio Guterres will host the 2019 Climate Action Summit on September 23, 2019 to meet the climate challenge,

THEREFORE, LET IT BE RESOLVED that the Town of St. Armand supports our local students in their participation in the Global Student Strike for Climate Change on September 20th and our local community during the week of September 20th – 27th, 2019 and into the future in the collective effort to urgently focus on climate change.

This Resolution motion failed by Roll Call Vote as follows:

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

Dated: September 12, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

Winemiller: Ok. Motion fails.

Warrene McCarthy: Excuse me. Did I just understand that they (the Board) don't want to do this?

Winemiller: No. The Resolution failed.

McCarthy: Why would anybody not want to support students? I don't understand.

Winemiller: I don't know. I can tell you that some people believe that Global Warming is a cyclical trend and not an actual event caused by pollution. I don't know if that is the case here this evening.

Jennifer Fuller: For me, I just don't think striking in schools and walking out, I just have a problem with that. I just don't think it belongs in schools.

D. Joseph Bates: I started the whole thing so I am happy to tell you. I don't believe in Global Warming, # 1, and I do believe that out of 20 students that are going to strike, only two of them really believe in Global Warming. But, they are getting out of school and that is what it's all about. And that is only my opinion. Don't be bashful; I am always happy to tell you.

RESOLUTION # 82 OF 2019

AUTHORIZED TRUST AND AGENCY FUND  
CORRECTIONS OF BALANCES AND FUTURE  
HANDLING OF EMPLOYEE FUNDS

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

WHEREAS errors have been made in the past regarding the St. Armand Trust & Agency Account, which is a pass-through account used for payroll, and

WHEREAS the Town of St. Armand Board wishes to correct these past erroneous mistakes that have created a fund balance in the Trust & Agency Account, and

WHEREAS after careful review of the Trust & Agency Account by Mike Kilroy, Davina Winemiller and Donna Bramer, the amounts in question have been found to be as follows:

- \$25,000.00 – Owed to Highway DA Fund – from 01/03/2011
- \$15,000.00 – Owed to General A Fund – from 01/02/2012
- \$ 3,159.90 – Owed to Sewer Fund – from January 2016 to August 2019 for  
Employee Health Insurance deductions
- \$ 2,340.10 - Owed to General A fund – from January 2016 to August 2019 for  
Employee Health deductions

THEREFORE, LET IT BE RESOLVED that the total amount of \$45,500 is to be removed from the Trust & Agency Account; and

BE IT FURTHER RESOLVED by this Resolution of the Town Board of the Town of St. Armand that the funds listed above be deposited into their correct designated accounts, and

BE IT FURTHER RESOLVED, that the Town Accountant shall henceforth deduct the Employee Health Insurance from the correct and corresponding accounts.

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	ABSENT
Councilperson Jennifer Fuller	AYE
Councilperson Karl Law	AYE

Dated: September 9, 2019

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Barbara J. Darrah  
St. Armand Town Clerk

**MOTION TO PAY MONTHLY BILLS**

The payment vouchers for September 2019 were presented for the Board’s approval as follows:

- General Vouchers # 238 - # 270 in the amount of \$ 29,759.09
- Trust and Agency Fund Vouchers # 12 - # 15 in the amount of \$ 681.30
- Highway Vouchers # 145 - # 160 in the amount of \$ 11,064.58
- Highway Outside Vouchers # 11- # 14 in the amount of \$ 57,307.19
- Water and Sewer Vouchers # 123 - # 139 in the amount of \$ 5,961.61
- Rockledge Water District Voucher # 5 in the amount of \$ 630.00
- B Fund Vouchers – none

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

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

All in favor. Motion carried.

Dated: September 12, 2019

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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 August 2019.

Winemiller: One thing I noticed in this report is that the Rockledge Water District showed zero disbursements which I thought was very odd.

Donna Bramer: So, 522 doesn’t have any disbursements.

Winemiller: Barb, didn’t we pay some \$14,000 plus for M&J out of there?

Darrah: That came out of Water.

Winemiller: It should have come out of Rockledge Water.

Darrah: But, there was a discussion on that. I had it coded for Rockledge, but there was no funding in Rockledge. Is that right?

Bramer: No, there wouldn’t have been enough.

Winemiller: Rockledge Water district: \$53,604. I’m not blaming you; there is just something funky.

Darrah: I had it coded to Rockledge, but then we changed it. There was a discussion with Mike, you, Donna and I and we changed it.

D. Joseph Bates: So, do we want to wait until next month to approve this one, once it’s all fixed.

Winemiller: I think we can approve this and then just do the adjustment in September. I remember what you (Darrah) are saying now.

Darrah: I can pull the Rockledge vouchers for the account amounts that need to be changed.

Winemiller: So, we can make the change next month, and it will show in the year to date disbursements.

I just know we are spending money in Rockledge and it’s not showing.

The Board agreed to approve the Supervisor's Report now and look for the correction next month.

Councilperson Jennifer Fuller made the Motion to accept the Supervisor's Monthly Report. The Motion was seconded by Councilperson Karl Law. All in favor. Motion carried.

REVIEW AND MOTION TO APPROVE PREVIOUS MONTH'S MINUTES

Councilperson Karl Law made the Motion to approve the Regular Board Meeting Minutes of August 13<sup>th</sup>, and the Special Board Meeting Minutes of August 26<sup>th</sup> and September 9<sup>th</sup>, 2019. The Motion was seconded by Councilperson Jennifer Fuller. All in favor. Motion carried.

TOWN CLERK'S MONTHLY REPORT

Town Clerk Barbara Darrah gave the following report for the month of August 2019:

There were (6) Dog Licenses for August 2019: 2 spayed/4 neutered for a total of:	\$ 42.00
There were (10) certified death certificates (Pohlmann)	\$ 100.00
Total Revenue Earned	\$ 142.00

Paid to Town Supervisor: \$ 136.00      Paid to NYS Agriculture & Markets: \$ 6.00

WATER AND SEWER BILLING MONTHLY REPORT:

The Water and Sewer Receivables as of September 12, 2019 is \$ 16,314.03. This balance includes late fees that were applied on August 21, 2019. Barbara reported Door Knockers were prepared for 40 customers and distributed by Jeff Cotter on September 10, 2019. Meters will be read the end of September and bills will be out mid-October, and due mid-November in time for the Re-levy.

There were no Water and Sewer adjustments presented to the Board this month.

Darrah: The Adirondack Daily Enterprise contacted me today. They will be celebrating their 125<sup>th</sup> Anniversary on October 17<sup>th</sup>. They wondered if the Town would be interested in placing a congratulatory advertisement in the Enterprise. If so, if you look at the handout, what size ad and what amount of money would you like to spend? There is a \$50 additional charge if we want it in color.

The Board approved they would like to go ahead with the 2" x 4" size ad, and the colors of red, white and blue.

OLD BUSINESS:

The Highway Garage damage claim: Winemiller stated she sent emails and forwarded copies of the garage construction to Jim Dugan, a Essex County DPW engineer, and Todd Hodgson. Jim and Todd Hodgson will be up here next week to look at the issues to assist in determining if it is the Town's fault or fault of construction. Ethan Hall is saying we are not using the vents correctly. Doug Snickles stated the vents were set by them before they left.

Winemiller reported on North Elba Rockledge water users. Winemiller referred to the MJ Engineering report and map print-outs. Winemiller pointed out the Town lines to the Board and reported one of the biggest concerns is that there is a sliver of North Elba that runs through the Rockledge Water District; Lot 10, Lot 16, Lot 20 and Lot 26 are in the Town of North Elba and are serviced by Rockledge Water District lines. And, the owners pay to the Village for the usage for the water, but they don't pay the .52 per thousand tax that the rest of the parcels in Rockledge pay to us for maintenance and repairs of the lines, which they should. Lot 26, the little corner of the house, that piece is assessed at \$5,600 and that corner pays the .52 per thousand and the rest of the house that's in North Elba, pays nothing. The house is assessed at \$225,000 or something. In speaking with Matt Norfolk, and Robi Politi, and Craig Randall, the Town will have to create a special tax district to make those parcels pay their

fair share of the Rockledge Water. We have to look at the Rockledge agreement with the Village of Saranac Lake from 1992, which I scanned and emailed to Matt Norfolk. He has to look at that to decide if it does cover it, we can code them correctly, but if it doesn't, we would have to create a special tax district. That's just one of the problems with Rockledge.

Winemiller spoke about NYSERDA, the streetlight LED grant project. She referred to an attachment from Jessica at NYSERDA. Basically, what they are looking at for a maintenance plan would be about \$20 annually per streetlight for our town (78 street lights). That would be a \$1,560 maintenance agreement. That is just routine maintenance. Anything extra that happens we would be on the hook for full price.

D. Joseph Bates: From who? Northville?

Winemiller: This is just their estimate right now. If you look going down further into it, there are several amounts. If you go into the Town of St. Armand LED street light proposal asset management controls benefits: it shows Annual Energy Savings of \$2,484.64. Currently, the Town pays \$9,100 per year for the electricity. So they are saying we could reduce that by \$2,484.64. Then they are saying we could have an annual maintenance savings of \$287.57 but that is based on the fact that we would pay \$15.60 per street light, if nothing happened. It's kind of smoking mirrors what our savings might be. Our total annual cost savings would be \$5,342.50. In reality what you have to look at is \$9,100 minus \$2,485, plus \$1560; and then if nothing else happens.....

D. Joseph Bates: What do we pay for maintenance now?

Winemiller: Nothing. Because we don't own them.

Bates: Exactly.

Winemiller: That's what I was trying to get at at the last two meetings. We still have the \$50,000 Green Energy Grant. We could do something else with that. We could put solar panels on the Wastewater Treatment Plant. We could put solar panels on the Highway Garage. We could put solar panels on the Town Hall. We have to submit a request for a change. I emailed Todd Hodgson.

Bates: Ampersand Electric was talking to Dean about something a while ago.

The Board agreed for Winemiller to come up with another plan.

Winemiller gave an update on the Paul Smith's Well Field land: She received a verbal update from a non-interested party regarding that. They (Paul Smiths) are looking into it. They are doing some research on the value of the land and options we have as far as pricing.

Winemiller gave an update on the St. Armand Water Meter Initiative: We received \$1,000 in funding from United Way. I received 10 free meters. With the \$1,000, I purchased two brand new water meters with readers for the two applicants who asked for them. I have one applicant to set up with Snickles to do an installation for and I purchased 10 meter readers for folks who needed new readers.

Winemiller gave an update on the Brookside Cemetery extension from Trudeau's: she called John Martino and he will be completing the survey next week.

Winemiller asked the Board if we wanted to set a date for the Public Hearing for the Water Ordinance? Do we want to do something with one of the Budget Work Sessions? The Board agreed we would set the Public Hearing for 6:15 pm on October 16<sup>th</sup>.

## NEW BUSINESS

Winemiller reported the Town will need to do a new Income Survey in order to assist our grant for the I&I Study. The Town needs to hold a Public Hearing to discuss the Income Survey with the public. The Board agreed we would set a Public Hearing on October 8<sup>th</sup> at 6:15 pm to discuss the Income Survey.

Winemiller reported she and the other Essex County Town Supervisors were invited to meet with Senator Chuck Schumer on August 29<sup>th</sup>, in Saranac Lake. It was a small roundtable discussion. Winemiller spoke to him directly regarding our funding and DEC mandates. He suggested that we contact the Albany Times Union and try to get our message heard more clearly. Winemiller also met with Assemblyman Dan Stec today. Winemiller took him to the Wastewater Treatment Plant and the Union Falls Hydro Electric Power Plant and expressed our concerns. Dan felt we could do something a little quieter with DEC. In Winemiller's preliminary research of the phosphorus reduction, at a bare minimum it will be \$25,000 annually in additional chemicals and that does not include any changes we might need to make in our chemical feed system. In a nut shell, we need to add more chemicals and it's very expensive. Stec stated he would do what he could in the Assembly to bring this issue to their attention. Winemiller explained to him that if they want us to do this, they need to help fund this. It is not

that we are unwilling to do it, but we need help with the funding. The Board agreed that Winemiller had done a good job with both meetings, representing the Town's concerns.

Winemiller had distributed copies of the DEC SPEDES permit to the Board. She also included a handout on the new hydro-electric project. She was notified they were doing a new agreement called the "Saranac Project" at the hydro-electric dam at the Franklin Falls location. There is a meeting to be held there on October 1, 2019, and she will report on the meeting later.

Winemiller asked the Board to look at pictures she had distributed of the front of the Town Hall and bricks missing and a chunk missing on the front steps. Winemiller fears when we get snow and ice, further damage will occur. She feels G&G did a fantastic job on the chimney. Even though there was a hiccup on the roof flashing (when the lift fell on it) it was repaired. In addition, a 5-year contract was drawn up and G&G signed if any damage occurs from that accident, he will come and repair any damage. Winemiller tried to get quotes from other companies for the front of the building but was unsuccessful. G&G gave a quote of \$3500 to do the repairs. Winemiller asked for a Motion to approve the quote of \$3500 and to go ahead with the repairs. Councilperson Karl Law made a Motion to accept the quote. Councilperson Jennifer Fuller seconded the Motion. All in favor. Motion carried.

Winemiller reported she recently reviewed the Town's Personnel Policy. She discovered there is no section for disciplinary action and lacking in other ways as well. Other amendments and changes need to be made to it. She is not going to schedule a possible work session right now because we are working on the budget, but she will work at it. We will talk about that at next month's meeting and maybe have a draft to hand out.

Winemiller reported the Essex County attorney gave us information regarding guaranteeing Town taxes for removal of brush, demolition costs of dilapidated buildings. We might possibly have a dilapidation in the very near future and we could refer to it. This is about putting a cost on any demolition or removal of debris and if the property was sold at auction, the Town could be reimbursed for those costs.

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

Supervisor Winemiller asked if there were any questions or concerns from guests or staff? There were none.

Sandy Hayes: That G&G contract has a Paul Smiths address. I thought when he came to present to the Board, he was from Morrisionville.

Winemiller: It is a partnership. Rick was from Morrisonville. One owner is from Paul Smiths and the other is from Lake Placid.

There were no other questions.

#### MOTION TO ADJOURN:

Deputy Supervisor D. Joseph Bates made a Motion to Adjourn the Regular Board Meeting. The Motion was seconded by Councilperson Jennifer Fuller and Councilperson Karl Law and the Regular Board Meeting adjourned at 8:09 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: September 12, 2019