

**Minutes for the Ticonderoga Regular Town Board Meeting held on October 8, 2015
commencing at 6:00 p.m. in the Community Building with a Public Hearing
regarding the Town's EDU (Water Unit) Process**

Present: R. William Grinnell, Supervisor
David Iuliano, Councilman
Wayne Taylor, Councilman
Fred Hunsdon, Councilman
Chattie Van Wert, Councilwoman
Matthew Fuller, Town Attorney
Tonya M. Thompson, Town Clerk

Others: Stu Baker, Kim Vilardo, Reeves Gijanto, David Yohe, Darlene & Harry Treadway, Dawn Millington, Craig Dixon, John Tobin, Chief Johns, Ann Dolback, Judy Davis, Francine Burke, Ross Kelley, Marge Cross, Eric Rafferty, Tilly teRiele, Kendal Thompson, Julie Trombley, Bill Barnhart, Mr. & Mrs. Bodette, Dick Holroyd, Sarge Condit, Jeremy Treadway, Robin Shaw, Dale Rafferty, Derrick Fleury, Sue Huestis, Joe Giordano, Tim Stanilka, Mary Mazzotte, Bev Hudak, and others.

Supervisor Grinnell opened the meeting with the reciting of the Pledge of Allegiance and opening the Public Hearing.

EDU - Policy

PLEASE TAKE NOTICE that pursuant to Article 12 of the Town Law of the State of New York, including but not limited to Town Law sections 196 and 209-q, a public hearing will be held by the Town Board of the Town of Ticonderoga on October 8, 2015 at 6:00 p.m. at the Offices of the Town of Ticonderoga, 132 Montcalm Street, Ticonderoga, New York, to discuss proposed amendments to the Town's allocation of equivalent dwelling units (EDU's) for water usage in the Town's water districts. Said EDU's may also be used in the calculation of sewer service fees. Copies of the proposed EDU calculations are available from the Town of Ticonderoga during business hours and are available on the Town's website for review. All members of the public and interested parties are permitted to appear and be heard.

Supervisor Grinnell explained that we have been going through a process from the last several months updating our EDU assessment policy. It hasn't been done in years and years and there have been changes in the regulations as we have to report to the state and there are changes in the regulations as to how we have to do our billing. These are some of the reasons that precipitated this review. We have buildings that have changed ownership, two, three times, buildings that have expanded their usage, buildings that have shrunk their usage and we are trying to get everybody back on equal footing with the most current information that we have. We are well aware that there are discrepancies in our documentation, that is going to be addressed, mostly by you folks, he is assuming everyone here has received a notice of change in your EDU's. The process at present doesn't allow for anyone to seek a change in what their assessed at presently. We are going to change that moratorium with this new policy. We are changing the values that are being put in, we are changing businesses and residences. We are trying to come to a level playing field for everyone. The easiest way to get an adjustment after we get through this process, is to send a letter to the board or the water clerk saying that you

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disagree with the number of assessed unit and what you think it should be. You will be given a meeting with the water committee to document - if you say you have 4 units and we say you have 8 units, you will have us come in, review your property and if you can prove you have 4 units your billing can be adjusted accordingly. The best information that we have at this time, is we put down the 8 units and that is what we believe is there. There has been some instances - home beauty shops had been assessed as a one unit operation; we are increasing that to 1.5 because a home is 1 and if you have a beauty shop we are increasing that a half unit. Obviously, that is going to use more water than simply a residence. Day Care - obviously a day care is going to use more water than just a residence, depending on what you run out of your location, either residence or business. We have tried to base our assessments on what we know, if we are misinformed; we are more than willing to work with you to come to an amount of EDU's that is appropriate for what you are doing.

Mrs. Cross asked what exactly is an EDU, can you quote an amount, is it a usage of water?

Supervisor Grinnell stated no, EDU's have been pretty much a flat rate charge for one unit of use - a residence. The State has told us that we now can't bill just on a usage for a water charge. Your new bills are going to be in three parts, there is going to be a usage charge (the water you use), a debt service charge....

Mrs. Millington wanted to know how would you know how much water is used without a meter.

Supervisor Grinnell explained that everyone works on a base number. A dwelling unit.....not that many years ago people were offered the opportunity to put water meters in, there were grant funds available to do it and for whatever reason that was voted down. What you are saying, in his opinion and a good number of people agree, water meters are the only way to accurately determine usage. That being said, you are still going to have a base unit charge, whether you have a water meter or not. If you go over a certain number of gallons you are going to pay an additional fee, but everyone is going to have up to that number of gallons, whatever it is decided to be.

Mrs. Vilardo asked how will you determine how many gallons a household used, or a business used if you don't have a meter on the building.

Supervisor Grinnell noted that it is strictly an estimate and it is the only thing we can do.

Mrs. Vilardo stated that this is unfair.

Supervisor Grinnell explained that this is how it has been done since day one in Ticonderoga. That is how it has to be done until we change how we measure usage. If you don't want water meters, you are going to be a flat fee, that is what the State says we have to do.

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Mr. Dale Rafferty asked why we can't put water meters on now? How much is a water meter?

Mrs. Millington asked if it would be less for water meters than what people are going to have to pay? People aren't going to be able to afford this.

Mr. Fleury explained that the grant we were offered a few years ago was 4.5 million, but that was including doing the whole town with water meters and other services that worked with that, there was a lot more than in the project than just the water meters.

Councilman Taylor stated it was 3.6 for just the water meters, they were going to be transmitting their readings automatically.

Mrs. Vilardo asked why is the state saying this, are you occurring some additional costs that we are not aware of that is driving this whole thing? Why is the state coming in and telling us that we have to have a usage charge and you have to assess at least one unit...

Supervisor Grinnell stated, it is to be equitable.

Mrs. Cross stated that it is not equitable.

Councilman Taylor explained that years ago, a standard from American Waterworks Association stated that one unit constituted 300 gallons of use per day. That was the number they used as a standard for how many gallons of water per day that was used and that is what we use.

Supervisor Grinnell explained that today we did a quick study, we use about 800,000 gallons a day, there are about 2,500 users, that is 320 gallons per user.

Mrs. Millington asked who pays for the water when the hydrants are opened up to clean them out. Who pays for all of that going down the drain?

Supervisor Grinnell again stated that it is a flat charge. When the hydrants are opened up like that it is usually because there is a repair going on. That has to take place or they'll blow the pipes right out of the ground. The tax payer couldn't pay for that.

Mrs. Vilardo stated that you are a contractor, you know that they have gone to economic on everything, toilets, shower heads, everything; we are using less water and more air, so did the state look at that and address it and say wait a minute, people aren't using on average 300 gallons, but we are being billed for that.

Supervisor Grinnell believe that the last he looked the standard for design on usage is based on waste water and designing waste water systems and they are saying that the average residence uses 350 gallons per bedroom, then there is another study on usage on the intake side of that that says the average person uses 300 gallons a day. They are

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telling us that if we are going to be equitable, every district - some are new, some are old, some have a lot of debt, some have none...

Mrs. Vilardo asked when they are saying 'if' we are going to be equitable, are we not - yesterday were we not, before we got these notices? What provoked this? What made them come in and say you need to collect more money from the people in the Town of Ti?

Supervisor Grinnell explained that it is not that we need to collect more money, we don't need to collect more money. It is just the way the money is going to be distributed. We need 'x' number of dollar's to run our water department. We have cases where we have places running at a half a unit, there are apartments that are rated at a half unit, you have houses that are rated at a full unit, you have one/two people living in an apartment, you have one/two people living in a house - why would there be a half unit difference? That is where the equity part comes in. You have people that have a house that have added a garage apartment or they have sectioned off a portion of their house and rented it out so you have two living units. You have property that have been billed for one...

Mrs. Vilardo interrupted saying that she understands that this is trying to make if fair and equal to the amount of water that someone is using; however, we are not even looking at residences. We have got some people who live in a house with three bedrooms and there is one person living there at 80 years old that take a shower once a week and then you have another house that has three bedrooms that have 10 people living in it taking a shower everyday. However, back to her question - if the state comes in here and says that you have to increase or somehow change these EDU's to make it equitable, her question is, is the water plant that we have in our town not equitable at this point in time. It really comes down to dollars and cents....

Supervisor Grinnell explained that it is not the water plant, it is the distribution of the water. The water plant is a

Mrs. Vilardo asked if she is wrong in thinking that if you raise her EDU's you will also raise the amount of money she will have to pay you...

Supervisor Grinnell stated that that is correct, then stated that it is not correct.. it depends on what the EDU rate is. The EDU rate is going to vary, we still have..... We have how many EDU's....

Mrs. Vilardo asked if one EDU at this time equivalent to a dollar amount? If she goes from one to - (Supervisor Grinnell was shaking his head no) - it is not equivalent? So if she is one EDU....

Mr. Fuller explained that this is not too dissimilar from a real property assessment stand point - dollars per thousand, if your water budget this year was \$800,000.00 and you had 1,000 EDU's that will give you the dollar per EDU. IF you have 100 EDU's and \$800,000.00 and you do that math, that is your dollars per EDU. If your budget next year

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was \$810,000.00 but due to your EDU structure you went from 100 EDU to 150 EDU's, you do that same math and you will again get your dollars per EDU. You have to compare it to the budget with the difference in EDU's. So to answer the question, the dollars per EDU does not stay the same. If it was \$100 per EDU this year, they don't take \$100 per EDU next year and multiply it by instead of 1 it is 1.5. Every year that math is done - take the EDU's and divide it by the budget and gets the dollars per EDU. That is how it is done.

Mr. Dale Rafferty added that still 1 EDU and 4 EDU, EDU costs you 4x the amount of one.

Mr. Thompson stated that if you increase the EDU's you are paying more also. How was the increase in EDU's come up with for everybody here? That is what he would like to know. How did you come up with that many EDU's.

Supervisor Grinnell started to explained some of the process -

- Home/Beauty shop 1 to 1.5

Mr. Thompson interrupted that he understands this, but for his location, how do you go from 3 EDU's to 10 EDU's.

Supervisor Grinnell continued

- Mini-Mart w/ Food Service 1 to 2 EDU to 3 depending on the size, this is the same with restaurants depending on the size and what the traffic is or can be

Mr. Thompson stated that he is a convenience store with food and you justify moving me to 10 and the other ones to 3.

Supervisor Grinnell stated again, we know we are not perfect with our numbers. You wanted to know how we arrived at this..... (Below is the process that was proposed)

Change in Use/EDU

Home/Beauty Shop	1 EDU to 1.5	
Home/Business	2 EDU to 1.5	
Restaurants	2 EDU to 3 or 4	1 Added EDU for Apartment(s)
Bar & Grill/Private Clubs	2 EDU to 3	1 Added EDU for Apartment(s)
	.10 EDU to 1 EDU of	
Vacant Lot	DEBT	
Vacant Home	.25 EDU to 1 EDU FULL	
Mini-Mart - No Food Service	1 EDU to 2	
Mini-Mart W/ Food Service	1 to 2 EDU to 3	
Buildable Lots - Not Charged	0 to 1 EDU Debt	
Unbuildable Lots	.10 EDU to 0 EDU	

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Mr. Thompson stated that we are on a meter, you told him to get his meter readings and he did. He currently uses 2.66 if you want to be exact, he hasn't had a meter reading in 14 months at the store and we will be open 2 years at the end of this month. For over half the time we have been open, we haven't had a meter reading. We are using less than what we are paying for and that is current and you are telling me that you are bring us up to 10.

Supervisor Grinnell asked what Mr. Thompson is comparing that meter reading to.

Mr. Thompson stated that it is pretty straight forward, it breaks you right down to a daily use of 680 gallons at 300 gallons that is 900 gallons that we can use a day and he is using less than what he paying for and you want to make me pay almost 3 1/2 times more.

Supervisor Grinnell stated as he has said three times, this is the step, what we are doing tonight is setting the standard for equality. If you feel that you have been.....

Mr. Thompson stated that he was told in the Supervisor's office on Monday that you had done the meter readings that you can tell me that you justify putting you told me to do the readings and I've done the math..

Supervisor Grinnell explained that the only comparable meter reading was (Mr. Yohe's place) that was the only comparable meter reading and it was about 4,500 gallons a month and that was the same as Mr. Yohe's 30 unit apartment building.

Mr. Thompson stated that the first 3 months that they were open they did a meter reading, and then another was done on July 28, 2014, prior to that there was December 23, 2013 and then he called to have one done yesterday so he could have a current one. You told him that you did the math and all of that.....

Supervisor Grinnell stated that we looked at these...

Mr. Thompson stated that you didn't look at them in the right way, because obviously.....

Supervisor Grinnell stated that obviously in your perspective that is true, but what he is trying to tell you and what he tried to tell him the other day is that we know we have some missed assessments.... (snickering from the audience) has anyone here received a bill on the new assessments.....

Mr. Thompson stated no, but we have (inaudible)

Supervisor Grinnell asked to hear him out,, you wont' receive a bill on this until we have them right. What we are here for tonight, is to explain the process that we are trying to use, not the individual assessments but the process that we are trying to use to get to a more equitable position than what has been going on in our water system in Ticonderoga. Until we get the number correct, you all feel you have been miss assessed; he wants you to look at this schedule, look at the numbers that were used to arrive at our assessments, if you feel that you are wrongly assessed then tell us and we will come to look at your

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facility and we will have a conversation and try to work out a number that is agreeable to everybody..

Mrs. Millington asked if we will be reimbursed when it is found that we don't....

Supervisor Grinnell stated that you won't be charged the higher number until we are both in agreement that that is where it is at or that the Town has felt that they have explained it to you and obviously we are not going to please every person in Ticonderoga, but we are doing our best to make it fair for everybody.

Mr. Condit stated that he has a water meter, but this is not really a proposal at the moment, it sounds like this is the direction that the board in the town is taking for reassessment or reevaluating the individual parcels that are using water and sewer. His question is for those people that have the water meters and can show that they are being charged for 10 units but they only using the water for 2 1/2 or 3 will that remain constant for them as to what they are being charged.

Supervisor Grinnell stated that this is a very good question. The problem is with establishing what that base really is. We have, even from the state with the criteria that they are using to make the our best estimate that we can make for usage, there is a conflict in numbers.

Mr. Condit asked how there is a conflict of numbers when he has a water meter that he has paid for.

Supervisor Grinnell asked what do we compare that to?

Mr. Condit stated that you just (inaudible)

(There are many conversations going on in the audience and at the board table - many conversations are inaudible at this time. This record will reflect those conversations that can be clearly heard)

Mr. Condit explained that this is not for him to decide, he is asking a question. He has a water meter and there is a standard that you are going by, it seems like that is where it stands. He is not using water for 5 EDU's he is using water for 3 so that.....

Ms. Gijanto stated that on the same token - there is only her and she doesn't take a shower every day and she knows dollar for dollar that she does not use 300 gallons of water a day. They have her down for two units, she had an apartment in her house a long time ago, be done with it - scratch it.....

Supervisor Grinnell stated that there is going to be a base unit. Whether it be at 300 gallons or 350 gallons, the 350 gallons is for a living unit whether it be an apartment or a house.

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Mr. Condit stated that a water meter means nothing, that is what you are saying.

Supervisor Grinnell stated that at this point in time it can't because we can't she doesn't have a water meter, how can we compare hers to yours?

Mrs. Vilardo asked that you can do that, if that can't be done then how can you charge that a usage charge, that should be

Supervisor Grinnell asked what would you like us to call it, we have a water department that we have to pay for.....

Mr. Thompson stated that this whole conversation is based on EDU's, which is 1 unit is one household we are on a meter and it is showing that we are using less than what we are paying for currently and you are saying that it doesn't matter that you are on a meter, we are going to raise you up to 3 1/2 times what you are paying now.....

Supervisor Grinnell stated that this is not what he is saying at all...he said with your particular situation, each and everyone of you, if you feel that you are unfairly assessed, notify the board, we will make an appointment for you and either the water department or building inspector will go to your residence or business and do a walk through, count up the fixtures, look at what you have got, see what you have partitioned off, and try to make as fair an estimate of usage as capable and that includes a discussion with you.

Mr. Thompson stated that in the case of the meters, he is giving you his usage, why do you feel the need to come through and count the fixtures. He is still showing you the amount, why does there need to be a walk through, it is in the numbers and the numbers can't lie to you.

Supervisor Grinnell stated that he has tried to explain it and it is not working.

Mr. Holroyd stated that you are putting the cart before the horse on this thing. There is no way on God's green earth that you can give a fair flat rate to all the people for all the different things in the town. No way, without having a water meter. He realizes that the previous board to you - we had 100% paid for water meters, it was not a vote that turned down those water meters. It was a mistake on the part of the Town Board that got those water meters turned down, he is not trying to put blame on anybody, that is in the past; but we are not going to get a 100% grant again. You've tried and he knows you have, he has been to the water meetings, but he has also heard that there are 80% grants out there for water meters. That is what you should get before you try to equalize and make everybody equitable. The only fair way is going by how much everybody uses. Trying to put an estimate on to it is never going to happen, you are going to have WWII on your hands in Ticonderoga. You can't do it. You are only human, you can't do it. You can't even go by numbers that the people here agree with. You have to go by numbers that the State has given you.

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Supervisor Grinnell stated that then everybody is in agreement that you would rather see this study shelved for the time being and continue with what we are doing with the way it is until we can secure the funds for water meters.

The crowd announced a unanimous yes!

Supervisor Grinnell has one request to make, that will be by referendum. Please come and vote....

Mr. Holroyd stated that this time there will be a vote, then it will be to the people, but you do this, Supervisor.. put the article in the paper that explains both sides of the situation. Don't put it in the paper that water meters are going to cost the people of Ticonderoga \$400 extra in the water rents or something like that..... Just make it fair so that when you write the article up that it is fair on both sides of the issue so that the people know what the truth is and what we are voting for.

(Applause)

Supervisor Grinnell asked the board if they had any problem with shelving this for the time being and look for grant funds.... (The board agreed- the have no problem shelving and looking for grant funds)

Mr. Baker asked about the proposal to put this to referendum, you have a list of registered voters in the water districts?

Supervisor Grinnell agreed that we absolutely have a list of registered voters in the water districts. Each account would be a voting unit. (inaudible)

It was asked if they are a resident of Crown Point, how will they vote.

Supervisor Grinnell explained that it would be registered voters within the district, and that would be determined by the boundaries of the district as described by the Map, Plan, Reports that are done for each district.

Mr. Holroyd asked what about the people in Chilson, we pay a bill, there are 125 people up there.

Mr. Fuller explained that you are not in a district, it would be a resident in the district.

Mr. Dale Rafferty noted that he lives on the Hague Road but has 5 properties that are in water districts. Will he be able to vote.

Mr. Fuller explained that you have to have to be a resident in the district.

Supervisor Grinnell asked if we have to do this by a vote, can we do it by petition or some other means. Or just do it by resolution.

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Mr. Fuller stated that you just have to be careful, there are other people in the district that can challenge that.

Supervisor Grinnell explained that we can have another public hearing, when we secure grant monies and put forth reasonable costs of what we are going to do and present it to the people similar to this.

Mr. Fuller explained that it would be subject to permissive referendum.

Councilman Taylor asked what would be the question for the ballot.

Supervisor Grinnell explained it would be whether or not to purchase water meters or not for the Town of Ticonderoga.

Mrs. Cross stated that she is still confused as to this EDU thing and how much water she can use for one EDU. Wouldn't it make sense, if you are going to use 300 gallons per day, you are going to be appraised at one EDU - she can understand that. From that, if she doesn't use 300 gallons, even with the pre-school kids there for 2 1/2 hours a day, not 8 hours a day like day care and she has the letter ready for the clerk so she is going to have a meeting with you. Why wouldn't she be charged less? If there was a dollar figure to that EDU, she could understand this process better.

Supervisor Grinnell explained that #1, you have to have the means to measure those gallons.

Mrs. Cross doesn't understand why we don't have one while we are using this EDU phrase.

Supervisor Grinnell explained that we don't because it has never been a popular concept in this town to have water meters.

Mrs. Cross stated that we are using that term EDU without a meter, so that implies measurement.

Mrs. Gijanto believes it is a mistake to use that EDU business, she has a house and lives by herself and you are going to charge her whatever you are going to charge her and if she has a business you are going to say, buddy you are going to pay 1 1/2 times that. That is what you are saying. She has a house that had an apartment in it, the apartment is gone so she pays 1 \$208.00, you come up with this do-hickey and you tell me two EDU saying that she has two flats - you are wrong. She hasn't had a flat in years, and that is a correction that needs to be made. She thinks you are wrong to use this EDU thing, because she can use 1,000 a day - and you are saying 300 - it is confusing.....

Supervisor Grinnell understands.....

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Mr. C. Dixon is confused. The EDU - we need some sort of equation to vote properly. To vote properly between meters and a EDU assessment..... you all came up with the EDU assessment, we don't know what an EDU assessment is. We some sort of hard facts. He had a pretty decent math teach in Ticonderoga High School that told him that he needs some parts to the equation and the equation that we all see here is if we vote in for meters, we need to know what the other option is. The other option would be your option which is EDU's. What he is getting from this council, is that it is a State figure, that is unreal to him. We are a town of 5,000 people, so is there,,,, is he missing something,,,, is there an equation?

Supervisor Grinnell stated no, there is no.....

Mr. Dixon stated so there is no..... you just say, look we are going to raise - the Hot Biscuit was raised 50%.....

Supervisor Grinnell stated that you don't know that it will be 50%, the number of units you are being assessed at has gone up 50%... (inaudible)... he asked to let him finish.... What is the cost of the first unit versus the cost of the second....

Mr. Dixon stated that he has a 90 seat restaurant, here is the deal. The 90 seat restaurant doesn't represent anything in EDU's, what it does represent is a restaurant that has 90 seats.....

Supervisor Grinnell stated that this is correct....

Mr. Dixon asked for the equation.....

Supervisor Grinnell stated that he cannot give the exact equation off the top of his head, but let him tell you where it comes from... it comes from every restaurant seat is assessed 'x' number of gallons per serving.....

Mr. Dixon interrupted (inaudible)

Supervisor Grinnell stated that he can't tell you the specific numbers that go plug that....(inaudible).....

Mr. Dixon stated lord have mercy....

Supervisor Grinnell stated that he is not the State of New York....

Mr. Dixon would like to write this down.... shoot.

Supervisor Grinnell stated hold it, he is not going to talk over Mr. Dixon and if you are going to talk while

Mr. Dixon stated look I'm 51, don't talk..... (inaudible)

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Supervisor Grinnell stated that he is 68..... (inaudible)

Mr. Dixon stated that he is done being you go ahead and tell him how.....

Supervisor Grinnell stated that we are done talking now..... He asked Mrs. Trombley to go ahead and speak...

(Inaudible)

Supervisor Grinnell stated that we have other people talking that have the floor, shut up or get out - enough. You people can be respectful when you carry on a conversation or you can go somewhere else and carry it on yourselves and talk over one another. He has four board members here and an attorney and clerk that are trying to take notes and survey what is going on and when six people start talking..... (Inaudible)

Supervisor Grinnell excused himself to Mr. Dixon and told him it was the last time.

Mr. Dixon asked the last time for what....

Supervisor Grinnell stated the last time for talking over other people when they are talking....

Mr. Dixon stated that he was talking over you (the Supervisor)..

Supervisor Grinnell agreed yes, and he is one of the people in this room. You can either sit down and be quite or you can leave.

Mr. Dixon stated that he is not sitting down, he is going to stand and he is going to stay.

Supervisor Grinnell called for Chief Johns, he is not going to have that conduct in his meetings. You people all better to learn to understand that it is not going to happen. That has gone on in Ticonderoga for too damn long. You can show the respect to this board that they deserve, they put hours and hours into this project, trying to do the right thing for you. If there are problems with it, we will try and fix them, but we are not going to be talked to in a demeaning manner at all. Not happening.

Mr. Treadway stated that this should also be the way you address the public, because we are paying for your salaries..... (Supervisor Grinnell stated that he understands) you were very, very coarse when you spoke to that gentleman.

Supervisor Grinnell stated again that he understands this, but how many times did he ask him to please stop. He asked Mrs. Trombley to please continue.

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Mrs. Trombley stated that she is a hair dresser and uses water in her business. She only works 20 hours at the shop and two days at the nursing home. This is something that will be looked at.

Supervisor Grinnell stated absolutely. The way it stands right now, this is going on a shelf until we can find a cost on meters, we need a plan for putting them in, where the money is going to come from. We also need an EDU is a descriptive term used by the State to describe a flat fee water base for a water system.

Mrs. Millington stated that was perfectly said.

Mr. Fuller asked for a couple of minutes to explain this. When you have water or sewer, you basically have two ways to bill - one is metered, and if you use a lot of water - you generally don't prefer that and if you are someone who doesn't use a lot of water you prefer that. Always keep in mind that there are two opposing interests on that. Years ago, this many people came into the room when the town board had the grant for meters and those amount of people that showed up there used a lot of water, so they were mobile home parks that need to leave water running in the winter. Those people showed up and did exactly what you are doing and the town board said we are not going to do the meters because these people are going to run us out of the room. So that is how that part happened. The other way is EDU's, it is an equivalent dwelling unit. Municipalities have a lot of flexibility in how you come up with an EDU structure, because some districts may be all commercial, if you're district is largely all commercial properties - restaurants, retail stores, you are going to have differences within that district as to how you bill people to be fair. That is really what any EDU structure has to be, it is just generally fair, can it be perfect, no and he has used the term with this board and other boards, you can become paralyzed by perfection. You can't get every single property right. You'd be a decade trying to do it, but you do try to be fair. You take a look at the EDU's, when he started doing water and sewer if somebody's house was going to be vacant for a while - the apartment wasn't rented - they would get a reduction in their EDU. So the rest of you were paying for that. You didn't know that, but you were. That is really what kicked off this project, we have some big water improvements coming, you all have seen that in the papers. So the Town Board got in the process and realized that they have some pretty significant project comings and we need to be fair about this, that is why they took a look at these EDU's. They knew going over the property list, just by looking at the properties - so and so had so many apartments, didn't rent one and got reduced and never went back up when they rented it. So that person has been getting the benefit of only having one EDU and they probably should have had two. So that is how the process got started from the board - trying to level that playing field, understanding that you have a pretty big project coming down the pike for the water. The other thing to keep in mind is even with a metered billing system, there is always a minimum charge. He can tell you, as he represents a lot of other municipalities, sometimes that is as controversial again because, particularly the older people who don't use that much water - they want that minimum charge to be as low as possible. We can all probably agree on something, there is a benefit to having water - to not having to worry about your well, it going dry or having to push it down or things like that as there is a cost to that and the Town Board has to decide

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that to, what is fair. He has never seen one of these happen, be it a metered project or an EDU project that wasn't completely controversial, because you always have people that are upset and right now, people that use a real lot of water are not going to say very much and they probably are not here, because they are benefiting from the EDU structure that the people that don't use as much water are paying for. He is not commenting on particular properties or what the EDU's are that the board has done, but that is how something like this gets started. It is a two step process, 1st you have a public hearing like this to decide if the allocations or the review that they have done is going to go forward and if it goes forward, it is kind of like the assessment of your house process- people can come in and they can look at it and if there is an error they can fix it and that is why they sent the notices out. Believe it or not, those notices that you got are not required by law. All that needs to be done is schedule a public hearing, but the Town Board decided, that they should probably send the notices out to people so that they know. They did not have to do that, there is not legal requirement like there is with the letters from the assessor on your assessment; there is not a legal requirement to send you a legal notice, but the Town Board said they were going to do that, because of this. What they didn't want to do is just adopt this thing and then have people come running in the first bill they get. So the process is to have the 1st public hearing, you already had EDU's, the EDU's aren't going anywhere - the question is are we going to level the playing field to try to fix some of those from the past and you will have to decide that, this will be the first step; and then they will adopt that plan and then to actually use it there will be a second public hearing to actually put that EDU plan into place.

Supervisor Grinnell added that this is where we are at, this has been our intent of where we are trying to get to. Obviously, it is very controversial and that is fine, he understands that and he has no issues with backing away from this until there is other ground work completed and that needs to be done.

Mrs. Burke thinks that she speaks for a lot of people here that feel that this little picking has really hit the small business people in this Town. It is so hard to try to make it in a Town like this. The people that have daycares, they are not using more water, come one those little kids are washing their hands and maybe using the toilet -they are in diapers. She is only at her shop from 8:30 - 5:00, we don't shower, yeah - she fills some buckets for flowers, you guys have really gone through and really pissed off everybody that has a business in this town. It is not fair. You go to ribbon cuttings and you tell us how important it is that we have small businesses, but you have come and slammed anybody that might be trying to make ends meet and that is why you are seeing so much frustration, because we are barely making it, and if she had to put a sign in her window - Going Out of Business - this would be another nail in the coffin.... (applause)..... It is just not fair to always zoom in on the businesses.

Supervisor Grinnell explained that there was absolutely no intent to do that..... perception is 9/10's of the facts, but he can sincerely tell you that this was not the intent.

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Mrs. Burke can tell you that she will fight this, now you have billed her for two places - she runs a green house for two months out of the year and you are giving her a whole 1/2 unit more, she doesn't get it.

Supervisor Grinnell stated that right now, we are pulling this off the table. Right now you are going to stay right where you are. Nothing is going to change.....

Question was for how long, what is the process.

Supervisor Grinnell explained that the process is to get numbers on meters and try to come up with more accurate figures on probable use - per person usage, how many people in a unit, where our base price would fall and come back to you folks before anything is done.

Mr. Condit heard the attorney speak to the fact that we possibly had a lot of parcels that have had a vacancy and therefore were excused from the fee and never put back on the roll, so it seems like if that is the issue, those are the things that automatically the board needs to address and take care of. Maybe at the front end of the accounting structure of that, they need to be limited for a period of time if they are taken off the role that unless it is justified and there is another inspection to see that that they are still empty, well we will give you another two months or until you call us and if you don't call you will go back up automatically, but to have units that have come off the assessment roll, he thinks that this is the problem in the district.

Supervisor Grinnell asked if you are suggesting that we take anything that has been reduced or taken off the roll and bring it back up.....

Mr. Condit was hearing that there was someone that would go in and see that the unit is still empty.

Supervisor Grinnell stated that currently there is a moratorium in place to not reduce any more at this present time.

Mr. Condit asked if this has been reviewed to make sure those that are supposed to be on are on?

Supervisor Grinnell explained that this is what a good share of this work was. It was going through the entire list of users to correct the ones that had not been brought back in when they should have been or reduced when they should have been.

Mr. Treadway noted that first of all when you went through this list and corrected them, you missed several and those people aren't in the room because they didn't get a raise in their EDU's and they won't come to you and say by the way you should charge me for two more apartments. There is a way for the Town to do it, the Town has had this opportunity for years and they have never taken advantage of it. In fact, they should be using the Building Codes Department to inspect every commercial building and that

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includes apartments in this community. Not only would that give you an accurate number for your EDU's it would also lower our fire insurance.

Supervisor Grinnell asked how do you identify those people?

Mr. Treadway stated that you just told us that you went and adjusted....

Supervisor Grinnell explained that we went through the tax rolls, proper...

Mr. Treadway stated that there is a beginning....

Supervisor Grinnell stated ok, but you are looking at do we raise everybody to piss them off or the problem that we have is how do we know the person that has added an apartment in their upstairs or added an apartment over the top of the garage... how do you determine that?

Mr. Treadway stated that there should be building permits, which they probably didn't get.

Supervisor Grinnell agreed that if they didn't apply for a water or sewer tap, then they probably didn't get a building permit either...

Mr. Treadway added the question arises, how did you raise some of these people that you claim now have one or two apartments...

Supervisor Grinnell explained that is was by observation of traffic patterns.... he'll admit that we don't believe that we have them all, but he believes that we are more equitable than we were.

Mr. Treadway stated that still you have in place the legal means through building and codes to do your inspections and fire inspections are part of building and codes and that would get you in every....

Supervisor Grinnell explained that it would get us in three units or more and that is being done now. They have to be done every three years..

Mr. Treadway stated that they are not being done.

Supervisor Grinnell stated that this is another issue and can certainly be dealt with.

Mr. Treadway reiterated that it certainly is a beginning to check these three or more units, if that is the number that you want to use.

Supervisor Grinnell noted that it is not the number he wants to use, that is the number that the State uses and that is what we have to do, that is where we are at.

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Mr. Treadway added again, we are not doing that. So we are not getting an equal....

Supervisor Grinnell would like himself, Mr. Treadway and the building inspector to have a meeting and discuss this. According to the reports he is getting from him, they absolutely are doing it.

Mr. Treadway informed that when he was in that department, they weren't doing it.

Mr. Holroyd explained that this is why to him, meters is the only fair way to go. True you have a bottom line figure, but that's the figure - people his age (81) will always pay, and every other elderly person in this room will always be paying that flat rate. (inaudible) he stated that he is trying to explain something..... meters also will increase the towns efforts in order to get grants for lots of other water projects, that will help lower the tax base even more, even more. The thing is, if you use a lot of water and in their minds they are saying I hope we don't get meters, it is the only fair way to do it.

Supervisor Grinnell thinks the numbers that are developed with the studies of EDU versus meters on your base rates and what your expected use can be, he believes that this can be reasonably done and reasonable assessed and it takes a lot of the control issues away from the State and puts them in the hands of the metered users. When those numbers come forward, we might have a good chance of getting meters approved for Ticonderoga, the expenditure. That is where we are headed.

Mr. Stanilka asked if we get meters, will you have people come around every month to read them?

Supervisor Grinnell stated no and explained that they are done the same as the electric meters are done today.

Mr. Fuller added that some municipalities have a truck that they mount the reader to the trucks.

Supervisor Grinnell tried to wrap up the hearing stating that this is where we are going to go with this. We will pull it back off, get the information and then bring it forward to make a decision on what way we are going to go. Personally, he would like meters.

Mr. D. Rafferty asked if we will be sent letters again when we have this information?

Supervisor Grinnell stated that it will be in the papers, you will know about it.

Mr. Treadway asked if you do put this in the paper that the meters are the direction to go or even to look at them, in order for the voting public to understand which is the better of the two ways, you are going to need to put a dollar amount on the EDU's per gallon....

Supervisor Grinnell agreed - we need an apples to apples, gallons per cost. He asked if the board had any comments.

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Councilman Taylor explained that he did a little experiment at his own house to try to get a sense of how much water they did use in a day and he did a gallon jug and measured it - he gets about 5 gallons of water a minute. So 300 gallons of water a day would be roughly 60 minutes of water use a day, to gauge where you are at in regards to what an EDU would represent at your house. Measure how long it would take to fill one gallon and it would give you a ball park figure.

Councilman Iuliano added that you folks have a nice process that you can go through here and kind of sway this back and forth. When the DOH came into his business (he is out on the Hague Road) they said that you will put this system in, it is \$26,000.00 and you will put a water meter in and I didn't have a choice. He deals with the DOH out there, he doesn't deal with the Town, but when this does go to water meters, if it does go towards water meters, he suggests that you all come back, because people like yourselves were not here for the water meter PH and the people that were here were like yourselves opposed to it. So it is very difficult to do this, so if that does come to a public hearing, please come back. We will need that support.

Councilman Iuliano wanted to clear the record, they pulled that grant off the table (inaudible) there were comments made at the board meeting that went back to the DOH and they took the money away and gave it to Saranac Lake.

Supervisor Grinnell stated that this was not this board.

Mr. Condit wanted to thank the board for tabling this until there is more information available.... (applause from the audience)

Councilman Hunsdon added that we do need you to come back and support us on which way you do want to go.

Councilwoman Van Wert wanted to comment on what Mrs. Burke said that it seems that we are putting more on the small businesses and having had a small business on Montcalm Street for many years, she appreciates what she is saying because it does feel like that is the case. It seems that people think if you are in business, that you can afford anything and they just expect more and more from the small businesses and it is hard to spread it out evenly. We need to support our businesses other wise, down town continues to struggle and if we don't continue to support the small businesses then it is not going to get any better. Thank you for saying that - she agrees 100%.

Supervisor Grinnell reiterated where we are at, the change of the EDU's are shut down for the present, your bills will remain the same and when we get the information, when we get the numbers that we can put in front of you that are accurate to the best of what we can do we will have more then.

Question was asked if people should still write letters.

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Supervisor Grinnell noted that it was not necessary at this time. There will be at least two more hearings, it will be a while before any thing changes.

Mrs. Vilardo made the comment not to blame her for what her brother did and she won't blame the Supervisor for what his sister did (laughter)....

Mr. Condit would like to request that they again be notified by mail. He only got his the day before, but quite honestly he would not have known about it if he hadn't gotten the letter.

Supervisor Grinnell was thinking about a notification by post card. (The audience agreed)

Mrs. Vilardo does have a question, she understands that the board does not have to do this stuff for them, but she would appreciate as she is sure everyone would that when this information has been gathered would you please let us know in a letter or notice. Share that information before we get here so that we can read it and make an educated decision. It is very difficult to have these terms thrown around and we don't understand all of them. To actually see a comparison, why did you chose EDU's, why did you go away from metered water. (Supervisor Grinnell assured that we didn't go away from meters - we never had them), but you didn't bring us back to discuss meters so she is assuming that is why we went the route of EDU's, whatever you are doing if we can have the information and look at it to be able to

Supervisor Grinnell explained that it was brought to his attention that the EDU's were not on the website, it was published that it was on there but we did not know about that and he apologizes. The file was too big so we couldn't get it on there. The new information - a page or two, that will be fine.

Mrs. Vilardo again added that for us to make an informed decision on which way we want to go or the best for our particular business or household, we need that information.

Public Hearing was closed at 7:00 p.m.

Resolutions for the Board to Consider

Supervisor Grinnell explained to the board and the public the Agenda packet for tonight. A lot of the material that we usually have attached is lacking for tonight- that is because we had a significant issue with our computers for the last 4 1/2 days, we lost our accounting software (it crashed), we are in the middle of budget season and it has been a significant 4 1/2 days.

Resolution #325-2015 brought by Wayne Taylor, seconded by Chattie Van Wert to accept the minutes from the Regular Town Board meeting held on September 10, 2015 and the minutes from the Monthly Financial Meeting and any other lawful business on September 29, 2105. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye,

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Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none.
Carried.

Resolution #326-2015 brought by Fred Hunsdon, seconded by David Iuliano to approve the Supervisor's Monthly Report - Checking Accounts. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Supervisor's Monthly Report September 30, 2015	
Account Name	Glens Falls National Bank Balance
General Account	\$ 2,372,550.58
Community Development	\$ 1.00
Library Trust	\$ 13,262.40
Highway Account	\$ 878,378.18
Airport	\$ 5,000.69
Chilson Reservoir	\$ 506,005.53
Racetrack Rd/Rte 74	\$ 5,564.14
Chilson Transmission Main	\$ 36,809.67
Capital Projects' Total	\$ 553,380.03
Mount Hope Cemetery	\$ 33,221.52
Claymore	\$ 4,552.46
Park Ave	\$ 5,461.76
Alex Ave	\$ 7,776.51
Homelands	\$ 8,466.70
Central Sewer	\$ 435,612.78
Commerce Park	\$ 11,181.50
Delano Pt	\$ 17,153.27
Baldwin Rd	\$ 3,883.29
Black Point Rd	\$ 122,138.08
Hague Rd	\$ 2,368.21
9N & 74	\$ 35,582.87
Sewer Districts' Total	\$ 654,177.43
9N & 73	\$ 3,627.81
Streetroad	\$ 9,122.47
Alex Ave 1	\$ 4,362.69
Homelands	\$ 3,337.97
Alex Ave 2	\$ 27,079.20
Central Water	\$ 464,871.58
Park Ave	\$ 5,987.52
Shore Airport	\$ 13,227.07
Water Districts' Total	\$ 531,616.31
C/R Carillon Park	\$ 4,888.30
C/R Liberty Monument	\$ 15,990.13
C/R Unemployment	\$ 65,369.54
C/R Police Equipment	\$ 52,905.76
C/R Lachute Hydro	\$ 4.18
C/R Senior Bus	\$ 54,856.95
C/R Frazier Bridge	\$ 6,334.20
C/R Forfeiture	\$ 1,685.80
C/R Building Improvement	\$ 440,156.77
C/R Highway Equipment	\$ 177,796.77
C/R Sewer Equipment	\$ 128,054.30
C/R Sewer Infrastructure	\$ 214,233.02
C/R Water Equipment	\$ 151,803.61
C/R Water Infrastructure	\$ 153,671.32
Capital Reserves' Total	\$ 1,467,750.65
GFNB Total	\$ 6,504,338.10

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Resolution #327-2015 brought by Wayne Taylor, seconded by David Iuliano to pay the bills for Abstract #10 - 2015. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Abstract #10 - 2015

<u>Account</u>	<u>Debit</u>
General	\$118,736.86
Highway	28,231.66
C/P Ticonderoga Airport	709.60
C/P FEMA Race Track Rd PRV & Water Breaks	390,000.00
C/P Equipment Purchase	33,502.05
GIGP Daylight Streaming Grant	7,388.43
Claymore Sewer	35.07
Park Avenue Sewer	9,488.94
Alex Avenue Sewer	6,352.38
Homelands Sewer	3,148.94
Central Sewer	66,102.23
Commerce Park Sewer	13,003.10
Delano Point Sewer	13,683.02
Baldwin Road Sewer	4,731.64
Black Point Road Sewer	37,089.39
Hague Road Sewer	2,007.40
9N & 74 Sewer	4,391.67
Route 9N & Rt 73 Water	12,436.83
Street Road Water	5,138.63
Alex Avenue I Water	5,096.00
Homelands Water	2,020.20
Alex Avenue II Water	7,889.70
Central Water	34,872.31
Park Avenue Water	6,001.45
Shore Airport Rd Water	17,083.38
Totals	\$829,140.88

Resolution #328-2015 brought by Fred Hunsdon, seconded by Chattie Van Wert to offer employment to Robert C. Detrick as part-time bus driver at \$10.00 per hour. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #329-2015 brought by David Iuliano, seconded by Chattie Van Wert establishing the following Budget Workshops and any other lawful business necessary; Wednesday, October 14, 2015 @ 10:00 a.m., Tuesday, October 20, 2015 @ 10:00 a.m. and Tuesday, October 27, 2015 @ 10:00 a.m. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

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Supervisor Grinnell is suggesting that the board review the budget, if a board member has a particular department head that they would like to bring in have that information available on the 14th and we can discuss and have them come in on the 20th if necessary. If you have significant questions about the budget, please get them to him before the 14th, if we have time on the 14th we may bring in a couple of department heads on that date.

Resolution #330-2015 brought by Wayne Taylor, seconded by Fred Hunsdon establishing the 2016 Preliminary Budget Public Hearing for Thursday, November 5, 2015 at 6:00 p.m. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

The Supervisor thanked Mr. Baker for making an adjustment in the Planning Board Meeting regularly held on this date for the board to hold the Budget Hearing.

Resolution #331-2015 brought by Chattie Van Wert, seconded Fred Hunsdon establishing he 2016 Water Unit Rate increase Public Hearing, for Thursday, November 5, 2015 at 6:00 p.m. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #332-2015 brought by Wayne Taylor, seconded by Chattie Van Wert establishing the 2016 Sewer Unit Rate Increase Public Hearing for Thursday, November 5, 2015 at 6:00 p.m. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #333-2015 brought by Fred Hunsdon, seconded by Wayne Taylor closing Montcalm Street for the Annual Halloween Fest Downtown on October 30, 2015 from 2:30 p.m. - 5:00 p.m. from the Lake George Intersection to the Tower Avenue Intersection. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #334-2015 brought by Wayne Taylor, seconded by Fred Hunsdon authorizing the following Training Travel Reimbursement via voucher: Danielle Holman, Code Enforcement Education, Queensbury, NY, October 15, 2015. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #335-2015 brought by Wayne Taylor, seconded by Chattie Van Wert authorizing a Change Order for the Chilson Water Main Transmission Project in the amount of \$118,805.00. The new Contract Price incorporating the Change Order is \$944,805.00. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

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Resolution #336-2015 brought by Wayne Taylor, seconded by Chattie Van Wert approving a \$33,502.05 withdrawal from C/R Police Equipment for the new Police Vehicle, proceed to transfer the money to the C/P Equipment checkbook, and Increase H45.3120.200 & H.5031 budgets for the expenditure. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Committee Reports

Public Works - R. William Grinnell, Supervisor

Water/Sewer Committee Meeting
September 29, 2015 - 8:30 a.m.

Present: Bill Grinnell, Wayne Taylor, Matt Fuller, Todd Hodgson, Tracy Smith, Derrick Fleury and Sue Huestis

Others: Fred Hunsdon, Dick Holroyd, Dave Iuliano and Chattie Van Wert

Pledge

The meeting was opened with the Pledge of Allegiance to the Flag

Items for Discussion

1.) Water Supply Project

- a. A meeting was held with the EPA, DOH and Dept. of Justice last week.
- b. The Basis of Design has been approved by the Dept. of Health
- c. Some form of a penalty will be coming from the Dept. of Justice. It may be the requirement to complete an Environmental Benefit Project in lieu of a fine.
- d. EFC Financing
 - i. The town is eligible for a 14M loan at 0%.
 - ii. Receiving a 2M grant from the EFC looks promising
 - iii. There is concern that short term financing will not be in place for the construction phase of the Water Supply Project.
- e. Potential Grants
 - i. Jody Olcott – IDA will be notified that the BOD has been accepted and ask if there are any Economic Development grants available.
- f. Street Road OCR Grant
 - i. This project will be a standalone project and not a part of the Water Supply Project as to include it will reduce the 14 M EFC loan funding line.
 1. This grant is for \$600,000 and the full amount of the grant will be utilized for construction only.
 2. Engineering costs will be paid through the Water Supply Project.

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ii. Bond Resolution

1. Doug Goodfriend will be contacted to put together a bond resolution.

iii. Environmental Review

1. Essex County Planning will be contacted to move forward with the Environmental Review.

2. Todd hopes to have this project bid late this year for Spring 2016 construction.

2.) Chilson Water Transmission Main – FEMA

a. Mr. Grinnell received an email from Congressman Stefanic that the FEMA funds have been approved by the State for this project.

b. Change Order

i. The transmission main will be extended to the PRV's to connect to new main that was installed recently.

1. The cost of this Change Order is approximately \$118,000

c. Discussion on what amount should be taken out for a BAN to cover the expenses related to this project

i. It was decided that the cost of the project - \$826,000 plus the Change Order - \$118,000 should be sufficient until FEMA reimbursement is received.

d. DOT is requiring some additional inspections to be completed which are FEMA reimbursable.

3.) Bessett/John Street

a. A formal letter has been drafted by AES to Riznick requesting them to complete this portion of the project as it was in the plans.

i. It is believed that this catch basin was not put to depth due to rock.

ii. A French drain would be an easier fix but the catch basin would need to be at proper depth for this to be doable.

4.) GIGP Daylight Streaming Project

a. A set of plans needs to be sent to GIGP and they should be finalized by the end of the week.

b. Probe tests indicated a hard material in the area of the proposed parking lot. It could be ledge or railway material.

5.) WQIP & Clarifiers

a. This project is in the design phase

6.) Nancy Carter

a. A letter was received requesting that she be able to tap the water line on Cottage Road.

i. This line is private and in poor condition.

ii. A water tap will have to be completed on Baldwin Road to serve this property.

Water/Wastewater Supervisor's Report

1.) Sewer Budgets

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- a. Emergency Stand-by generators were included in the 2016 Budgets for the districts that do not have one available at their pump station except Hague Road Pump Station and Homelands.
 - i. Stand-by generators were not included in these budgets due to the high cost.
 - ii. Mike Mascarenas will be contacted to help with the HMGP grant and if this is not successful financing will have to be obtained to purchase generators for these 2 pump stations.
 1. These pump stations need to be addressed as during a power outage the staff has a difficult time getting them pumped on time before an overflow occurs. One of these pump stations is located on Lake George and the other in a populated area.
- 2.) SPEDES Reporting
 - a. Tracy completed a course for electronic reporting and SRTK.
 - b. Though not currently mandated by the State it will be by the EPA in the near future.
- 3.) Vac Truck
 - a. Charliebois has been working on the Codes issue related to the RPM's.
 - b. The truck has been returned and thus far it is working well.
- 4.) Baldwin Road
 - a. The cost to move the control panel at the pump station is too high to budget in one year.
 - b. Discussion on charging an amount over a 3 to 4 year period and setting the funds aside into an escrow until there are enough funds available.
- 5.) Shared Services
 - a. The town currently has a shared services agreement with several communities for the sewer camera.
 - b. Discussion is being held to upgrade the equipment to digital and the town has been asked if they want to continue sharing this service.
 - i. The current equipment has value and would be sold to reduce the cost of a new camera.
 - ii. The Town of Ti does not use the camera often but it is more due to a lack of manpower than need.
 - iii. A part of the SPEDES Permit is to inspect and maintain the sewer mains.
 - iv. Discussion on whether the purchase of a camera could be a cost to be used in the Environmental Benefit Project.
 - v. Tracy will gather all of the information to be presented to the Town Board at their next meeting.
- 6.) Pole Barns
 - a. Sawyer's have been using the pole barns for covered storage for their hay wagons. They have been asked to not use this space but have continued to do so.
 - b. Matt will send a letter that this area is not for private use.

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Deputy Water/Wastewater Supervisor's Report

- 1.) Filtration Plant
 - a. The Filter Plant, Pump House and IP Tank Building have all been freshly stained.
 - i. Many thanks to Mike Bennett for power washing and to Jim Fuller for staining.
- 2.) Bump-Out Project
 - a. Material has been ordered for this project.
 - b. The cost of the materials are more than what has been budgeted.

Engineer's Report – AES

1. All items covered previously

Attorney's Report – Matt Fuller

- 1.) Gedeiko
 - a. Mr. Gedeiko's attorney has requested a hearing to allow the owner's a full and fair opportunity to present this issue.
 - i. The committee is agreeable that this hearing should be held and the Gedeiko's will be invited to attend either the October or November Town Board meeting.

Secretary's Report

.Sewer Ordinance

- a. Status
2. Storm Water Management Plan
 - a. Status
3. ESD Grant/John Street
 - a. The Draw Request is complete and I have requested \$137,379.85.
 - i. Expenses to reimburse the General fund are \$157,854.32
 1. The difference of \$20,474.47 will have to be paid by Water, Sewer or both. Most of the project was sewer related.
 - a. Once the funds are received from ESD and a true amount due to the General fund can be determined, a decision will be made how to allocate the funds between the Water and Sewer departments.
4. Thomas LaPointe Easement
 - a. I need a map to attach to the easement before it can be mailed.
 - b. Do we need a map?
 - i. Todd can put together a "simple" map which will not require a survey.
5. Budget
 - a. Proposed increase of \$8.00 a year per EDU for the Water budget
 - b. Proposed increase of \$6.00 a year per EDU for the Sewer budget
6. Public Hearing on EDU
 - a. At a prior meeting on this subject the Town Board requested that the property owners who will be affected by this change be notified.

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- i. I became aware that this public hearing was scheduled for October 8th last Friday the 25th.
 1. I am working on a mailing list spreadsheet to notify the owners of the public hearing but it will be late notice.
 2. I plan to include a copy of the Public Hearing, a generic form that will reflect their current EDU and the proposed EDU.
 - a. There were several properties in question and what to adjust them to. For the proposed EDU, would “undetermined at this time” be appropriate?
 - i. Notifications will not be sent to these individuals/businesses.

Adjourn

The Water/Sewer Committee meeting adjourned at 11:10 am.

Supervisor Grinnell wanted to thank the board for standing firm on this water project, it helped in all these meeting that he had the support of all the board behind him.

Building, Grounds, Parks, Recreation, Historical Lands, Monuments, Beach & Cemeteries - David Iuliano, Councilman

Buildings & Grounds

September 15th, 2015

In attendance: David Iuliano, Fred Hunsdon, Tonya Thompson, Joyce Cooper, Jerry Cooper and John Bartlett.

Jim Charbonneau has submitted a bid of \$4072.00 to rebuild the library shelves which was accepted.

Hot water heater in Armory will be installed with the new propane system for an additional cost of \$2100.00.

Commerce park entrance is nearing completion due to the help of many people and our highway crew.

The committee was questioning if Town Attorney can pursue any part of hydro contract for the purpose of helping to fund for the LaChute Corridor improvement project.

Sharon is trying to finish trail in LaChute Park to connect to bridge.

Bottom floor of Armory will receive a new carpet runner for the seniors and Paul will be painting the floor soon.

We have been working on the power line in the park that is not buried correctly. We would like to ask IP for guidance since they do not want us to dig in park yet we feel we

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have a hazardous condition that eventually could be life threatening. Also would like to continue power on town poles further around where the vendors need to plug in.

We are in the process of installing a hot air hand drying blower in public bathrooms in park under the Heritage Museum..

The next meeting will be Tuesday, October 13th at 10 am in community building.

Councilwoman Van Wert wanted to explore getting more electric boxes in the park further down around the park.

Mrs. Thompson wanted to make the board and the public aware that we know the lights are not working in a section of the park and we are working to solve the problem.

Councilman Iuliano also wanted to make the board aware that he ordered Griffith to fill up the propane tanks at the Armory. Evidently, we can't use our state contract person, they won't deliver here. We do not have a bid in place and he declared an emergency to have them filled. He also wanted to make everyone aware that we still have the \$100,000.00 that was received from Senator Little - he will call on the criteria needed to use this money and it's use will be discussed at the next committee meeting.

Airport - David Iuliano, Councilman

TICONDEROGA AIRPORT 4B6
6 October 2015

The meeting started at 0900 in the Town Hall. Karla Vigliotti, Jon Hanna, Fred Hunsdon and Bill Grinnell were in attendance.

Bill said that the contractor is still drilling holes in the conduit, problems with the conduit leaking water into the vault is still an issue. He then asked for a current punch list of any pending issues which he will refer to the town attorney so he can contact Riznick to resolve these problems.

We then talked about the status of the QTpod, Matt Duncan has stated that the warranty will expire November 2015 and he is unaware of any extension and he has never heard of them extending the warranty.

The aircraft stickers are on site and ready to be applied when needed. The grant money was rolled over to next year. We have received no word from the FAA about the trees taken down.

Questions on the dirt pile were then discussed and hopes that it can soon be moved into the low section so it is not a temptation to others.

We are still looking for a fill time of 15 March of the fuel tank, which will allow us to sell fuel by 1 May 2016.

Next meeting will be 0900, Tuesday, 1 December at the town hall.

Submitted by Jon Hanna

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Highway - David Iuliano, Councilman

Committee Members in Attendance: Councilman David Iuliano, Town Supervisor Bill Grinnell, Highway Superintendent Mike Parent, Committee Member John Deming, Confidential Secretary Karla Vigliotti

Others: Town Clerk Tonya Thompson, Councilwoman Chattie VanWert, Councilman Fred Hunsdon Sr.

Public Wishing to speak:

- Town Councilman Fred Hunsdon Sr. asked Mike Parent to attend a meeting in regards to the multi-use building tonight at 6:30. He also stated that discussions are continuing with ACE for services at the transfer station.

Report of Current Expenses:

- The balance of repair budget as of September 23, 2015 was \$29,022.90. We received the CHIPS money for 2015 in the amount of \$140,485.00. The General Repairs O/T Budget is over by \$775.79 and we still have two more payroll's left this year.

Superintendent's Report:

- The town has been put on notice in regards to sidewalk needing repair on George Street. Mike took pictures of the residence's stairs that are pushing the sidewalk out and causing the damage. The resident will be put on notice that the stairs must be repaired and then the sidewalk will be repaired.
- The highway crew has been busy patching sidewalks and pulling weeds and mowing.
- Wicker Street repaving will begin on September 28, 2015.
- The Commerce Park sign area is finished. Mike has asked Tonya to contact National Grid in regards to the street light flickering. Mike will keep up on the mowing in that area.
- The Highway Budget for 2016 was discussed. Staffing, equipment, tools, snow removal and repairs to roads and sidewalks were discussed.
- The inventory list is completed for 2015.

John Deming:

- The documentation is ready for Matt Fuller to complete easement papers for the Sagamore Drive property.
- The Heather Heights property needs to be finalized.

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New Business:

- Much discussion was held on the road work being done in the retirement community.
- The town owns property on Burgoyne Road that is full of garbage. Mike would like to explore the option of filling in this property.
- The public has contacted Mike in regards to having access to the cut wood at the Airport. This will be looked into.

Next Scheduled Meeting:

- Thursday October 29, 2015 8:30 A.M.

Adjourn

- The Highway committee adjourned at 9:30 A.M.

Public Safety - Wayne Taylor, Councilman

Public Safety Minutes
9/28/2015

Councilman Fred Hunsdon called the meeting to order at 5:05pm due to Councilman Wayne Taylor being delayed. The meeting was called to order with the Pledge of Allegiance.

The following committee members were present: Councilman Fred Hunsdon, Dave Woods, Ross Kelley, Bill Ball, Don Paige, Kortney Bessett. Chief Johns, Commissioner Margaret Lauman and Councilman Wayne Taylor entered the meeting late due to prior meeting.

Guest: John Bartlett, Dave Iuliano, Danielle Drinkwine and Dr. Mack

Councilman Fred Hunsdon asked Bill to report first since we were waiting on other committee members.

CODES REPORT

Bill handed out a Legal Memorandum LG03 NYS UNIFORM FIRE PREVENTION AND BUILDING CODE: WHAT ELECTED OFFICIALS NEED TO KNOW (See below)

Nothing else to report besides complaints still coming in.

Chief Johns, Margaret Lauman and Councilman Wayne Taylor entered the meeting. Councilman Taylor took over meeting and asked if there was any public participation at this time.

Dave Iuliano spoke at this time. He invited Dr. Mack to come to this meeting and share his concerns.

Dr. Mack introduced himself. Dr. Mack has had a contract with the town for many years. This contract includes working with the Dog Control Officer and caring for the animals that are picked up by the town because of abandonment or because the animals have been ceased due to investigation through the Ticonderoga Police Department. This past year

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has created some problems with certain cases and Dr. Mack would like to sit down with the Chief of Police, Dog Control Officer and Town Clerk and go over the details of his contract so that certain aspects can be clarified. Chief Johns understands some of Dr. Mack's concerns and has some ideas of how they can be worked out. A meeting will be set up to review Dr. Mack's contract and work out details.

John Bartlett came to this meeting to request that Montcalm Street be closed on Friday October 30, 2015 for the Annual Halloween Trick or Treat Event through downtown businesses. He has requested that the street be closed from 2:45pm-5:15pm as the event runs from 3pm-5pm. He has also requested that the street be closed off at the intersection of Lake George Ave/Montcalm Street down to Tower Ave/Montcalm Street. Last year the street was closed only to Champlain Ave/Montcalm Street but Mr. Bartlett feels that due to Public Safety we should consider closing the street further this year to include businesses such as Jays Sunoco, Town Hall and Aubuchon Hardware. There are often children crossing the street past Champlain Ave. during this event and making it as safe as possible for those children during this event is a large concern. Chief Johns will bring it up at the mid-monthly financial meeting with the town board. If the board approves closing the road up to Tower Ave. Chief Johns will make sure this happens.

No other public participation at this time.

Ticonderoga Police Department Report

Chief Johns updated the committee that there was a recent "use of force" during an incident over the weekend. A man who was highly intoxicated was out of control and threatening the police. He was tased by an officer and transported to Moses Ludington Hospital for medical attention. He was then arraigned in front of a Town Justice and remanded to Essex County Jail for lack of bail. This incident was reviewed by the Sergeant and Chief of Police and the report reflects that this was a necessary "use of force"

Tusko, the Ticonderoga Police Department's K9 has recently come back from training and is fully certified. The Town of Ticonderoga currently has a full working K9 program. Tusko performed an apprehension over the past month. Tusko and his handler Patrolman Genier were home for the weekend during their training month and were called in to help with an arrest. The individual arrested in this case has been arrested on multiple occasions and is a known runner. Two officers went to the front door and requested the presence of this individual. As expected he tried to flee out the back door where he was met by Patrolman Genier and K9, Tusko. The individual fleeing immediately surrendered.

The officer that was hurt in the line of duty is recovering quickly and will be back for normal duty on October 9, 2015.

Chief Johns has requested a 1.7% increase in his budget proposal for 2016.

Chief Johns request for the bills to be paid.

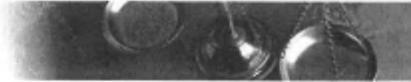
No other business.

Meeting adjourned at 6:35pm

Next meeting will be held on October 26, 2015 @ 5pm

Minutes prepared by Kortney Bessett – Ticonderoga Police Department Records Clerk

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Legal Memorandum LG03

NYS UNIFORM FIRE PREVENTION AND BUILDING CODE: WHAT ELECTED OFFICIALS NEED TO KNOW

A. The Uniform Code.

In 1981, New York State adopted a new Article 18 of the Executive Law providing for the development and implementation of a comprehensive building and fire code. Article 18, consisting of sections 370 through 383 of the Executive Law, sets forth the process by which the code is to be developed, maintained, administered, and enforced for the protection of all New Yorkers. Both State government and local government are participants in this process. The code, called the New York State Uniform Fire Prevention and Building Code (the "Uniform Code"), took effect January 1, 1984 and prescribes minimum standards for both fire prevention and building construction. It is applicable in every municipality of the State (except the City of New York, which was permitted to retain its own code).

Responsibility for developing and maintaining the Uniform Code is vested in the State Fire Prevention and Building Code Council (the "Code Council"), a seventeen member body composed of State officials, local officials, and private individuals well versed in building construction and maintenance standards. The Code Council is part of the Department of State and the Secretary of State serves as its Chair. The Code Council is required to meet at least quarterly but additional meetings may be called by the Chair or by petition of five members of the Code Council.

Any individual or group may propose an amendment of the Uniform Code. Proposed amendments are typically submitted to the Department of State, and reviewed by technical subcommittees established for that purpose. The technical subcommittees guide and assist the Department of State in formulating the recommendations it makes to the Code Council. The technical subcommittees include Department of State staff, local code enforcement personnel, local fire prevention personnel, and other local government officials, as well as design professionals and others involved in the construction industry. The Department of State is particularly grateful for the valuable contributions made by all who serve on these subcommittees.

If the Code Council finds the proposed change to be necessary or advisable, it commences the rule making process set forth in the State Administrative Procedure Act. The rule making process formally begins with publication of a notice of proposed rule making in the State Register. Publication of a notice in the State Register commences a period for public comment upon any proposal. Article 18 of the Executive Law requires that the public comment period include at least one public hearing. Prior to adopting the amendment, the Code Council must assess any public comment it has received during the comment period or at the public hearing(s).

An individual city, town or village is not required to "adopt" the Uniform Code or to take any other affirmative step to make the Uniform Code effective within the municipality. The Uniform Code is automatically in effect in each municipality in the State (except New York City) by directive of the State Legislature. An individual city, town, or village cannot choose to exclude itself from all or any part of the Uniform Code.

B. Administration and Enforcement of the Uniform Code.

Executive Law § 381 requires every city, town and village to administer and enforce the Uniform Code within its boundaries. However, Executive Law § 381 permits a municipality to "opt out" of its administration and enforcement responsibilities by adopting a local law which provides that the municipality will not administer and enforce the Uniform Code. Any such local law must be enacted prior to July 1 in any year, and becomes effective on January 1 of the following year. If a municipality "opts out" of its administration and enforcement responsibilities by adopting such a local law, the responsibility for administering and enforcing the Uniform Code passes to the county in which the municipality is located.* Note, however, that even if a municipality "opts out" of its administration and enforcement responsibilities, the Uniform Code will remain in effect in the municipality.

* Executive Law § 381 also provides that a county may adopt a local law "opting out" of code administration and enforcement responsibilities. If a municipality "opts out," and if the county in which that municipality is located also "opts out," the responsibility for administering and enforcing the Uniform Code in that municipality passes to the Department of State.

Each municipality that has not "opted out" of its code administration and enforcement responsibilities must develop and implement a program for enforcement of the Uniform Code within its boundaries. Although fire prevention and building construction standards (i.e., the provisions of the Uniform Code) are uniform throughout the State, municipal programs for enforcing the code are not required to be uniform. Indeed, a municipal code enforcement program appropriate for a large city containing many apartment buildings and a downtown commercial core would almost certainly be unsuitable for a small rural town containing mostly single family homes. Each municipality is strongly encouraged to consider local needs and conditions when designing its local code enforcement program.

However, in designing its code enforcement program, municipal officials must be aware that the Article 18 of the Executive Law directs the Secretary of State to promulgate regulations prescribing minimum standards for administration and enforcement of the Uniform Code. The Secretary has adopted such regulations in 19 NYCRR Part 1203 (Uniform Code: Minimum Standards for Administration and Enforcement). Any municipal program for administration and enforcement of the Uniform Code must conform with the requirements of Part 1203, and must include the following features:

1. **Designating Responsibility for Code Enforcement.** The persons, offices, departments, agencies or combinations thereof responsible for administration and enforcement of the Uniform Code must be clearly identified.

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2. **Building Permits.** Building permits must be required for any work which is required to conform to the Uniform Code. Certain exceptions are permitted.
3. **Construction Inspections.** Inspections of certain specified elements of the construction process must be required. Building permits holders must keep work accessible and exposed until inspected and accepted by the municipality.
4. **Stop Work Orders.** Stop work orders must be issued to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit.
5. **Certificates of Occupancy or Compliance.** A certificate of occupancy or a certificate of compliance must be required (1) for all work for which a building permit was required and (2) whenever the general occupancy classification of a building is changed.
6. **Notifications.** The code enforcement program must include procedures for the chief of any fire department providing fire fighting services for a property to notify the code enforcement official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.
7. **Unsafe Structures and Equipment.** The code enforcement program must include procedures for identifying and addressing unsafe structures and equipment.
8. **Operating Permits.** Operating permits must be required for conducting certain specified activities or using certain specified categories of buildings.
9. **Fire Safety and Property Maintenance Inspections.** The code enforcement program must provide for fire safety and property maintenance inspections of all buildings which contain an area of public assembly, all multiple dwellings, and all nonresidential occupancies (other than agricultural buildings used directly and solely for agricultural purposes).^{*} The interval between inspections of buildings containing an area of public assembly cannot exceed one year. The interval between inspections of multiple dwellings and nonresidential occupancies must be consistent with local conditions; provided, however, that such interval cannot exceed one year for dormitory buildings, and such interval cannot exceed three years for all other buildings.

^{*} Executive Law § 381(1), as amended by Chapter 159 of the Laws of 2007, provides that the Part 1203 rules adopted by the Secretary of State shall not "require or be construed to require regular, periodic inspections of (A) owner-occupied one and two-family dwellings, or (B) agricultural buildings used directly and solely for agricultural purposes, provided, however that this shall not be a limitation on inspections conducted at the invitation of the owner or where conditions on the premises threaten or present a hazard to public health, safety, or welfare."
10. **Complaint Procedures.** The code enforcement program must include procedures for addressing bona fide complaints which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code.
11. **Record Keeping.** The code enforcement program must establish a system of records of the features and activities specified in above and of fees, if any, charged and collected.
12. **Reports.** Every municipality responsible for administration and enforcement of the Uniform Code is required to submit an annual report of its activities relative to administration and enforcement of the Uniform Code to the Secretary of State. The Department of State has developed forms to be used in satisfying this reporting obligation. The forms are available on the Department's website at <http://www.dos.ny.gov/code/form1203.htm>.

In establishing minimum standards set forth in Part 1203, the Secretary of State has sought to provide sufficient flexibility to allow each municipality to establish a program for administration and enforcement of the Uniform Code which is appropriate for local conditions, and to provide local government official with wide discretion in the design and implementation of the program. While the minimum standards set forth in Part 1203 must be satisfied, local needs and circumstances should be considered when designing a municipal code enforcement program. Members of the staff of the Codes Division in the Department of State are available to answer questions regarding the process of administering and enforcing the code.

Municipal officials should also be aware of the requirements regarding training and certification of code enforcement officers. Pursuant to 10 NYCRR Part 434 (Minimum Standards for Code Enforcement Personnel in the State of New York) and 19 NYCRR Part 1208 (Uniform Code: Training of Staff), all local code enforcement personnel must complete a prescribed program of minimum basic code enforcement training, and must receive annual in-service training. The Department of State maintains a list of municipal code enforcement personnel who have successfully fulfilled the training requirements for Code Enforcement Officials pursuant to 19 NYCRR Parts 434 and 1208. This list is posted on the Department's website at <http://www.dos.ny.gov/code/certCEolist.htm>.

C. Variances.

Article 18 of the Executive Law also directs the Secretary of State to promulgate regulations establishing procedures whereby provisions or requirements of the Uniform Code may be varied or modified in cases where strict compliance with the provision or requirement would entail practical difficulty or unnecessary hardship or would otherwise be unwarranted. The Secretary has adopted 19 NYCRR Part 1205 (Uniform Code: Variance Procedures) which establishes a dual process for obtaining variances from Uniform Code provisions. Cases which involve a de minimus variance or a modification which does not substantially affect the code's provisions for health, safety or security are classified as routine cases and are processed administratively by the Department of State. More substantial variance requests are reviewed and decided by regional boards of review.

D. More Restrictive Local Standards.

Executive Law § 379 provides that a municipality may enact or adopt a local law or ordinance imposing standards for construction in the municipality that are "higher or more restrictive" than the corresponding standards in the Uniform Code. If a municipality enacts or adopts such a standard (often referred to as a "more restrictive local standard" or "MRLS"), the municipality must, within 30 days after the enactment or adoption, notify the Code Council and petition the Code Council for approval of the MRLS. If the Code Council finds that (1) the MRLS is, in fact, higher or more restrictive than the corresponding provision of the Uniform Code, and (2) the MRLS is reasonably necessary because of special conditions prevailing within the municipality, and (3) the MRLS conforms with accepted engineering and fire prevention practices and the purposes of Article 18 of the Executive Law, the Code Council will approve (or "adopt") such MRLS, in whole or part. The Code Council has the power to limit the term or duration of the MRLS, to impose conditions in connection with the adoption of the MRLS, and to terminate the MRLS at such times, and in such manner as the Code Council may deem necessary, desirable or proper.

E. Functions of the Department of State.

The functions of the Department of State associated with the Uniform Code and the Code Council are performed by the Department of State's Division of Code Enforcement and Administration. The Division's functions are performed by the following Units:

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- **Regional Services Unit.** Direct service to the public is provided primarily through the activities of the Regional Services Unit, whose staff are located in regional offices throughout the State. Services provided by the Regional Services Unit include technical assistance on code issues for local government officials, design professionals or the general public, and the enforcement of the code in municipalities which have declined to enforce the code themselves. Regional staff also process routine variance petitions and serve as technical advisors to the members of the regional boards of review.
- **Educational Services Unit.** The Educational Services Unit coordinates matters regarding the training of code enforcement personnel and conducts both basic training and in-service training classes for local code enforcement officers and other State agency staff.
- **Code Interpretation Unit.** The Code Interpretation Unit drafts code interpretations in response to specific questions and requests for guidance. Executive Law § 376 authorizes the Secretary of State to issue and publish written interpretations of the Uniform Code upon the request of a permit applicant or an individual responsible for enforcing the code.
- **Technical Services Unit.** The Technical Services Unit provides technical assistance concerning the Uniform Code to code enforcement officials, fire service officials, architects, engineers, legislators, state agencies, attorneys, builders, and private citizens. This Unit also enforces the provisions of the Uniform Code pertaining to construction of factory manufactured buildings prior to site delivery; this process involves a review and approval of building systems submitted by manufacturers, as well as plant inspections, and the issuance of the Insignias of Approval for factory manufactured buildings. The Technical Services Unit also administers the Manufactured Housing Program (sometimes referred to as the "mobile home" program) and mediates complaints from owners of manufactured homes.
- **Energy Services Unit.** The Energy Services Unit performs functions relating to the State Energy Conservation Construction Code (the Energy Code). The Energy Code addresses the design of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems through requirements emphasizing performance. The Energy Code also provides minimum standards of energy-efficiency levels to be required in commercial and residential buildings. One of the primary benefits of this code to building owners are reduced fuel needs which lower operating costs. Reduced energy consumption has a tremendous positive benefit to NYS by reducing dependence upon imported energy sources, by reducing associated emissions and pollutants produced by fossil fuel and electric use.
- **Code Development Unit.** The Code Development Unit ensures that the Uniform Code and the Energy Code reflect new developments in building construction, fire prevention, and energy conservation. Staff solicits and reviews proposed code changes.

Supervisor Grinnell mentioned that there is a tree on Wiley Street, it is dead and on private property, but it is in eminent danger of toppling. A part of it came down in last weekend's wind and the rest could come down at any minute. We asked Niagara Mohawk to come and take it down, they have said it is not as big a threat to the wires as it is to the buildings. They don't want to take any action on it. We can't get in contact with the property owner, the house is vacant. He feels that we are perfectly within our right to have this tree taken down.

Resolution #337-2015 brought by Wayne Taylor, seconded by Chattie Van Wert to contract with Dedrick's Tree Service to take down the remaining section of a tree on Wiley Street that is in eminent danger of further damaging the area. **All in Favor - R.** William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed - none. Carried.**

Mr. Fuller added that you can do an annual bid, for maintenance, mowing, tree services and such.

Board of Health - R. William Grinnell, Supervisor
No Report

Insurance - Wayne Taylor, Councilman

The Town is moving to a different insurance plan which is considerably cheaper than the one currently offered. The current plan is not available to the town next year. More information will be forthcoming.

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Contract Negotiations - R. William Grinnell, Supervisor

To be held in Executive Session.

Transfer Station - Fred Hunsdon, Councilman

The contract with I P Co. has been sent to them from our Attorney and we are waiting to hear back from them, it will then go to ACE for their approval and we will go from there.

Economic Development - Chattie Van Wert, Councilwoman

Trekonderoga - Labor Day Weekend Celebration, Jim McKenna from ROOST estimated \$73,000 in direct benefit to our local economy and businesses - hotels, gas stations, restaurants. The indirect was \$164,000 - sales tax.

Chamber has had some discussion with the Snowmobile Club, they had complained that with the new Tower Avenue bridge, they can't get across to the Frazier Bridge - they came up from the Little League Park around the Memorial Plantings, and then they would cross to go across the Frazier Bridge to go to Jay's for Gas or to go to the local bar's and restaurants. The guardrails go all the way to the end of the road now, so we are starting dialogue with them to find an alternative route. We don't want them to go through Bicentennial Park, they tend to ice up the walks so if any one has any ideas to a solution we are starting a dialogue. They have also suggested some ideas of how the highway department can maintain an area along the Shore Airport Road near Dr. Mack's where they would go over the snow bank, but that bank has been being pushed back further and going away from their use. That is an important benefit to the Town, these people want to come in and use our downtown establishments.

As mentioned - we have had some IT issues and are looking at purchasing a back-up to the server that we have now and also purchasing an environmental chamber too. To cool that room where all the equipment is. We were without a financial system for quite a few days, but it could have been worse. If that system went down completely we could have been weeks without it. That is a weak link in our system.

Sound improvements - (Heath Towne) - He has set up 3 phases; 1. Order an updated audio line to replace the 40 plus year old copper telephone line at the school along with a soundboard to be hooked up 2. for upstairs in this building - ordering some microphones and soundboards for those larger meetings - 2 microphones for the board and an audience microphone and also add a audience microphone down in this conference room and 3. getting a live connection in the building here again. Probably will take till the next board meeting.

Additional Minutes Not Reported on During the Meeting

Ticonderoga Area Seniors - Monthly Meeting Sept. 23, 2015 @ 1pm

**Minutes for the Ticonderoga Regular Town Board Meeting held on October 8, 2015
commencing at 6:00 p.m. in the Community Building with a Public Hearing
regarding the Town's EDU (Water Unit) Process**

The Meeting was called to order by Vice President, Cathie Burdick with a salute to the flag.

Members Present: Cathie Burdick, Ann Dolback, Nancy Lonergan, Gilda Namer, Anna Mayville, Marianne Murdock, Betty TeRielle, Fay Clemons, Fred Hunsdon, Sr., Maxine Sheehan, Ramona McCaughin, Jacqueline Hurlburt and **Guest Speaker:** Bonnie Newell

Motions to accept the Secretary and Treasurers reports were made by Marianne Murdock and Ramona McCaughin.

Old Business: It was decided to resume the Senior Supper Club this Fall. We will go to "On the Way Cafe" Oct. 13th @ 5pm...Car Pool. Let Ann know so she can call in reservations. 585-6050.

There were no other nominations for Secretary or Treasurer so Ann Dolback will continue as Secretary and Joyce Barry will continue as Treasurer.

New Business :It has come to our attention, that "THE SUN" will charge \$ 5.00 a week for Current Event notices, such as trips, church notices, etc. It was decided NOT to advertise our outings, but use E-Mail, Face book, Flyers, and word of mouth, and save our money!

Activity Report: AARP Safety Driving Class on Oct.9th is full (33) Sept.26th from 10-2pm the Police Dept. will accept your old medication for proper disposal. Thanks, Guys!!

Joe Huestis operates a Taxi Service and will do Medical Appointments in town for donations, if you are unable to pay the full price.

Wicker Street will be "Delayed Traffic" starting Sept. 28th to repave the Street.(Probably a couple of days)

We have a 2016 Farmers Almanac for you to look at., check the weather, and lots of interesting info.

Town Report: Two resignations were submitted (Sue Thatcher and Dale Quesnel) AES have been hired to investigate other locations for the Police Dept.. There will be a Meeting @ 6:30 pm Thursday,9/24/15 in the Community Basement Meeting Room.

50/50 Raffle: was won by Ann Dolback

Guest Speaker: Bonnie Newell from the North Country Center for Independence, passed out flyers and explained how they are trying to keep people in their own homes rather than in Nursing Homes. They will train people you want to do what you can't do and pay them.

Next Meeting: October 21st @ 1pm **Adjourned @:155 pm.**

Ticonderoga Area Seniors - Monthly Activity Newsletter September / October 2015

We have 183 members (4 new members)

88 hours of Activity were scheduled in Sept., and 94 in October.

A Thank You Card was sent to Janice and Marcus Wright for their generous donation of an indoor and outdoor Hover round. We need batteries for the outdoor one, and that will be stored, here, until some one needs it. (They can either buy it or make a donation.)

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Our Budget was submitted on 9 / 22 (Waiting for approval from the Town Board.)

No one signed up for the Carillon Cruise, the major reasons given were "too expensive" or "been there, done that" and "Let me know when there is a different trip".

October 7th - Glens Falls Shopping / Sue (Last one this year)!

October 10th - " Octoberfest" on the Sacrament on Lake George featuring German Food and music. Car pool or take the School bus.

October 24th - Akwesasne Casino \$ 30 (\$20 free play and \$11:50 meal voucher and driver tip)

November 7th - Card Making Class with Teresa 10 - 12:30pm \$5.00 Need to pay by Nov.1st to reserve space.

November 14th - NYC Trip to shop or see a show. \$169 to shop and see " The Rockettes". Get the bus @ Stewarts in Whitehall @ 6:30 am. & return around 10:30 pm.

December 12th - Christmas Lites and sounds / Albany \$ 68.00 Visit St Paul's Episcopal Church, lunch on your own in Underground City of Albany; stop in @ the NY State Museum; dinner @ Grandma's; then view the Christmas Lites @ Washington Park; and Champagne Party on the way home.

Reports from Department Heads

Matthew Fuller, Town Attorney

Discussion with the Steamboat company - Supervisor to meet Tuesday, October 27th at 10:30 a.m. location to be determined (here or at the Baldwin dock).

Supervisor Grinnell did mention that there has been discussion about the Highway Department possibly moving the driveway, perhaps Councilman Iuliano may want to go or Superintendent Parent can.

DOH - EPA report is due next week, Mrs. Huestis is taking care of that.

GIGP - now that we are moving a little more on the water project we need to get this going again.

Health Insurance Law Amendments - Public Hearing is scheduled for October 27th at 11:30 a.m.

Mary-Ellen Stockwell will be here next month and will help with the Dog law.

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One Article 7, offer is on the table - waiting for the Assessor's acceptance. Will need board approval, probably at the end-of- the month meeting.

Court - two peddler's license were discharged with fines and one more is pending.

Tonya M. Thompson, Town Clerk

Rabies Clinic to be held on October 21st from 6:00 p.m. - 7:00 p.m. at the Town Highway Garage.

Inter-fund Advances

Resolution #338-2015 brought by David Iuliano, seconded by Chattie Van Wert authorizing the following Inter-Fund Advances as per General Municipal Law 9.a. To be adopted for Abstract 10 -2015:

1. From General to GIGP Daylight Streaming (H49) - \$7,388.43
 - a. Funds will be reimbursed with grant funds and EFC Financing
2. From General to Park Ave. Sewer District (SS02) - \$4,027.18
 - a. Funds will be reimbursed with rents
3. From General to Commerce Park Sewer District (SS06) - \$1,821.60
 - a. Funds will be reimbursed with rents
4. From General to Baldwin Rd Sewer District (SS08) - \$848.35
 - a. Funds will be reimbursed with rents
5. From General to 9N & 73 Water District (SW01) - \$8,809.02
 - a. Funds will be reimbursed with rents
6. From General to Alex Ave I Water District (SW03) - \$733.31
 - a. Funds will be reimbursed with rents
7. From General to Park Ave. Water District (SW07) - \$13.93
 - a. Funds will be reimbursed with rents
8. From General to Shore Airport Water District (SW09) - \$3,856.31
 - a. Funds will be reimbursed with rents

All in Favor - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Multi-Purpose Building Use - Wayne Taylor, Councilman

Police Task Force Meeting 9/15/15, 1:00 PM

In attendance: Holly Dixon, Joe Giordano, Bill Barnhart, Joyce Cooper, Jeff Cook, Fred Hunsdon, Dennis Hunsdon, John Bartlett, Wayne Taylor, Tonya Thompson (partial)

Fred Hunsdon: Outline proposal to build new 150'X90' steel building for roughly \$ 185,000

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Jeff Cook : Outlined current Ti Fire Dept efforts at acquiring a new fire station. Indicated that the current view of FD would be a willingness to explore inclusion of PD in their new potential facility. Their architect will be making a presentation at the Ti Firehouse [9/21@6:30PM](#), all are encouraged to attend.

John Bartlett: Clarified what new requirements are for shared services grants

Holly Dixon: Seeking input on the creation of a governing board to oversee the former Armory and its operation.

Wayne Taylor: Summarized police relocation efforts efforts to date with a partial history. Summarized several possible scenarios that might achieve the desired outcome. Pointed out that absent full Town Board cooperation project will face difficulties. Will do research and provide answers as to whether previous architectural assessment can be utilized. Will ascertain project task forces access to legal and or design services. Will liaison Town of Westport to learn from their efforts at acquiring a joint facility with focus on their key learnings.

Next meeting scheduled for October 21st @ 6:30 PM in Town Board Meeting room.
Meeting Adjourned 2:30 PM, Wayne Taylor.

Miscellaneous Notes

Supervisor Grinnell explained to the board that we had a situation on Baldwin Road, where a party contracted with the Town to connect to the sewer line and there was a delay in the actual work being done; however, it was entered into the accounting records well in advance of the actual hook-up. As per past practices, the gentleman was billed for three months when he shouldn't have been. It will take a resolution to reimburse these monies. It is legitimate, there is not dispute between the Town and the Sewer department - there was an issue with the contractor putting the line under the road that caused the delay.

Resolution #339-2015 brought by David Iuliano, seconded by Fred Hunsdon to authorize a voucher to pay Earl Hanley \$159.39 which is the quarterly amount that is owed back for the charge of sewer that had not been established yet for that 3rd quarter. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Supervisor Grinnell reminded that he does have 2 items to discuss in Executive in regards to negotiations and one contractual issue.

Invitation for the Public to Address the Board

Mr. Holroyd asked if the board could give him an idea of what the BOH approved for the people in Chilson who are using the water that aren't in the district?

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Mr. Fuller wanted to be careful with the term 'approved'. What was submitted was a Basis of Design and that Basis of Design had options in it. An option for a potential for funding to drill individual wells for people that might not be able to economically connect to a town system. If you find that it was going to cost 'x' dollars to connect 10 people or 'x' dollars to drill them a well, that could be a option so that was put in. Similarly, through design work if we find that there is the possibility of drilling a well or acquiring a well that could serve people in that area then that is an option too. When you say approved - the DOH said yes, based on this Basis of Design, that would satisfy the violations that are currently pending with the DOH and the EPA. It didn't approve a specific project, but they approved the concept that an idea or plan was submitted that we would get them a water supply or get them individual wells, or a combination of the two.

Mr. Holroyd stated that along Route 74 from his place (he can't have a well) to right down to where the chlorination station is - about 99% of those homes can't have a well either.

Mr. Fuller agreed that the reason that you have to put this forward like this is that a Map, Plan, Report on that area has not been done.

Mr. Holroyd asked that UV protection will not be the answer to that?

Mr. Fuller agreed that it won't not in and of itself. The only thing UV treatment does is address part of the problem, you will still be under filtration avoidance which is cleaning the actual particulates - leaf pieces and that stuff. If Mr. Hodgson was here, he would say if you add chlorine to that kind of stuff that is in the water it creates other problems that you would need to treat. It is a downward spiral in terms of money. You have that issue right now.

Mr. Holroyd asked that in the event that nothing economical can be done up there, has there been the thought of buying that property from the people. Offering them a price for their homes if you can't find water for them.

Supervisor Grinnell does not believe that this has ever been discussed. The far as he knows the only discussion has been that there is a need, a moral obligation or however you want to put it, for the Town to continue to provide water for the people on Chilson. There are some qualifiers to that, for the Town to continue it will take a district of some sort to do it, but the Town is committed at this point in time to finding a reasonably, economical source of water for that area.

Mr. Holroyd is not talking for anybody but himself, he is of reasonably accepting of a water district; but he would like to know what type of cost are you going to put on his back.

Mr. Fuller stated that you would know that before any district is ever formed. This was specific topic of discussion when we were in Albany - they want us to talk about this Chilson area and the economics.

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Supervisor Grinnell added that the EPA has made it known to the State of New York and Ticonderoga that you folks are not going to left without a reasonable source of water.

Mr. Fuller added even further that they made it point blank clear that leaving you on that pipe with some sort of UV was not going to happen.

Mr. Holroyd stated that we - the Town owns a large piece of property down there by that filtration plant which things can be done there and if you are taking care of our water, you are also taking care of the Town's water - because anything that comes out of Gooseneck is going to the Town also. You are not just doing it for us, you are doing it for the Town of Ticonderoga. Whatever gets done, gets done for the Town. That is the thing that worries a lot of people up there because the majority of them are elderly and fixed incomes up there. All the full time residents that live on Route 74, he'd bet 85% of them are all on social security. That is there main problem is that they are not going to be zapped for the big bucks. If it gets divided equally among everybody, he doesn't think you will have a problem selling the water district up there one bit. If you try to put a big burden on just those 125, then that is when there will be a problem.

Supervisor Grinnell agreed that it has to be equitable through-out the town. He can't tell you that it is going to be exactly the same....but it has to be reasonable.

Mr. Holroyd understands that, but our thinking is that whatever is done for us, is done for everybody else. We are not at the tail end of this system - we are not in the middle of the system - the system has to go by us in order to get to you. So if it is good for us, it is good for down here and that is where we want it to be, equitable for everyone. His next question is, is there a needle exchange program going on in Ticonderoga through Essex County who are exchanging needles for drug addicts - where the drug addicts can come into Ti to get new needles?

Supervisor Grinnell stated not at this time that he is aware of.

Mr. Holroyd was just curious, because there has been quite a bit of up take in break in crimes in Crown Point and there have been a few around here. There was a boat stolen right out of the owners yard, during the day time. Also, you are talking about the Fire Department now, are you talking in the same location (Yes) so that there is no property being purchased or anything like that. The new design will be made for the Police Department and the Fire Department right at that same location. (Yes). He has a very good suggestion on how you can hasten your board meetings - get very hard chairs, you guys are too comfortable. If you get very hard chairs, he guarantees that the meetings will be at least an hour shorter.

Mr. Barnhart agreed that he has sat in some very long meetings in his time as well, he was told that one corporation didn't have chairs at all, that makes the meeting go even faster. He read the following:

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As I understand on October 30, 2014 AES presented a Proposal for Professional Architecture & Engineering Services/Renovate/Convert Armory Garage into Police Station. AES No. P2014171. The Total stated fee for these services was \$52,575.00

At this time three AES invoices have been submitted to and paid by the Town for these services. All invoices reference the October 30, 2014 proposal. Invoice and voucher records obtained to date for AES Northeast services indicated they billed for and were paid for services on June 10, 2015 in the amount of \$5,222.27. A FOIL request for a list of all votes by the Town Board from 1/1/2013 to 8/20/2015 related to AES design services related to the town proposal for a police station on the former armory property indicated that the very first vote on this project was not held until their meeting on June 11, 2015. Additionally, a review of available 2014 Town Board minutes reveal no discussion for professional design services on this project for the former armory property. Thus, it appears that AES was being paid for services prior to the first known Town Board resolution authorizing such work.

I would like clarification on the following question:

"Supervisor Grinnell, when did you authorize the work based on the October 30, 2014 proposal from AES Northeast for architectural and engineering services related to the plans for a police station on the former armory property?"

Supervisor Grinnell remarked that this is a very good question. He would like to ask a question himself. How long did it take to gather all of this information and all of that detail together. (A long time was the answer) He would request as much time before he responds, because off the top of his head, to try to remember dates and times and what not - he is not about to do that. Obviously, if you leave a copy of that, he will be happy to dig into it an get you an answer.

Mr. Baker (Champlain Avenue) began by stating that he has two items this evening. In the Building and Grounds discussion there was some mention of the diesel generator that he frankly couldn't follow all of because the acoustics in this room are lousy. Can he just have an update as to what the plans are for that, if the board is still planning on placing that at the Armory proper.

Mr. Iuliano explained that this will be a conversation with Mr. Smith as to when that unit will be available and then with his people that install the generators. They looked at the Armory property for a new generator and we need to see if this one will be retrofitting to work there.

Mr. Baker mentioned as they are aware, he sent the board on August 21st a three page letter outlining his concerns with the proposal with the generator at that property. Specifically noting seven different things that he thought should be looked at and suggesting that instead of placing a three phase diesel generator on a wall that faces residential properties it might make more sense to sell that generator at surplus and buy something appropriately sized for that building that could actually be installed on the inside.

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Supervisor Grinnell asked what Mr. Baker's credentials were for.....

Mr. Baker stated that he has none, but you will note that he offers suggestions and he has submitted to the board and you have not offered a response..

Supervisor Grinnell stated that we do not have an answer for you yet as Mr. Iuliano just indicated.

Mr. Baker noted that Mr. Iuliano stated that it is still the board's intent to put it there, so that is somewhat an answer....

Councilman Iuliano stated that the answer was that there is a gentleman that looked at the Armory, who put the generators in at the Waste Water Treatment Plant and at the pumping stations. He looked at it for a new generator and we will have to contact him to see if the generator that is down there can be used as an emergency generator up there. He is the expert.

Mr. Baker asked so the question of using that diesel generator versus a new generator is being looked at. Secondly, as you know the day after that last board meeting he emailed the board an updated document entitled "Issues Identified by the Public Record" and Supervisor Grinnell suggested that he submit it at this evenings meeting for the record.

Issues Identified by the Public Record

We would like to submit the following complete document for inclusion and publication in the minutes of tonight's meeting. [Copies were distribute to the Town Board, Town Clerk, and Town legal counsel at the 9/10/15 regular Town Board meeting.]

This list was extensively researched by multiple parties over the past few months based on a review of all public records that were made available regarding the police station proposal for the former Ticonderoga Armory property. **If anyone is aware of public records that address any of the facts, findings, concerns and questions noted below, please bring them to the Board's and to our attention at the earliest possible convenience so that the record may be made complete and correct.**

The areas of concern detailed below are:

1. Transparency
2. Restricting Opportunities for Public Comments at Public Meetings
3. Possible irregularities related to a proposal for professional services.
4. Authorizing expenditure of public monies on this project prior to knowing if New York State would permit the proposed change of use on the former Armory Property
5. Apparent authorization of additional consultant work without a Town Board resolution
6. Legality of the Proposed Advisory Referendum
7. Problems with the launch of new Town web site noted on the evening of Saturday, 9/5/15

Please note that these concerns are listed by topic rather than in chronological order.

I. Transparency:

A. From the May 14, 2015 Regular Town Board meeting minutes:

*Supervisor Grinnell answered **that the board has made a decision** to go forward with the concept of putting the police station in the maintenance building at the Armory.*

- The Town Board minutes reflect that no objections were made by other Board members to this statement.
- Neither these nor any prior Town Board minutes show any vote of the Board regarding such a decision.

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- According to records obtained from the Ticonderoga Town Clerk in response to a FOIL request, the very first vote by the Board on this matter was not held until their meeting on June 11, 2015! One month later!
- **How and when was this Board decision made?**

B. From the 6/11/15 Regular Town Board meeting minutes:

6/11/15 **FIRST** vote by the Town Board on this project.

Resolution #196-2015 brought by Fred Hunsdon, seconded by David Iuliano to **authorize AES to complete feasibility and plans for location of PD at a structure on the Armory property.** All in Favor, R. William Grinnell - Aye, David Iuliano - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. Opposed - none. Wayne Taylor - Absent. Carried.

- This resolution was not on the published agenda for this meeting, thus denying the public the right to ask questions about it either at or before the meeting.
- All members of the public (including concerned residents from the neighborhood) left the room and building when the Board entered executive session.
- This resolution was introduced and passed by the Board at the end of the meeting after the Board exited the Executive Session. (The Executive Session was on the published agenda.)
- The resolution language use of the term "to complete" raises the following question: What initial planning, design and feasibility work by AES Northeast for this project was previously authorized by the Town? A review of Town Board minutes currently and previously available online does not show any such authorization.
- This is clearly evident by a review of the published minutes and agenda.

2. Restricting Opportunities for Public Comments at Public Meetings

- After an especially contentious discussion with concerned members of the public at the 5/14/15 Regular Town Board meeting (minutes, video) all subsequent regular Town Board meeting agendas have limited public comments to the end of the meeting, thus preventing public questions about (1) agenda resolutions prior to Board action, and (2) discussion items under consideration at these meetings.
- The effect has been to prevent public questions at regular Town Board meetings about
 - agenda resolutions prior to Board discussion and adoption, and
 - other discussion items under consideration at these meetings.
- It's important to note that the Town Board also holds public monthly financial meetings. These are held on the last Tuesday of each month at 11:30am, when many members of the public are unable to attend. The agendas of these meetings do not include any time for public participation.
- This is all very clearly documented by a review of meeting agendas as published with the meeting minutes.

3. Possible irregularities related to a proposal for professional services.

The public record available to date shows the following:

- In a letter to Town Supervisor R. William Grinnell dated 10/30/14, AES Northeast presented a *Proposal for Professional Architectural & Engineering Services. Renovate/Convert Armory Garage Into Police Station. AES No. P2014171* for the following services:
 - Schematic Design and Design Development Phase
 - Construction Documents Phase
 - Bidding and Construction Phase

The total stated fee for the above services was \$52,575.00.

- To date, we have copies of three (3) AES invoices have been submitted to and paid by the Town for these services. All invoices reference the October 30, 2014 proposal.
- Invoice and voucher records obtained to date for AES Northeast services indicated they billed for and were paid for services on June 10, 2015 in the amount of \$5,222.27.
- According to records obtained from the Ticonderoga Town Clerk in response to a FOIL request for votes all by the Town Board from 1/1/2013 to 8/20/15 on this project, the very first vote by the Board on this project was not held until their meeting on June 11, 2015. See Resolution #196-2015 noted in item 1B above. Additionally, a review of available 2014 Town Board minutes reveals no discussion of any proposal for professional design services on this project for the former armory property. **Thus, AES was clearly being paid for services prior to the first known Town Board resolution authorizing such work!**
- **Questions raised by review of the public record available to date:**
 - Who authorized the request for a proposal?
 - Was a Town Board resolution required to request the proposal?
 - Were proposals from multiple consultants solicited, as the Town Of Ticonderoga Procurement Policy And Procedures appears to encourage?
 - Who accepted the proposal, and on what date?
 - Was a Town Board resolution required to accept the proposal?

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4. Authorizing expenditure of public monies on this project prior to knowing if New York State would permit the proposed change of use on the former Armory Property

The public record clearly shows the following:

- October 10, 2003 – NYS conveys former Armory property. All related conveyance documents, board resolutions, board minutes and press coverage show broad awareness of the deed restriction.
- April & May 2015 Regular Town Board meetings: The public asks the Town Board about the deed restriction.
- From a transcript of the May 14, 2015 regular Town Board meeting taken from the YouTube video of the meeting:
[0:29:14] *Supervisor Bill Grinnell: I can tell you that the whole planning cost for this, all the blueprints, the permitting, the whole thing – it's estimated to be about \$34,000. Total. That's the finished drawings, finished specs, permits in hand.*
- June 5, 2015: New York State Office of General Services sends Bill Grinnell a letter requesting details on the proposal.
- June 11, 2015: Resolution 196-2015 was introduced and adopted by the Board at their regular town board meeting to authorize AES to complete feasibility and plans for location of PD at a structure on the Armory property.
- 7/14/15: Supervisor Bill Grinnell sends NYS OGS a description of the project.
- 8/26/15: NYS OGS responds noting that the plan would violate the deed covenant and may not proceed as described.
- The total cost of the AES Northeast engineering and design services is not yet known, and will continue to be the subject of FOIL requests to the Town.

<u>Voucher Date</u>	<u>Voucher Number</u>	<u>Invoice Date</u>	<u>Invoice #</u>	<u>Amount</u>
6/10/15	10089	6/10/2015	9949	\$ 5,222.27
8/14/15	10455	7/3/2015	9970	\$ 4,219.94
8/10/15	10561	8/10/15	10036	<u>\$ 4,595.50</u>
Total Known Costs To Date:				\$14,037.71

- The public record clearly shows that this Town Board authorized and spent Town tax dollars on a project before they knew if they were legally allowed to proceed with said project. It's important to note that the June 5, 2015 request for information from NYS OGS did not request preliminary engineering or architectural design detail, nor were such details included in the Town Supervisor's response of July 14, 2015 to NYS OGS.

5. Apparent authorization of additional consultant work without a Town Board resolution

- From the 8/25 Monthly Financial Meeting minutes:
Councilwoman Van Wert asked where the cost estimate for new construction is coming from.
Supervisor Grinnell stated that we will get this from AES at the same time.
Councilwoman Van Wert asked where this new construction would be.
Supervisor Grinnell stated anywhere. Right now we are not doing a detailed cost estimate, we are doing a general cost estimate, based on knowing square footage cost on similar projects. That is how that cost is derived.

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- A subsequent [8/29 Press Republican article](#) states:

He [Grinnell] said AES Northeast of Plattsburgh is working on prices for a new building to house the Police Department. "We asked the engineers for the price of new construction versus the existing (armory maintenance) building," Grinnell said. "We have parcels where we could place a new building, although not as close to the schools as the armory would have been."

- **There is no vote on record from either this or any prior public Town Board meeting minutes showing that shows the Board voted publicly to authorize AES to do estimates for new construction. If a Board vote was required to authorize the initial AES work (6/11 resolution), why wouldn't additional work not previously specified also need such a resolution?**

6. Legality of the Proposed Advisory Referendum

8/25/15 Monthly Financial Meeting

Resolution #273-2015 brought by Wayne Taylor, seconded by Fred Hunsdon to put the question on the Ballot for the November 2015 General Elections in reference to the conversion of a storage building at the property known as the "Armory" to a Police Department. **All in Favor** R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

RESOLUTION 273 of 2015
OF THE TOWN BOARD
OF THE TOWN OF TICONDEROGA
ADOPTED August 25, 2015
Made by Wayne Taylor
Seconded by Fred Hunsdon

A RESOLUTION PLACING QUESTION ON BALLOT FOR NOVEMBER 2015 GENERAL ELECTIONS

Whereas, the Town Board has presented a proposal for the conversion of a storage building at the property known as the "Armory" in the Town of Ticonderoga, whereby the storage building would be converted to use by the Ticonderoga Police Department with related parking and similar improvements as set forth on plans prepared at the request of the Town Board; and

Whereas, some neighbors have voiced opposition to the proposal and others have voiced support for the proposal; and

Whereas, the Town Board would like to place the question of whether or not the storage building at the Armory should be converted for use for the Ticonderoga Police Department, on the ballot for the voters of the Town of Ticonderoga to decide in the November 2015 general election

NOW THEREFORE BE IT:

RESOLVED, that the Town Board of the Town of Ticonderoga hereby places the question of whether or not the storage building at the Armory should be converted for use for the Ticonderoga Police Department on the ballot for the 2015 general election as follows: *the ballot question shall be "Should the storage building at the Ticonderoga Armory be converted for use for the Ticonderoga Police Department?" or in such form thereof as may be acceptable to counsel for the Town and applicable election officials;* and be it further

RESOLVED, that this resolution take effect immediately.

No specific authorization from New York State law for an advisory referendum is cited in the resolution.

Both the resolution language and the Board discussion in the minutes **clearly show the Board's intent is to poll the electorate on the issue.**

Minutes for the Ticonderoga Regular Town Board Meeting held on October 8, 2015 commencing at 6:00 p.m. in the Community Building with a Public Hearing regarding the Town's EDU (Water Unit) Process

From the 8/25/15 meeting minutes:

Supervisor Grinnell stated that we discussed this at the informational meeting and feels that we will get a much better spectrum of opinion doing it this way than anything else we can do.

Supervisor Grinnell agreed that this is non-binding, NYS does not have binding referendums in this regard and we are not restricted to accepting it.

Supervisor Grinnellthinks we need to take this proposal to the ballot and let the people decide if that is where we want to go.

Councilman Taylor is excited to just get this on the ballot and get some direction.

Councilman Taylor stated that we are not committed, we are not committed to any particular thing, we are going to put a question on the ballot and see if there is anything...

Two current and readily available town board training publications clearly state that advisory referendum are not permitted:

- *On the principle that voters elect government officials to make decisions on their behalf, government officials are not given broad authority to delegate decision making powers back to the electorate. Case law stipulates that a local government must find specific authority, either in the Constitution or state law, to conduct an official referendum on any subject, and in the absence of such authority, it may not conduct a referendum. A local government may not spend public monies to conduct a so-called "advisory referendum," that is, one conducted to gather public opinion on a particular matter, unless state law specifically authorizes it. [emphasis added] Source: Local Government Handbook, NYS Department of State, 2009 (Reprinted 2011), Page 87*
- *Advisory referenda. It is a well-settled rule that advisory referenda are not permitted. [Emphasis added] (Matter of McCabe v. Voorhis, 243 NY 401; Mills v. Sweeney, 219 NY 213; Kupferman v. Katz, 19 AD2d 824 (1st Dept.); Silberman v. Katz, 54 Misc.2d 956 (Sup. Ct., NY Co.), aff'd 28 AD2d 992) Of these cases, McCabe is the leading authority. The New York Court of Appeals ruled that no referendum can be held by a local government in the absence of the constitutional or statutory authorization. [emphasis added] "Government by representation is still the rule. Direct action by the people is the exception." (McCabe at 413) Thus, in the absence of an express statutory provision, the holding of an advisory referendum by a municipality is not authorized. [emphasis added] (Meredith v. Connally, 68 Misc.2d 956, 960 [Sup. Ct. Renss. Co., aff'd 38 AD2d 385 (3d Dept.)]; Silberman v. Katz, 54 Misc.2d 956 (Sup. Ct., NY Co.), aff'd without opinion, 28 AD2d 992 (1st Dept.); Matter of Town of Halfmoon, 81 Misc.2d 157 (Sup. Ct., Saratoga Co.)) Source: Town Law Manual For Town Supervisors and Town Boards, Association of Towns of the State of New York, January 2004, Page 5*
- Note: Matter of McCabe v. Voorhis, 243 NY 401 is from the Court of Appeals of the State of New York, 1926.

An advisory referendum is clearly and explicitly prohibited in New York State!

ADDENDUM

At the 9/10/15 regular Town Board meeting, the public was informed that Town Board Resolution #273-2015 was based on New York State Town Law, Article 6, §81(1)(b).

**Minutes for the Ticonderoga Regular Town Board Meeting held on October 8, 2015
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7. Problems with the launch of new Town web site noted on the evening of Saturday, 9/5/15

- Town of Ticonderoga went "live" with a new website on the evening of Friday, 9/4/15
- Residents noticed on Saturday, 9/5 that the following previously available materials all directly related to the police station proposal for the former armory property are no longer posted on the website:
- Home page:
 - AES Northeast Preliminary Site Plan
 - AES Northeast Report titled Town of Ticonderoga Proposed Police Station Renovation/Conversion at Former Armory Garage. July 20, 2015.
 - AES Northeast Floor Plan for the proposed police station on the armory property
 - AES Northeast Statement of Probable Cost for the Armory Project. July 22, 2015
 - **Note: These are all of the engineering and architectural reports by AES Northeast (the Town's engineering firm) that were made available to the public in advance of the 8/18 Town Board public information meeting. Prior to 9/5/15, these were directly available via links on the Town web site [home page](#). Now they are only available to the public that knows to look for them buried within the [Town Board's 7/28/15 financial committee meeting minutes](#).**
- Minutes page:
 - August 25, 2015 financial meeting minutes
 - May 2015 regular town board meeting minutes
 - April 2015 regular town board meeting minutes
- **The timing of the omission of these materials from the new Town web site is unfortunate, given:**
 - **the increasing public and media interest in this project, and the Town Board discussions to date on it, and**
 - **the anticipated continued discussion on this project at your upcoming 9/10/15 regulation town board meeting.**
- A review of the Town website on the evening of 9/9/15 shows that the missing minutes were now posted online, **but the AES Northeast materials are still not available on the home page.**

ADDENDUM

At the 9/10/15 regular Town Board meeting, the public was informed that the AES Northeast materials were now available on the Town website home page.

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Mr. Giordano would like to clarify what Mr. Holroyd was asking about, according to the DOH letter that had come through on September 28, 2015, the Gooseneck Pond Source is to be Eliminated, right? There is to be no more use of that water source for the Town anymore? (Correct) So that use in terms of the options laid out by the DOH are some modifications down the line if they would become a district. After that meeting in Albany, he had heard that there was some kind of penalty from the Department of Justice?

Mr. Fuller explained that there is no amount, it will be a lengthy negotiation process with the Department of Justice and ultimately, a judicial will be presented to the Town Board - it is the penalty for the lack of compliance with federal regulations.

Supervisor Grinnell explained that the original violation on the uncovered storage was several years ago (1990's), a lot of time was allowed to pass by the board's that were in place through those years without action being taken. The reason that we are not being assessed major penalties is because in the last couple of years the pace of action by the Town of Ticonderoga has picked up significantly and there has been a tremendous amount of progress made in coming into compliance with the regulations of the EPA and the DOH by the Town. That is why they are not really socking it to us, we are going to try to continue that.

Mr. Giordano asked just for clarification from the last Town Board meeting from the document that our group had submitted with the seven specific issues, are you still currently working on the ...

Supervisor Grinnell stated that we are still currently working on them, there are a couple of them that obviously, Mr. Baker brought in corrections here tonight that indicated little things like we were violating the law.... (inaudible) the documents that you submitted stated that clearly, that is the documents for tonight, he assumes they are correcting your position.

Mr. Baker stated that this is the same document that you received on September 11, 2015, yes. It is the same thing with those same corrections....acknowledging what State Law the Advisory Referendum concept was based on and also acknowledging that materials were in deed up on the website.

Mr. Giordano asked how long do you think it will take to get an answer to the transparency, or the expenditure of monies, the authorization and the.....

Supervisor Grinnell started by saying that you folks have spent months pouring through the records upstairs, it will probably take us months to pour through the records to answer them.

Mr. Giordano asked for help to understand, you all meet as a group twice a month, the Finance Meeting and the Town Board meeting and that is where you make your resolutions. You have been in office for 21 months

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Supervisor Grinnell stated that you know probably know better than he does.....

Mr. Giordano stated that it is simple math..

Supervisor Grinnell stated that you have been taking the time to document, do you want to have a debate, because then he gave you an answer.... he told you that it will take us probably as many months for us to come up with the answers, maybe we can move a little faster, we will certainly try to, but he would think in fairness we could have the same amount of time that you all had to come up with all of this information. Mr. Barnhart is ok with that, why aren't you..... you have only..... whatever, you don't want to have a debate so we won't.

Mr. Holroyd asked quickly what will happen to the Gooseneck water supply if it is not going to be used, what will happen to the Chilson Fire Department; how are they going to be getting their water. Will they be sucking it out of Putts Creek and Eagle Lake?

Supervisor Grinnell does not know the answer to that yet either, they may need dry hydrants, we may continue to utilize some of the Gooseneck water as a non-potable water source. That is allowed, they just don't want us to use it for drinking water because of the filtration. Seventy years ago, eighty years ago the regulations on filtration and the purity of the water are significantly different than they are today. The regulations that we have to meet today are precluding being able to use that source because of the changes in land use regulations and the cost to repair and replace that line. It is not seventy years ago and the Town has to be adaptable to going forward.

Mr. Holroyd stated that it just seems funny that so many more thousands people today are using Lake George and they swim in it and they pee in it and there is nobody peeing in Gooseneck Pond except may a couple of ducks.

Mr. Fuller stated that the DOH is having an issue right now in the Adirondacks with the road side springs. They have documented illnesses, so they have had to go around just this last week and test some of these road side springs because of some of these things that we are under order to clean. Right now. It is beavers, it is birds, it is deer, it is bears, and everything that lives above that water source.

Mr. Holroyd asked what will happen with the wells, if a bear does it in Gooseneck, what is he doing over a well. To be giving up that water supply, he thinks you will live to regret it. Water runs downhill still, you will live to regret it, he won't but you all will.

Resolution #340-2015 brought by Wayne Taylor, seconded by Chattie Van Wert to exit the Regular Town Board meeting at 9:00 p.m. and enter in an Executive Session for negotiations and contractual advisement from our attorney. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

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Resolution #341-2015 brought by David Iuliano, seconded by Wayne Taylor authorizing the Town Attorney to settle on the MWBE Penalty issue with Riznick on the John Street Project. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #342-2015 brought by Fred Hunsdon, seconded by Wayne Taylor to exit out of the Executive Session at 9:23 p.m. and re-enter the Regular Town Board meeting. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Resolution #343-2015 brought by David Iuliano, seconded by Wayne Taylor to amend the wording in Item #4. RENT: Section a. to say During the term of this Lease, Tenant shall pay rent to Landlord in the annual amount of Eighteen Thousand Dollars (\$18,000.00). **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Supervisor Grinnell is stating for the record that discussion was held during Executive Session that caused Resolution #341-2015 to be passed.

Resolution #345-2015 brought by Fred Hunsdon, seconded by David Iuliano to adjourn at 9:25 p.m. **All in Favor** - R. William Grinnell - Aye, David Iuliano - Aye, Wayne Taylor - Aye, Fred Hunsdon - Aye, Chattie Van Wert - Aye. **Opposed** - none. **Carried.**

Respectfully submitted, Tonya M. Thompson, Town Clerk

As of 10/7/2015 1:41 PM

Opening and Pledge to the Flag

Public Hearing

Ticonderoga EDU assessment

Presentation

Resolutions:

RESOLUTION to Accept/correct minutes of Regular and Special Meetings

RESOLUTION to Approve the Supervisors Monthly Report -Checking Accounts

RESOLUTION to Pay the bills

RESOLUTION to hire Robert C Dedrick as part time bus driver at \$10.00 an hour

RESOLUTION establishing the following Budget Workshops and any other business necessary;

Wednesday October 14, 2015 10:00 am

Tuesday October 20, 2015 10:00 am

Tuesday October 27, 2015 10:00 am

RESOLUTION establishing the 2016 Preliminary Budget Public Hearing, Thursday, November 5, 2015,

6:00 pm

RESOLUTION establishing the 2016 Water unit rate increase Public Hearing, Thursday, November 5, 2015,

6:00 pm

RESOLUTION establishing the 2016 Sewer unit rate increase Public Hearing, Thursday, November 5, 2015,

6:00 pm

RESOLUTION closing Montcalm Street for the Annual Halloween Fest Downtown on October 30, 2015 from

2:30 – 5:00 pm

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RESOLUTION authorizing the following Training Travel reimbursement via voucher;

Danielle Holman, Code Enforcement education, Queensbury, NY, October 15, 2015

RESOLUTION authorizing a Change Order for the Chilson Water Main Transmission Project in the amount of \$118,805.00. The new Contract Price incorporating the Change Order is \$944,805.00

RESOLUTION approving a \$ 33,502.15 withdrawal from C/R Police Equipment for the new Police vehicle, proceed to transfer the money to the C/P Equipment checkbook, and Increase H45.3120.200 & H.5031 budgets for the expenditure

Committee reports:

Public Works WG

Building Grounds Parks Rec DI

Airport DI

Highway DI

Public Safety WT

Board of Health WG

Insurance WT

Contract negotiations WG

Transfer Station FH

Sub Committee Economic Development CVW

*Attorney, Matt Fuller

*Town Clerk, Tonya Thompson – Fall Rabies Clinic will be October 21, 2015 from 6:00-7:00pm at the Town Highway Garage

Supervisor Grinnell – Miscellaneous Notes

- Hanley refund request

Invitation for the public to address the Town Board – Please Stand and State Your Name

RESOLUTION to Exit the Regular Town Board Meeting

RESOLUTION to Enter & Exit Executive Session

RESOLUTION to adjourn the Town Board Meeting

**Minutes for the Ticonderoga Regular Town Board Meeting held on October 8, 2015
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Town Budget Calendar

	Date	Westchester Towns Only	Town Law
Budget Officer* Furnishes Heads of Administrative Units (Departments and Officials) with Estimate Forms	9/1	10/1	recommended
2. Submission of Estimate by	9/20**	10/20	Section 104
3. Filing of Tentative Budget with Town Clerk by	9/30	10/30	Section 106 (2)
4. Town Clerk Submits Tentative Budget to Town Board by	10/5	11/10	Section 106 (3)
5. Revision by Town Board: Preparation of Preliminary Budget	Upon completion of review and modification of Tentative Budget, and prior to Public Hearing, to be filed in Town Clerk's Office		Section 106 (4)
6. Notice of Public Hearing-Publication	At least five days prior to hearing		Section 108
7. Public Hearing by	Thursday following Nov. Election; may be adjourned, but not beyond 11/15	12/10 and 12/15	Section 108
8. Final Revision of Preliminary Budget	After Public Hearing but prior to final adoption		Section 108
9. Adoption of Budget by	11/20	12/20	Section 109

* Budget Officer is the Town Supervisor, unless the Supervisor appoints a separate person as Budget Officer

** Town Budget Officer - Budget Officer has responsibility to prepare estimate if one is not submitted

It will be noted in the foregoing calendar that the budget officer furnishes the town clerk with estimate forms which forms are completed and returned to the budget officer no later than September 20 (October 20, towns in Westchester County). The tentative budget should be completed by the budget officer and filed with the town clerk September 30 (October 30, towns in Westchester County).

The town clerk must present the tentative budget to the town board at a regular or special meeting to be held on or before October 30 (November 10, towns in Westchester County).

At this meeting, the town board reviews the tentative budget and makes any necessary changes, revisions or alterations consistent with law. Upon completion of such review, the tentative budget becomes the preliminary budget. The preliminary

budget must be filed in the office of the town clerk who shall reproduce for public distribution as many copies as the town board directs. (Town Law, §106(4)).

A public hearing on the preliminary budget must be held. The town board is required to publish at least once in the official newspaper, and in other newspapers, if the board so directs, a notice of a public hearing on the preliminary budget. The town clerk shall cause a copy of the notice to be posted on the signboard of the town. At least five days shall elapse between the date of the first publication of the notice and the date specified for the hearing. The notice of hearing should state the time, place and purpose of the hearing and that a copy of the preliminary budget is available at the office of the town clerk for inspection by any interested person during office hours. The notice shall also state the compensation proposed to be paid to each member of the town board and an *elected* town clerk and *elected* highway superintendent. (Town Law, §108).

The hearing may be adjourned from day to day but not beyond November 15 (December 15, towns in Westchester County).

The preliminary budget as submitted or amended after the public hearing shall be finally adopted as the annual budget by resolution of the town board not later than November 20 (December 10, towns in Westchester County) and it must be entered *in full* in the minutes of the town board.

The town clerk must prepare town certified copies of the budget and within five days deliver such copies to the supervisor who shall present the same to the clerk of the governing board of the county within 10 days so that such body may levy taxes on the real property of the town at the same time and in the same manner as county taxes (Town Law, §115).

Reminder: General Municipal Law, §6-e, amended in 2000, allows towns to use monies in a Contingency and Tax Stabilization Reserve Fund to lessen or prevent a projected real property tax increase in excess of 2½% (previously 5%), subject to certain limitations. ❖