

**A Regular Meeting of the Town Board of Long Lake, Hamilton County, New York was held June 26, 2024, at the Long Lake Town Hall at 07:35 PM and called to order with the Pledge of Allegiance to the Flag of the United States of America by Supervisor Arsenault. Sixty-seven people attended.**

**Roll Call: Members present:**

Clay J. Arsenault	Supervisor
Mark A. Bird	Councilman
Thomas L. Donnelly	Councilman
Richard Dechene	Councilman
Nathan S. Hosley	Councilman

Also in attendance: Town Attorney, Carl Ferrentino, Confidential Secretary to the Supervisor, Matthew Newby, and First Deputy Town Clerk, Amber Wamback.

There was a quorum to conduct the business of the Long Lake Town Board.

## **BOARD APPROVALS**

**Motion** by Councilman Hosley, seconded by Councilman Donnelly to accept the Regular Meeting minutes for May 29, 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Motion** by Councilman Hosley, seconded by Councilman Bird to accept the Special Meeting minutes for June 13, 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Motion** by Councilman Donnelly, seconded by Councilman Hosley to pay encumbrances as listed on Abstract # 6 of 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Bills as listed on abstract 6**

General Fund #A 0389 – A 0472	in the amount of	\$180,975.81
Highway Fund #D 079 – D 098	in the amount of	80,559.99
Water District 1 #SW1 064- SW1 076	in the amount of	6,536.30
Water District 2 #SW2 099 - SW2 120	in the amount of	26,562.79
Capital Project # HRL 001	in the amount of	19,657.00

**SUPERVISOR’S REPORT**

Expenditure and Revenue Reports were in the Board’s packets for review.

American Legion Post #1402 from Inlet, New York have requested that the Town of Long Lake allow Veteran Hero Banners to be placed in Raquette Lake. Supervisor Arsenault wrote a letter approving and supporting the program.

Jennings Park Pond- Matt Newby met with DANC and CHA representatives at the beginning of the month. They discussed the role DANC would play in the project management, and the details of the funding and OSC approval process. Procurement policy was also discussed, the Town must pay strict attention to this process to ensure compliance with any funding programs that is used for construction. Paul Wilson has been working with FEMA to set up the project, and to involve DANC going forward. The pond project will be split into two parts, the first will be the construction of the dam itself and the second will be the removal of sediment at the mouth of Shaw Brook, where the flood deposited fill from upstream.

Mt. Sabattis- the newest multi-use trail section has been completed. The newest addition gives almost 4 miles of trail to the muti-use trail system.

Raquette Lake Preservation Foundation newsletter highlights- RLPF annual meeting will be held at the Raquette Lake Union Free School on July 20<sup>th</sup>. They have been working on cleaning up derelict docks, harvesting Lake Trout eggs, their financial report, and messages from some of the volunteers were included in the newsletter. The RLPF won a prize for their newsletter from the NYS Federation of Lakes Association.

Sidewalks- The Town received news that they have been awarded \$1,192,458 to build new sidewalks from school street to the Pine Island Bridge. The Town will need to pay the estimated amount of \$180,000 for the project that will be fully engineered and ADA compliant.

Vietnam War Memorial- Rodney and Karen Begin have done an amazing job sprucing up the memorial. All their hard work is greatly appreciated.

Jim Bateman has included in the Board’s packets a report from 2024 grievance day, also in their packets was June Highway monthly report, from Foreman Michael Lamphear.

**NEW BUSINESS**

**Resolution Number 44 of 2024**

**Resolution to Approve the Real Property Sale Agreement made as of June 12, 2024, for the Purchase of Real Property from George H. Carrothers, Jr.**

**WHEREAS** the Town Board previously considered the history and evolution of the Jennings Park Pond and engaged title experts and counsel to examine the status of title ownerships, easement rights and public access rights within and around Jennings Park Pond, and

**WHEREAS** the Town Supervisor Clay J. Arsenault with the assistance of staff, Councilman Nate Hosley, and the Town Attorney have proposed a Real Property Sale Agreement made as of June 12, 2024 (“Agreement”) with George H. Carrothers, Jr. for acquisition of a fee simple absolute interest and easement in real property forming the causeway from Main Street in the Hamlet of Long Lake out and through to Middle Island within Jennings Park Pond,

**WHEREAS** the Agreement provides reasonable terms and payment of \$160,000 to the Seller on a willing Seller basis and avoids the potential for litigation and further delay with respect Jennings Park Pond redevelopment efforts,

**WHEREAS** Acquisition of Open spaces and areas can be considered subject to the General Municipal Law Section 247 regarding the public purposes which allow use of public funds after due notice and public hearing,

**WHEREAS** a duly published and posted Notice of Hearing was provided pursuant to Resolution Number 42 of 2024 adopted at the Special Town Board meeting of June 13, 2024,

**WHEREAS** a hearing on this matter was conducted on June 26<sup>th</sup> and opportunity for public comment was provided,

**WHEREAS** this acquisition of open space for public access is a Type II action under SEQRA and no further environmental review is required,

**WHEREAS** the Purchase and Sale Agreement executed by the Seller and the Supervisor on June 12, 2024, was made executory pending approval and the authorization of Town Board of the Town of Long Lake, and

**WHEREAS** The Town Board has considered the public comment response and made full review of the text of the Agreement.

**NOW, THEREFORE, be it RESOLVED that the Town Board**

1. Hereby approves Real Property Sale Agreement made as of June 12, 2024, between the Town of Long Lake and George H. Carrothers, Jr. which provides for the acquisition of fee simple interests and easement rights as set forth in the Agreement.
2. Hereby authorizes modification of terms (but not the purchase price) of the Agreement as necessary to obtain APA declination of jurisdiction or approval to move forward with the acquisition.
3. Authorizes the Town Supervisor to make payments and undertake regulatory approval actions, surveying, and to authorize legal work required to fully execute the Agreement and to complete the real property purchase, and to fulfill all terms and conditions of the Agreement.

**Motion** by Councilman Hosley, seconded by Councilman Dechene to approve Resolution #44 of 2024.

**Discussion:**

Councilman Hosley said this will help get FEMA money.

Councilman Bird stated he is in favor of the purchase and fixing the dam but is disappointed with the price of the property. Councilman Bird said the seller knows that the Town needs this property and knows that he will get his asking price, Mr. Carrothers is a beneficiary of the flood of July 2023.

Councilman Donnelly agreed with Councilman Bird's comment.

Supervisor Arsenault spoke with a real estate attorney and was told that this is the quickest way to get the issue fixed, if the Board would go a different route to obtain the property it could take up to 6 years.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Resolution Number 45 of 2024**

**ORDER Establishing the Seaplane Base Concession on Long Lake**

**WHEREAS** the Town Board by Resolution **Number 45 of 2024** resolved to set a public hearing on a proposed Order Establishing the Seaplane Base Concession on Long Lake ("Concession") with Helms Aviation, Inc. ("HAI") as a successor to Helms Aero Service, Inc. for the Long Lake Seaplane base on Long Lake near the Town Beach and which is known by the Federal Aviation Administration ("FAA") as "Long Lake/ Helms Seaplane Base NY9";

**WHEREAS** the General Municipal Laws outlines procedures and the powers of the Town to establish and regulate concessions for municipal airports;

**WHEREAS** New York General Municipal Law Section 352 provides for the conduct of a hearing to receive public comment;

**WHEREAS** a public hearing was conducted on June 26, 2024, at which time the principal officer of Helms Aviation, Inc. ("HAI") Thomas J. Helms, Jr. made a presentation to the Town Board concerning the intended use of Long Lake/ Helms Seaplane Base NY9, discuss the status, and strictures of FAA safety regulations with respect to such Seaplane Base and the company's commitment to the Town for an exclusive use license for a portion of the Town Beach property at 1258 Main Street with Tax Id: 25.016-1-7 and such other matters as the company wished to make known to the Town Board.

**WHEREAS** there has been a positive community and historical use of the Long Lake concession by members of the Helms family and its corporate enterprises dating back since at least May 17 of 1948;

**WHEREAS** agreements and concessions dating from May 17, 1948, were modified by the surrender on December 30, 1949 of certain premises formerly known as the Toboggan Slide Property, and were extended by supplemental actions on May 29, 1953, May 16, 1968, June 2, 1993, May 14, 2003, and May 30, 2018;

**WHEREAS** this current rendition of the Concession is deemed to cover the two (2) parcels owned by Helms Realty Inc with Tax IDs of: 25.016-1-8 & 9 and a part of the Town's owned parcel with Tax ID # 25.016-1-7;

**WHEREAS** with the passing of Thomas John Helms, Senior in June of 2022 there has been a gap in the operation of the Long Lake Helms Seaplane Base for about 2 years;

**WHEREAS** the Town Board is of the opinion that continued and renewed operation of the Long Lake/Helms Seaplane Base is in the best interests to the Town for multiple economic, safety, recreational, historic, and cultural reasons;

**WHEREAS** the Town Board has been apprised that HAI as the successor entity to Helms Aero Service, Inc. is willing to accept and be bound by the terms of this Concession; and,

WHEREAS after the opportunity for public comments the Town Board considered the proposed Concession terms and acted accordingly.

**NOW, THEREFORE, BE IT ORDERED BY THE TOWN BOARD OF THE TOWN OF LONG LAKE THAT:**

1-All terms of the Concession for the Long Lake Helms /Seaplane Base NY9 are as set forth herein and any prior agreement or resolutions on the subject are deemed to be superseded and replaced in whole by the text of this Order.

2- HAI shall provide, among other things, services to seaplanes landing at Helms Seaplane Base **NY9**, for such things as access to aviation fuel and lubricants, repair service, watchman service, mooring service, and other incidental services which may be requested by owners and operators of such planes.

3-HAI shall pay the annual license fee of Two Hundred Fifty Dollars (\$250.00) to the Town of Long Lake, said fee to be paid in advance of the effective date of this agreement and annually thereafter during the term prior to the anniversary of said effective date.

4-In consideration for the Concession set forth herein, and to ensure better seaplane base service and utilization, HAI shall keep at and on the Helms owned property its own planes and service facilities for planes and shall operate its aviation service from that location, and provide, keep and maintain without charge a public landing space sufficient to accommodate one seaplane at a time, and to assist such planes to land when the pilots therein request such assistance, at all convenient times making no charges therefore. A plane so landing at its premises, however, shall move therefrom as soon as loading or unloading may be reasonably completed to keep such space available if such space is needed for a succeeding plane.

5-HAI shall maintain and construct all proper and adequate repair facilities, including structures, as may be necessary to properly conduct this Concession. There is, however, to be no structure of any kind erected on the Town Beach.

6-HAI shall under this Concession be deemed to have a real property use license of a portion of the Town Beach Property. This is not a real property lease but rather sets out terms of use of a portion of the Town Beach property for two purposes: First to install and safely maintain a seasonally placed dock and use it for mooring of up to two Helms resident aircraft or through-traveling aircraft and second to create a safety zone by **EXCLUDING** activity and occupancy by any other person or boat or aircraft during the HAI seasonal operation of the Seaplane Base.

7. HAI shall operate the Seaplane Base from June 15 to October 15<sup>th</sup> of each year.

8-No aircraft, boat or any other vehicle or conveyance shall be beached, parked, tethered, anchored or otherwise occupy that area of the beach or shore lands of the Town Beach property at a location greater than **100 feet westerly and distant from the westerly private property line of the lands** now or formerly owned by Helms Realty Inc. and used in conjunction with HAI operation.

9-during HAI's period of operation it shall be the obligation of HAI officers to enforce the exclusion policy to maintain FAA safety guidance and requirements for safe operation during the flying season.

10- During the off-season period it will be the obligation of the Town Supervisor and Code Enforcement Officer to enforce any use of the property restrictions and offshore activity in a manner that enhances the Town's purposes for recreation and to ensure that no one party is using the area for docking of craft for extended periods of time.

11- HAI shall request the Town Board to erect official signage to be posted as necessary to enforce reasonable use restrictions on the Town Property subject to the Real Property Use License under this Concession.

12- HAI shall coordinate with the Town and endeavor to operate the Helms Seaplane Base NY9 so as not to interfere with the purposes, use or operation of the Town of Long Lake Municipal Beach during any season of the year for such things as summer use by swimmers engaged either in free recreational bathing and swimming, organized swim meets, boat races, public assemblies of any nature, such as the Fourth of July, snowmobile races, or any other public function sponsored by the Town.

13-HAI shall add as an additional insured, the Town of Long Lake and shall indemnify the Town of Long Lake against, and hold it harmless from all claims, actions, proceedings, costs, damages, and liabilities, including attorney's fees, arising out of, connected with, or resulting from the operation of its business on private or public land as set forth in this Concession and shall carry public liability insurance insuring itself and the Town the Town Seaplane base with the minimum of \$1,000,000 per occurrence and \$1,000,000 general aggregate or such additional minimum limits or coverage as may from time to time be required by the Town Supervisor and that the original policy or a certificate thereof issued by the insurer or its agent showing such insurance in force and effect shall be filed with the Office of the Town Supervisor at the same time as each annual Concession fee is paid.

14-HAI shall notify the Town Supervisor in writing as to any amendment to or cancellation of the insurance policy or policies required by this Concession.

15-This Concession may be terminated by either party by giving the other 120 days' written notice.

16- The Town by action of the Town Supervisor may terminate this Concession after 10 days written notice and opportunity to be heard if HAI fails, in the discretion of the Town Supervisor, to perform any act or acts required fails to render any service required to be performed or rendered as required by this Concession.

17-This Concession is not assignable without authorization by the Town Board consistent with the General Municipal Law and the interests of the Town as set forth in in the Concession.

18-The Concession shall remain in effect for 10 years until June 26, 2034, and may be renewed during the last year of the Concession as the Town and HAI shall mutually agree.

19- This Concession shall become operative upon the provision of the payment provided herein along with provision of required insurance documents, and any FAA related approvals necessary for operation that HAI may have to provide to the Town and the Execution of the below provided "Agreement and Acceptance of the Concession Authorized by Town of Long Lake" form:

**Agreement and Acceptance of the Concession Authorized by Town of Long Lake**

**of Long Lake at a duly constituted meeting of the Town Board on June 26, 2024.**

**It is herewith agreed and acknowledged** that the Corporate Entity known as Helms Aviation, Inc. acting through its president Thomas J. Helms, Jr. and after due enactment of a corporate resolution pledges and affirms its acceptance of the terms of the Concession set forth in the attached certified copy of Town Board Order/Resolution **Number 2024-45** Adopted on June 26, 2024, and that the Town Supervisor’s Signature indicates his receipt of this executed form and acknowledgement along with receipt of the first year’s concession first year payment and required insurance documents under the terms of the Concession

The term of this Concession shall run from the date of the Resolution until June 26, 2034, unless otherwise terminated according to the terms of the Concession but shall become Operative upon the due execution by the Town Supervisor.

**[Witnessed Signatures of HAI and Town to be provided to this form.]**

20- This ORDER shall take effect immediately but shall be Operative only upon the full execution of the Agreement and Acceptance Form provided herein.

**Motion** by Councilman Dechene, seconded by Councilman Bird to accept Resolution #45 of 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Resolution Number 46 of 2024**

**PROCLAMATION IN HONOR OF THE 100<sup>th</sup> ANNIVERSARY of**

**THE ABENAQUE CHAPTER # 745 of the ORDER OF THE EASTERN STARS IN LONG LAKE**

**WHEREAS** the Abenague Chapter # 745 of the Order of the Eastern Star in Long Lake was founded 100 years ago, dedicated to the service of others; and

**WHEREAS** throughout the history of Abenague Chapter # 745, the Town of Long Lake has been blessed with outstanding individuals in the organization, as well as their brothers of the Masons, that have contributed greatly to the welfare of the community and its people; and

**WHEREAS** the Town looks forward to a bright future for Abenague Chapter # 745 and continued service to their community;

**Therefore, Be It**

**RESOLVED** that the members of the Town of Long Lake Town Board pay tribute to Order of the Eastern Star, Abenague Chapter #745 in celebration of their 100 years of community service; And Be It Further

**RESOLVED** that the text of this proclamation be carried throughout the Town of Long Lake, NY for all people of good will to forever know

**Motion** by Councilman Dechene, seconded by Councilman Hosley to accept Resolution #46 of 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Resolution Number 47 of 2024**

**Resolution to Appoint Clark J. Seaman as the Interim Superintendent of Highways**

**WHEREAS** the Town Board, by a resolution at its December 20<sup>th</sup>, 2023, duly noticed regular meeting, accepted the retirement of Highway Superintendent Charles Chip Farr effective this Sunday, March 31<sup>st</sup>, 2024, and

**WHEREAS** the Town Board, by a resolution at its December 20<sup>th</sup>, 2023, duly noticed regular meeting, accepted Mr. Farr's appointment of Brian Guthrie Farr as his Deputy Highway Superintendent, and

**WHEREAS** the Town Board is desirous of appointing an interim Highway Superintendent to fulfill the duties of said office until November 27<sup>th</sup>, 2024, with the next elected Superintendent of Highways to have been chosen in the November 5<sup>th</sup>, 2024, election and said elected individual to be appointed Superintendent of Highways by the Town Board to fulfill the duties of that office until their official term start of January 1<sup>st</sup>, 2025, and

**WHEREAS** Brian Guthrie Farr resigned from his position with the Town effective June 20<sup>th</sup>, 2024, and

**WHEREAS** Clark J. Seaman has agreed to serve in the role of Interim Superintendent of Highways and to be removed from his appointed position of Deputy Town Supervisor until the next Superintendent of Highways is elected this coming November, and

**WHEREAS** Mr. Seaman cannot hold his current appointed position of Deputy Town Supervisor and this proposed position of Interim Superintendent of Highways concurrently, and

**WHEREAS** the duties of Superintendent of Highways are significant and will be the charge of the Interim Superintendent for five (5) months, a significant portion of the year.

**THEREFORE, be it resolved that the Town Board of the Town of Long Lake,**

1. Approves the removal of Clark J. Seaman from his Town Supervisor appointed position of Deputy Town Supervisor.
2. Appoints Clark J. Seaman as the Interim Superintendent of Highways, effective immediately.



3. Agrees to reimburse Interim Superintendent of Highways Clark J. Seaman the sum of \$5000.00 for his assumption of the duties of the Superintendent of Highways for the period of June 26<sup>th</sup>, 2024, to November 27<sup>th</sup>, 2024. The said amount will be split evenly and paid across the remaining eleven (11) pay periods of those five (5) months of the year. This stipend will not be in place past midnight of November 27<sup>th</sup>, 2024.
4. That this charge be expended to General Fund Budget appropriation line A00-045010-100 Superintendent of Highways Personal Services Expenditures.

**Motion** by Councilman Hosley, seconded by Councilman Donnelly to approve Resolution #47 of 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**Resolution Number 48 of 2024**

**Resolution to Approve the New York State Local Retirement System Record of Activity for Town Justice Brian Farr**

**WHEREAS** Town Officials and Employees not using the Town’s payroll time tracking system must keep a Record of Activity (heretofore “ROA”) for three months to be approved by the Town Board and submitted to the New York State Local Retirement System (heretofore “NYSLRS”),

**NOW THEREFORE BE IT RESOLVED THAT THE TOWN BOARD**

1. Approves the Record of Activity for Town Justice Brian Farr.
2. Orders the Town Clerk to post this ROA in the Office of the Town Clerk for a period of 30 days, after which the Business Office is to submit the ROA’s to NYSLRS.

**Motion** by Councilman Hosley, seconded by Councilman Donnelly to approve Resolution #48 of 2024.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

**COUNCILMAN COMMENTS**

Councilman Hosley commented that it was nice to see so many in attendance tonight.

Councilman Donnelly thanked all in attendance and said that the Jennings Park Pond project will be a long process.

Councilman Dechene commented that it was great news to hear about the Town being approved for the sidewalk grant.

Councilman Bird commented that he is looking forward to a busy summer for all.

**PUBLIC COMMENT**

Patricia Sullivan thanked the Board for approving the purchase of the property from Mr. Carrothers.

Nancy Grosselfinger commented that there will be a meeting on Friday, June 28<sup>th</sup> at 11am at the RLUFs with NYS acting Director Greg Olsen from Office of the Aging to discuss needs for the aging population in Hamilton County.


Ruth Howe thanked the Board for honoring the 100<sup>th</sup> anniversary of the Abenague Chapter #745 of the Order of the Eastern Star in Long Lake.

Rodeny Begin informed the Board and the public that he and Karen are forming a beautification committee for Long Lake, and anyone that wishes to be a part of it should contact either of them. Mr. Begin is also pursuing the Veteran banners for Long Lake.

**ADJOURN**

**Motion** by Supervisor Arsenault, seconded by Councilman Bird to adjourn at 8:03 PM.

<b>Adopted:</b>	Clay J. Arsenault	Aye
	Mark A. Bird	Aye
	Thomas L. Donnelly	Aye
	Richard B. Dechene	Aye
	Nathan S. Hosley	Aye

Attested by: 

Amber L. Wamback, 1<sup>st</sup> Deputy Town Clerk