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APA leaders extend public comment time on resort with formal adjudicatory hearing

At the conclusion of hours of deliberations spread over three days last week the Adirondack Park Agency's Board of Commissioners voted unanimously to send the Adirondack Club and Resort project through the adjudicatory hearing process.

The decision came as no surprise for many project watchers following the recommendation in recent weeks by the Park Agency staff to the commissioners to put the resort project through the further public scrutiny of the court-style hearings.

According to APA spokesman Keith McKeever, "this type of hearing provides the permit applicant, the public, neighbors, local government officials, other state agencies and the APA staff with an opportunity to present evidence and to argue contested issues before an impartial hearing officer."

The first step for the APA is to appoint the hearing officer, who will likely be a New York State Department of Environmental Conservation Department administrative law judge or attorney.

The process begins with a pre-hearing conference to establish the various parties who can give testimony and the issues that testimony can cover. Those who automatically win "party" status include the developer, neighbors living within 500 feet of the project, town leaders including the planning board chairman, the agency staff and

representatives of other state agencies.

Other individuals or organizations that wish to obtain "party" status from the judge must petition the agency before or at the initial conference.

The administrative judge will also preside over an informal session, at which time any member of the public may speak, and a final evidentiary hearing where testimony is presented under oath from the approved parties. The fourth step in the process includes closing arguments and briefs.

The role of the hearing officer is to do everything necessary to assure that the hearing is fair and impartial, as well as efficient and orderly.

Specifically, the hearing officer is responsible for initiating the pre-hearing conference to establish parties, issues and set the initial hearing schedule. The judge will set all hearing dates and schedule all testimony and arguments as well as rule on all motions and requests until the close of the record. Also under the administrative law judge's powers, he or she can issue, quash or modify subpoenas for appearance of people or documents, admit or exclude evidence offered for the record and limit the number of witnesses and the amount of cross-examination, according to Mr. McKeever.

The judge will not issue an opinion on the project but will turn over all evidence and information to the APA commissioners for their final

decision on a permit for the ACR. The commissioners' decision on the permit will be based solely on the hearing record.

Mr. McKeever said the agency is hoping to begin the adjudicatory hearing process "on or by March 20."

Under Section 809 of the Adirondack Park Agency Act, all the information-gathering steps of the court-style proceeding must be held in Tupper Lake.

During a brief public comment period following the full APA board's endorsement of the adjudicatory hearing process at noon Friday, former APA Chairman Jim Frenette of Tupper Lake applauded the commissioners for their hard work and keen insight.

"You people deserve a lot of credit and the results will show it," the Paskungameh Road resident told them.

"I hope everyone who urged you at the public hearing in Tupper Lake not to have an adjudicatory hearing will understand that your action today will result in a better project" and a better end result for Tupper Lake!

He said that the Adirondack Club and Resort project's review represented a milestone in the agency's history. "It points out the limits in the APA Act," Mr. Frenette told the commissioners.

"The attention and momentum this project has generated, points to many changes before you," he said, adding that perhaps it's time to revisit some of the agency's current laws.

In the first session of the marathon meeting that began Wednesday afternoon, the APA commissioners questioned key staff members who have been intimately involved with the years-long review of the resort proposed for Mt. Morris and surrounding acreage.

Answering the commissioners' questions that afternoon and offering their own comments were Mark Sengenberger, deputy director of regulatory programs and staff members Shaun LaLonde of Tupper Lake, a soil and water engineer at the agency, Tupper Lake's Dan Spada, a wildlife biologist and the agency's supervisor of natural resources, Project Review Officer Skip Outcalt, Jr. and Steve Erman, the agency staffer who has reviewed the economic and fiscal aspects of the ACR.

Mr. Sengenberger praised the good working relationship between the APA staff, the developer and their consultants during the application preparation period.

He was quoted as saying that the staff at the agency believes there is potential for approval of major portions of the project - saying a large part of it is very well done. The staff at the agency has concerns, however, about certain aspects of it.

Some of the commissioners' questions Wednesday afternoon centered around the marketability of the 699 housing units proposed at the resort, the financing of the project and the Adirondack Club and Resort's impact on the community as a whole.

APA Engineer Shaun LaLonde raised a number of his concerns that afternoon, including the use of the Cranberry Pond for water storage for snow-making purposes because of its reliance on beaver-made dams, the number of dead-end roads proposed for neighborhoods in the resort and the limited access they present for safety

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Church youth group New Orleans bound

Pictured is the United Community Church (UCC) Mission Group which headed for New Orleans today to help with the ongoing Hurricane Katrina cleanup and relief efforts. Seen from left are Chance Charland, Danielle Hachey, Tau Schaeffer, Nicole Martin, Brooke Chartier, Bryan Larson, Eve Chartier, Laurie Hachey, Lauri Chartier, and Becky Larson. Kneeling are Kelsey Tebo and Lisa Tebo. Not Pictured are Tina Smith, Susan Provost and Don Hachey. (Photo supplied)

Church youth group left today for New Orleans' relief effort

By Newton Greiner

New Orleans a year and a half after Hurricane Katrina has been called a city on the edge of a knife, with alarming numbers of people leaving for good, and many others still in poverty, displaced, or living in fear of another levee break.

That, however won't stop a group of nine young folks and seven adults from Tupper from going there this week to help out with the rebuilding effort in whatever way they are needed.

And that is exactly the scenario. They don't know what they will be doing, nor will they know until they get there.

The group of students and adult chaperones are members or friends of members of the United Community Church in Tupper Lake. Their efforts, once they arrive there on Wednesday, will be coordinated by the Healing Place Church of New Orleans. That church will then assign the local group to another church, where they will sleep, and use as a base of operations. They won't know what church they will be going to until they get there.

The effort has been coordinated by Lisa Tebo, a member of the UCC, who in turn was inspired by other church members, Barb Gachowski, and her daughter Stephanie Hample, and Betty Maus who had gone down to New Orleans on a mission trip last year. They gave a talk on the needs of that community when they returned.

Mrs. Tebo, who is the middle and high school youth group coordinator for UCC, will accompany the group which will leave today (Wednesday) at about 4 a.m. for the drive to Albany International Airport and their southbound flight.

They plan to arrive in New Orleans at about 1:40 p.m. and will immediately go to orientation. Later that same day (today) they will begin the work in earnest.

Exactly what they will do remains to be seen, but according to Mrs. Tebo, it's still a wreck down there.

She has been in contact with Kim Braud in New Orleans who is one of the relief coordinators they will be working with, and she said significant numbers of people are still displaced to FEMA trailers or shelters. The local group has been told their primary focus will probably be gutting homes damaged by the storm, and removing debris, old drywall and other materials in preparation for rebuilding.

"Some of those homes have never been touched," Mrs. Tebo said this week. "We expect to be dealing with bugs, mold, rats, refrigerators full of rotten food, and whatever we find there. We'll be stripping walls to the studs, moving old furniture out to dumpsters for disposal and those kinds of things."

They will spend one full day in Baton Rouge where a lot of people from New Orleans were displaced to and still live in shelters. That day they will be working with programs for people, but exactly how they help will remain to be seen. "It all depends on what is needed that day." This level of total disorganization is typical of the aftermath of Katrina, she said. "The whole state of Louisiana is in a state of disarray," she said. "You can't tell what you'll be doing, because it all depends on the greater need of that specific day."

She thought they might be distributing food, helping with recreational activities, or distributing donated toys to kids. But that could all change as the day goes on. "The majority will be physical work," she imagined.

She said the kids are going there with an open mind, and everyone had to be up to date on their medical things like tetanus shots and the like.

They plan to return on February 19, and when they do they promise to share their experiences with the community.

The kids are really proud of the fact that they have raised \$8,500 for the trip, which will pay for all travel expenses and lodging, so that nobody has to pay anything out of pocket. "Unless they want to buy a souvenir," Mrs. Tebo joked.

They began raising money in September, and the community support for this project has been phenomenal. The way they figure it there will be a good amount left over after expenses, which they do not plan to bring home with them. They will donate the excess of the money to a good cause when they get down there and they see where their money can best be of help. That also remains to be seen.

"They have discussed everything from helping a specific family get back on

their feet, to purchasing tools needed to help with the cleanup effort," Mrs. Tebo observed.

One thing that was for sure as of Monday, is the kids are excited and nervous.

"I think it is going to be an incredible and emotional experience!" Mrs. Tebo said.

Hurricane Katrina was the costliest and one of the deadliest hurricanes in the history of the United States. It was the sixth-strongest Atlantic hurricane ever recorded and the third-strongest hurricane on record that made landfall in the US. Katrina formed on August 23rd during the 2005 Atlantic hurricane season and caused devastation along much of the north-

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APA honors Nellie on her 90th birthday

On Thursday the Adirondack Park Agency adopted a resolution honoring Tupper Lake's well known outdoorswoman, Nellie Staves, on the occasion of her 90th birthday next Tuesday.

APA Chairman Ross Whaley, saying it was his privilege to have the opportunity to recognize the achievements of this "wonderful person from Tupper Lake," presented the following motion and it passed unanimously.

Whereas, February 15th marks the 90th Birthday of Nellie Staves, and the Agency wishes to recognize the long and illustrious career of an outstanding individual who is loved and respected by all sides who are involved in the debates over the future of the Adirondack Park; and

Whereas, Nellie Staves has had a long and industrious life as an advocate for outdoor recreation interests in the Adirondacks, and has served as the long-standing president of the Franklin County Federation of Fish & Game Clubs, president of the Adirondack Conservation Council, member of the regional Fish & Wildlife Board, regional representative to the NYS Conservation Council, and representative on the Adirondack Park Local Government Review Board; and

Whereas, Nellie Staves recognized the problems and associated impacts of Acid Rain on Adirondack flora and fauna and worked with DEC and APA to neutralize its impacts and restore native fish species to Adirondack ponds; has dedicated her life to sportsmen's interests, and has contributed and continues to contribute many hours of volunteer efforts; and

Whereas, Nellie Staves has also contributed numerous hours to membership on various boards such as the Natural History Museum of the Adirondacks; has dedicated her life to educating young people, visitors and residents of the Adirondacks about the fish and wildlife of the Park, and has been a voice and facilitator for finding common ground that allows various interests to be able to meet, discuss and find solutions to resource management concerns for the Forest Preserve and the management of private lands within the Park; and

Whereas, Nellie Staves has led a life of adventure which has been dedicated to the pursuit of her love for hunting, fishing and trapping from her early life in Vermont to her arrival in the Adirondacks in 1949 where she worked with her husband in logging camps in Long Lake and to her later years as an advocate for Adirondack sportsmen's groups; and

Whereas, Nellie Staves is an accomplished artist who has produced hundreds of wildlife etchings on bracket fungi and for this and her many other accomplishments was recognized in 2005 as "a North Country Legend" by Traditional Arts in Upstate New York; and

Now, therefore, be it resolved, that the Adirondack Park Agency pauses in its deliberations to congratulate Nellie Staves on her 90th birthday, to send our best to Nellie and her family and to wish her many more. The Agency expresses its sincere appreciation to Nellie for all she has done for the Adirondack Park.



Cpl. Ruskouski deployed to Iraq

Cpl. Brian Ruskouski, son of John Ruskouski of Tupper Lake, has been deployed to Iraq.

A 2003 graduate of Tupper Lake High School, he enlisted in the U.S. Marines following graduation.

Friends wishing to contact him may do so by addressing their mail to RCT 6 Headquarters, CO S4, Unit 73805, FPOAE 09509-3805 or email him at Brian.ruskouski@gcemnf-wirag.usmc.mil.



Conifer's favorite photographer Dean Doriguzzi spotted a number of deer foraging for food recently and thought it was quite unique that one was still sporting its horns at this time of year.