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Tel. (518) 359-2166 or 359-2462
e-mail: tlfreespress@yahoo.com
Fax: (518) 359-2295

M. Dan McClelland – Publisher
Sue Mitchell – Editor
Judy McClelland – Advertising Mgr.
Newton Greiner – Staff Writer/Photographer
Phyllis Amell – Advertising Sales Rep.
Maynard Peroza and Mary Peryea- staff writers

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Editorial Remembering Zig

Zig Fraczek didn't come back home to Tupper Lake from Florida this spring, as he has done for so many years. We think he went to be with Dot, the love of his life.

We received sad news this week that our old friend died in recent weeks at his daughter's home in Oneida. A memorial service in planned here this summer, according to reports.

For years Zig spent his summers here at his tidy little place on Berkley Ave and every winter he left for Bayonet Point, Florida, where he owned a house. This year his winter stay was cut short because of illness.

In the newspaper business as you cover many of the happenings of the hometown you get to meet a lot of people. Occasionally someone will adopt you, as they look for a sympathetic ear to share their confidences.

That's how we became friends with Zig 30 years ago. We shared a love of local politics and a keen interest in the survival of local business.

He was very active in Tupper Lake on several fronts- politics, business and community service.

Zig served as town Republican chairman for a number of years during the 1960s, at a time when former mayor and prominent attorney, Adam Palmer, was the chief Democrat Party force here. Zig and Adam routinely sparred on major issues of the day, and Zig enjoyed every occasion. They also worked closely on important issues here if there was a need. They were unusual friends with different perspectives who liked to argue with each other, it seems.

A strong advocate for local business, he served as president of the Tupper Lake Chamber of Commerce, at a time when the local promotional agency was very busy as sponsor of many major events each year- including the Tupper Lake Boat Races, the old Woodsmen's Field Days and others.

It was during his tenure at the chamber that Zig initiated the "Save Sunmount" committee, at a time in Tupper Lake's history that this community faced its biggest threat- the closing of the Sunmount VA. Zig served as its able chairman, commanding a formidable task force of local leaders. Though they lost the fight to save the VA facility, their work paved the way for the arrival of Sunmount as a state facility for the care of the developmentally disabled.

Zig and his wife Dorothy (Dot) immersed themselves in what Zig liked to call the "gin mill" business here when they purchased the Wheel Inn in 1957 and renamed it "The Evergreen."

The Fraczeks also owned and operated the local Sears Catalog Store on Park Street for many years when retailing flourished here and when the catalog stores were king. After they sold the store to Joe Denis, Zig worked as a district manager for Sears for many years.

Zig was active in a number of community organizations over the years- most notably the Tupper Lake Lions Club, where he served as president at one point and enjoyed nearly 50 years of membership.

Although he spent many years on the fringe of local politics, Zig joined the fray first hand in the early 1980s, after retirement, serving several terms as village trustee.

He was an incredibly active trustee, immersing himself personally in the workings of every department he supervised, sometimes to the consternation of the village employees and their department heads. The village saw a number of improvements, however, on Zig's watch.

Zig shared his ideas freely, and he never minced words. Sometimes his frank talk would make us cringe at public meetings. He stepped on toes, if he saw fit, and there were times that didn't make him popular. He never apologized for it, however.

The Amsterdam, N.Y. native described himself as a "hard headed Polack" and he believed strongly in what he believed. First among his priorities, however, was the current state of affairs in Tupper Lake. He longed to see his adopted hometown return to its former robust stature of the 1950s, when the community's economy flourished.

Zig and Dot were a feisty pair. They loved each other's company and they loved to squabble. If they weren't arguing about something, they weren't happy, it seems. About the only place they met common ground was the shared love of their daughter, Annie, as Zig called her, and their grandson.

A cup of coffee shared with the Fraczeks at their kitchen table was always a lively affair. When Dot died a number of years ago, Zig never recovered. He longed to join her.

We'll miss our chats with Zig over coffee at the Swiss Kitchen, and we'll miss his conservative counsel. He was a loyal friend who we will greatly miss!
-Dan McClelland

Letter to the editor Council attorney weighs in on road issue

Editor's Note: the Elizabethtown-based preservationist group, the Adirondack Council, weighed in this week on the Adirondack Club and Resort right of way case that will come before a town court here on August 10. The council, through its attorney Marc Gerstman, expressed its opposition to the issue in a letter dated June 9 to Superior Town Highway Superintendent Rick Dattola.

Dear Superintendent Dattola:

This law office represents the Adirondack Council in connection with the proposed Adirondack Club and Resort (ACR) project, which is currently under review by the Adirondack Park Agency (APA). Our purpose in writing is to raise a series of legal and environmental concerns related to the upcoming hearing regarding the condemnation and taking of the private property of the Adirondack Nature Conservancy (ANC). The Adirondack Council is committed to working with the project applicant, the APA, and Town and Village of Tupper Lake to ensure that the ACR project, if approved, will benefit the community, its economy and minimize the potential significant adverse effects on the environment including Resource Management lands.

This action by the Town of Tupper Lake segments the environmental review and land use approval process required

under the Adirondack Park Agency Act and the State Environmental Quality Review Act (SEQRA). The ACR project requires further review by the APA, pursuant to the APA Project Hearing Order, and by the Departments of Environmental Conservation and Health and other state agencies, which have not yet received the applications. The highway superintendent's proposed action to condemn improperly presumes that approval by the APA and other state agencies of the ACR Project with the use of Follensby Road will be forthcoming. On the contrary, the ACR Project has not received any such authorization nor is approval of the ACR Project in the form proposed by Preserve Associates, by any means, a foregone conclusion.

Even if the town could argue at the end of the permitting process after the parameters of an approved ACR Project become known, that taking ANC's private property for the ACR project is for a public use, the current action cannot meet the requisite standard as prescribed by the New York State Constitution. At the current time, there is simply no viable project for which taking Follensby Road can legally be justified. The APA's adjudicator process is still underway, and the other state agency approval processes have not yet commenced. At the very least, the town should not proceed unilaterally without APA's final decision

regarding whether Follensby Road and the Resource Management Areas can be used as part of the ACR project in the manner proposed by Preserve Associates.

For example, the APA's Project Hearing Order asked the adjudicatory process to answer the following substantive question: "Is the natural resource protection (including visual, forest resource, habitat and other natural resource considerations) implicit in Resource Management land use area adequately protected; are the proposed great camp lots substantial acreage ...on carefully and well-designed sites? Are there alternatives and, if so, what are the relative impacts on these resources?" The Lake Simond Pond extension road, a part of which would presumably cross Follensby Road, appears to be proposed to serve great camp lots. Thus, one of the primary issues surrounding adjudication of the ACR project and the very issue that is raised by the projected use of Follensby Road for a private residential development remains to be adjudicated. Indeed, many of the parties to the APA adjudicatory hearing argue, with sound legal and environmental justification, that the use of Resource Management lands for the ACR project cannot be justified. As such, at a minimum, it is premature for the town to initiate any legal proceedings to take private property without project approvals from the relevant government agencies.

The proposed action also violates a long-standing Adirondack tradition of land acquisition under the 'willing seller - willing buyer' concept. For the past two decades, any state open space acquisition of private land in the Adirondack Park has proceeded under the concept of a willing seller and willing buyer. To our knowledge, Preserve Associates has not made a good faith effort to determine whether alternative means of achieving the same goal can be accomplished without violating the rights of a private party to its land. One can only imagine the outrage by Tupper Lake if New York State were to proceed with eminent domain to condemn private property in the town for Forest Preserve uses.

In addition to the improper timing and lack of

public use for Follensby Road underlying the town's action, the town faces an additional formidable legal issue in proceeding at this time. Since Preserve Associates does not own the Oval Wood Dish property, the town cannot purport to act on behalf of the actual landowner. Absent full ownership of the land in question, neither Preserve Associates nor the Town of Tupper has standing to initiate a condemnation process against ANC. The variables raised by the timing of the Town's action, the failure to meet the constitutional standard for taking private land and the absence of the actual landowner from the process underscores that the Town's action cannot be sustained.

Finally, the town's purported use of any process other than the procedures prescribed by the Eminent Domain Procedure Law is ultra vires and of no legal force and effect. *In Acquisition of Real Property by Count of Cortland, 72 A.D.3d 1436, 899 N.Y.S.2d 467 (3d Dept., 2010)*, the Appellate Division, Third Department issued a decision on the precise issue presented by the town highway department's use of the Highway Law to take private property. The court concluded that the EDPL is the exclusive procedure in New York State for government to take property consistent with the constitutional limitations that the property is taken for a public use.

In conclusion, the Adirondack Council respectfully requests that no action be taken by the highway superintendent or the Town of Tupper Lake to interfere with the private property rights of the ANC. Simply, neither the Town nor Preserve Associates have provided any legal, environmental, economic or other basis on which to pursue such an aggressive condemnation procedure on a private property when the proposed development has, not yet received any of the requisite approvals from the APA or other state agencies_ and indeed, the proponent of the condemnation does not even have title to the adjacent lands.

Thank you for your consideration and_ please do not hesitate to contact us if you have any questions.

Very truly yours,
Marc Gerstman

Editorial Benefit to help Rita

Plans are underway this week to stage a benefit spaghetti dinner on Wednesday, June 30 to raise some money to help an elderly lady here get back on her feet a little after a devastating fire a month ago claimed everything she owned.

Rita Woods, who occupied a second floor apartment of a two-unit building that was destroyed last month on Lake Street, has been sort of homeless since the event.

She stayed with a friend for a time immediately after the fire destroyed everything she owned. Rita tried to find a place through county social services but those arrangements fell through. She was apparently given one night's stay in an emergency shelter and then tossed out the next day. Our social service network failed badly in this situation, it appears.

In recent weeks she has been staying for free at Tupper Lake's Park Motel, courtesy of its generous owners Maggie and Jerry Ernenwein. But a motel room isn't home, and Rita needs a permanent home.

She lives on a fixed income and her small pension doesn't provide the means to come up with the first and last month's rent that many landlords require.

For several nights, before the Ernenweins stepped in, the 77 year old lady was reportedly staying in a lean-to on the Lake St. parcel, washing her clothes and bathing in Raquette Pond.

The fire claimed everything Rita owned. She even lost her eyeglasses and her vision is badly impaired. Some days she spends sifting through the burned debris at Lake Street, trying to salvage special belongings which mean a great deal to her. Those belongings were her life...a life she shared for many years with her late husband Ken and her children at the Lake Street complex she sold some years ago to Linda and Rodney Bashant.

This week the Tupper Lake Lions Club and the Tupper Lake Free Press are teaming up with the generous folks at the Veterans of Foreign Wars and American Legion posts to stage a benefit dinner for the local lady on Wednesday, June 30 at the VFW quarters. Ken Woods was a World War II veteran and at least one of Rita's sons served in the military.

The Lions and the Free Press will be collecting and purchasing food stuffs for the dinner and the local veterans will again be mustering their culinary talents to prepare the spaghetti and salad meal. All sales will go to help Rita get a new start.

Tupper Lake has a long tradition of helping its neighbors in need, and we know this time will be no different. Donations to the event can be dropped off at the Tupper Lake Free Press, beginning this week. -And we expect to see everyone at the VFW quarters on June 30 to help out a neighbor in need. We know you won't disappoint us!

-Dan McClelland

Look who's joined the Junction Depot Gang in recent weeks:

- Walter and Marilyn Boggs
- Helen Kiklevich
- Paulette A. LaDouceur
- Allen Delair
- Dom and Helen Camelo Jr.
- Howard Ziegler
- Clairette Desabrais
- Shirley and Gerald Savage
- Deborah L. (Dening) and Thomas Wood
- Bob and Sue Virostek
- Patrick Dunha
- Robert and Mary Buhaime Jr.
- Alfred Aseel



Here's how you can join the
Tupper Lake
Junction Depot Gang!

Passenger.....\$20 per year	Telegraph Operator.....\$50 per year
Gandy Dancer.....\$25 per year	Station Master.....\$75 per year
Track Foreman.....\$30 per year	Conductor.....\$100 per year
Porter.....\$35 per year	Brakeman.....\$150 per year
Ticket Agent.....\$40 per year	Engineer.....\$200 per year
Freight Agent.....\$45 per year	Railroad Executive.....\$500 per year
	Railroad Owner.....\$1,000 per year

Mark your membership level and please return this form with a tax-deductible donation to:
Next Stop! Tupper Lake
PO Box 842
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Name _____

Address _____

Adirondack Public Observatory Skywatch



How many planets are there? Most would say 8 remembering that Pluto is no longer a classified planet.

There are, however, as of May 30, 2010 over 460. Only 8 of these are in our Solar System. The rest are extrasolar or exoplanets. There are at least 11 stars in the constellation Hercules that have exoplanets orbiting them. Could there be intelligence on any of these? In 1974 a message from the largest radio telescope in the world (Arecibo Observatory) was sent towards the M13 globular cluster in Hercules. Even if someone did receive it, it would take 50,000 years to hear the answer. The message can be seen above. To see it in color and to see what it says, go to our web site or visit the Tupper Lake Chamber of Commerce where the answer is in the window. For more information visit www.apobservatory.org