

Minutes of the Town of Lake George Town Board Meeting held on Thursday, August 13, 2012 at the Town Center, 20 Old Post Road, Lake George, New York 12845.

Members Present: Supervisor, Dennis Dickinson
Vincent Crocitto, Councilperson
Fran Heinrich, Councilperson
Dan Hurley, Councilperson
Marisa Muratori, Councilperson

Others Present: Deborah Foley, Town Clerk; John Salvador, Jr.,
Kitty Rooney, Joanne Gavin, Pamela Louise Parrott,
Jim Grey, Alex Parrott, Bonnie Colomb, MaryAnn &
Dennis Lynch, David Montgomery.

The meeting was called to order at 6:30 p.m., by Supervisor Dickinson. He led those in attendance in the Pledge of Allegiance

A motion was made by Councilperson Crocitto and seconded by Councilperson Heinrich to approve the July 9, 2012 and July 23, 2012 minutes.

All in favor.

Motion carried.

OLD BUSINESS

Supervisor Dickinson wanted to discuss the Occupancy Tax Distribution. Apparently, the previous administration had an understanding with the Chamber of Commerce. There is no information in his office or this building to that effect. He received a call from the Chamber of Commerce and did some research. We have in the last few years given the Chamber of Commerce quite a bit of money from Occupancy Tax. He met with Michael Consuelo from the Chamber of Commerce and the funds that were given to them from the Town were used for specific programs for advertising, fundraising, etc. Supervisor Dickinson agreed for this year to earmark an additional \$20,000 to the Chamber of Commerce.

Councilperson Heinrich asked if there was a reason why we could not give them \$10,000.

Supervisor Dickinson stated that between Supervisor Tessier and Supervisor McCoy that this is a program between the Town and the Chamber that has been ongoing.

The Chamber did provide a list of the events that they are funding.

John Salvador stated that the Lake George Chamber of Commerce is a Regional Chamber of Commerce. He stated if he remembers correctly, the \$10,000 contract goes back a long time and he believes it was part of a public referendum. If they are going to be advertising for the Lake George Region, there are other Towns in the Lake George Region that should be contributing.

Supervisor Dickinson stated we also have proposed \$5,000 to the Last of the Mohicans. They asked for \$20,000. We proposed \$2,000 for Warren County Soil and Water for the Rec Field. The Adirondack Triathlon has also requested \$1,500.00.

Councilperson Crocitto explained that the Town anticipated receiving \$125,000 from the Occupancy Tax of this amount \$110,000 was received to date instead of \$95,000, an increase of \$15,000. If all the tonight's proposals are paid including the approved \$4,000 for the circus, it would leave a balance of \$12,057.00 left in the Occupancy Tax account with an additional \$30,000 that will be collected in October.

In response to Councilperson Heinrich's questions, Supervisor Dickinson states that he originally planned to collect \$30,000, carry this amount over to January of 2013 in order to carry the Town until the next Occupancy Tax collection; however this plan did not work because he was not aware of the ramifications of this Occupancy tax. He anticipates that the Town will most like have \$10,000 left by at year-end.

A discussion ensues among the Board Members.

L G Chamber Occupancy Tax

RESOLUTION #122-2012, Introduced by Councilperson Crocitto and seconded by Councilperson Heinrich.

RESOLVED, that the Town Board award the Lake George Chamber of Commerce \$20,000 from Occupancy Tax Funding, for events to promote tourism in Lake George.

Duly adopted this 13th day of August 2012 by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes: 0
Absent: 0

Last of the Mohicans Occupancy Tax

RESOLUTION #123-2012, Introduced by Councilperson Crocitto and seconded by Councilperson Muratori.

RESOLVED, that the Town Board award the Last of the Mohicans Outdoor Drama \$5,000.00 from Occupancy Tax Funding.

Duly adopted this 13th day of August 2012, by the following vote:
Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes: 0
Absent: 0

Warren County Soil and Water Occupancy Tax

RESOLUTION #124-2012, Introduced by Councilperson Crocitto and seconded by Councilperson Heinrich.

RESOLVED, that the Town Board award \$2,000.00 to Warren County Soil and Water for Recreation Field from Occupancy Tax Funding. The Village of Lake George is also awarding \$2,000.00 funding for the Recreation Fields.

Duly adopted this 13th day of August 2012, by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes: 0
Absent: 0

Adirondack Triathlon Occupancy Tax

RESOLUTION #125-2012, Introduced by Councilperson Heinrich and seconded by Councilperson Hurley.

RESOLVED, that the Town Board award \$1,500.00 to Adirondack Triathlon from Occupancy Tax Funding.

Duly adopted this 13th day of August 2012, by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes: 0
Absent: 0

NEW BUSINESS

Supervisor Dickinson stated that the Town of Lake George would like to request special legislation to authorize continued regulation of docks and boathouses on Lake George. We have had litigation over boathouses. In one of those litigations, the Supreme Court decided that Lake George did not have jurisdiction over the lake because the lake is owned by the State. The simple solution is to press the legislature into taking Lake George out of that exemption and allowing the Town's around the lake to exert "Home Rule". We want to be able to control what is going to happen to our lakeshore, even though we do not own the lake.

Regulation of Boathouses and Docks on Lake George

RESOLUTION #126-2012, Introduced by Councilperson Heinrich and seconded by Councilperson Muratori.

WHEREAS, the Town of Lake George has long maintained zoning regulations which, among other things, regulate docks and boathouses on Lake George; and

WHEREAS, a recent Court Decision has called into question the Town's continued authority to maintain such regulations; and

WHEREAS, New York State Navigation Law includes specific provisions explicitly authorizing certain municipalities to exercise such jurisdiction over various bodies of water;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lake George hereby requests Amendment of new York State Navigation Law to expressly include authorization for the Town to continue regulation of docks and boathouses on Lake George and

BE IT FURTHER RESOLVED, that the Town Counsel is hereby authorized and directed to submit such proposed Legislative Amendment to our State Legislators and

BE IT FURTHER RESOLVED, that the Town Board also supports inclusion in such proposed Legislative Amendment of any of our neighboring municipalities on Lake George who wish to be included in such proposed Legislation.

Duly adopted this 13th day of August 2012, by the following vote:

Ayes:	5	Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes:	0	
Absent:	0	

Big Top Circus funding

Resolution #127-2012 introduced by Supervisor Dickinson and seconded by Councilperson Crocitto.

RESOLVED, that the Town Board allocate \$4,000.00 from Occupancy Tax Funding to the Big Top Circus as per a previous agreement with the Village of Lake George and Warren County.

Duly adopted this 13th day of August 2012 by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes:
Absent:

Councilperson Crocitto stated that the Youth Commission Summer Program on the last day has a party at the bus garage. There are usually two bounce houses. Bounce Around, Inc., stated he would donate the bounce houses in exchange for a sponsorship of the Little League. He stated he did not know this until after the fact, but would have still agreed with it.

Councilperson Heinrich stated that this is an after-the-fact resolution and it definitely needs to be brought to the board prior to happening next year.

Youth Commission Gift

Resolution #128-2012 introduced by Councilperson Crocitto and seconded by Councilperson Hurley.

RESOLVED, that the Town Board accept a gift of two bounce houses from Bounce Around, Inc., valued at \$600.00 for use by the Youth Commission on Friday, August 3rd, in exchange for a team sponsorship at a value of \$250.00.

Duly adopted this 13th day of August 2012 by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes:
Absent:

Councilperson Heinrich stated that the budget transfers are not a part of Wendy's budget. She is trying to organize the codes.

Budget Transfers

RESOLUTION #129-2012 **To approve transfers for 2012 Budget**

The Town Board approves the following budget transfers for the 2012 budget.

From		To		Amount
A.7410.0400	Library--CE	A.1620.0200	BLDG equip	\$ 55.00
A.7410.0400	Library--CE	A.1620.0439.ACH	Sr. Ctr Misc fees	\$ 420.00
DB.5110.0442	HWY Gen Rep Gas/Oil Machines	DB.5110.0455	HWY Safety Equip	\$ 500.00
A.8160.0410	Trans Sta Comp/burn Plant-CE	A.8510.0400	Comm Beautification--CE	\$ 900.00
SW.8340.0413	Water Trans & Dist, Main bldg/prop	SW.8340.0424	Water Trans & Dist--Postage	\$ 50.00

A.8160.0410	Trans Sta Comp/burn Plant-CE	A.1480.0400	Pub Info & Serv. Van/Trans-CE	\$ 1,000.00
			<u>TOTAL</u>	\$ 2,925.00

Duly adopted this 13th day of August 2012 by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
 Noes:
 Absent:

Councilperson Crocitto stated the bus is at North Country Radiator having the air-conditioning looked at. So far the cost is \$400.00 for the new lines with the air conditioning not fixed yet. To jump to the next step it would bring the cost to \$1,300, the second step would cost \$1,800 with the worst case scenario costing \$3,500.

Supervisor Dickinson suggested going to the next step and fixing the air conditioning since there is very little ventilation in the bus and it is very stuffy on a hot day.

A discussion ensues with the Board Members agreeing to have Councilperson Hurley pursue it further by contacting Jack, the owner of North Country Radiator.

The last item under "New Business" is small sign resolution. Supervisor Dickinson made it clear that this resolution pertains to temporary signs such as political signs, contractors' signs, etc. The signs will be allowed to be placed on private property only where the work is being performed, once the work is done, the contractor needs to remove the sign. No signs will be allowed on public right-of-ways; citizens should assume that the right-of-way is 25 ft. from the center of the road. All signs that are non-compliant will be removed by possibly the Code Enforcement Officer; subsequently the property owner will be contacted and given one week to come to the Town to retrieve the sign.

Joanne Gavin asked if citizens can remove illegal signs to which Supervisor Dickinson replied that any signs that are placed on someone's private property can be removed by the property owner.

Pam Parrott asked who will be the contact person to report illegal signs; Supervisor Dickinson replied that it will most likely be Robb Hickey.

Dave Montgomery asked about signs placed at someone's property advertising their business and Supervisor Dickinson responded that the current discussion is for temporary signs, business signs are handled differently. Dave continued by stating that he does not mind rules

however these rules should be applied to everyone including the businesses that currently have signs on illegal right-of-ways.

As for special event signs, the reply to Pam Parrott is that temporary directional signs advertising an open house can stay up for 48 hours and then be removed; signs for special events that last a few days need to be approved by the Town.

Resolution #130-2012 introduced by Councilperson Heinrich and seconded by Councilperson Hurley to hold a public hearing on September 17, 2012 on proposed **Local Law 3**.

**SCHEDULING PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 3 OF 2012
AMENDING THE TOWN OF LAKE GEORGE ZONING LAW
TO ADD PROVISIONS RELATING TO SMALL TEMPORARY SIGNS**

WHEREAS, the Town Board is considering allowing small temporary business and directional signs for certain purposes without a permit; and

WHEREAS, the Town Board has prepared a proposed Local Law which amends the current provisions of the Zoning Law relating to signs accordingly; and

WHEREAS, under Municipal Home Rule Law Section 20, no Local Law may be passed until a public hearing has been held;

NOW, THEREFORE, BE IT

RESOLVED, that the Lake George Town Board shall hold a Public Hearing at the Lake George Town Center, Old Post Road, Lake George, New York, at 6:30 p.m. on September 17, 2012, to consider proposed Local Law No. 3 of 2012; and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish and post a Notice of Public Hearing is closed.

Duly adopted this 13th day of August, 2012, by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson
Noes:
Absent:

Councilperson Muratori discussed the Town's ordinance regarding signs. A Resolution was adopted by the Town Board in the late 1990 to not enforce the ordinance since the Town had adopted the Park Commission's ordinance and it was being enforced by them; therefore for many years the sign ordinance has not been enforced. A discussion came up in February about rescinding this resolution and start enforcing the Town's sign ordinance and it now back on the table. She has had a preliminary conversation with Mark Schachner and was informed that it is doable.

Supervisor Dickinson clarified that this sign ordinance is for businesses signs and not for temporary signs. The requirements for these signs are entirely different than the temporary ones. Color, size, lighting, height, etc. of the signs all play a part on whether they comply. He will not ask anyone to change their current signs however is concerned with the ones coming in especially the neon, moving signs such as the one the Chamber and the Village have.

Councilperson Muratori sees this as two projects; the first one is to repeal the original resolution and enforce the sign ordinance that is in place and the second part would be to review the Town's sign ordinance, discuss it and decide where to make adjustments. She does not expect this to be an easy process and is aware of the fact that some business owners may feel threatened by the enforcement of signs. For those signs that are currently out of compliance there should be a sunset clause set in number of years. She asked if it is the will of the Board to create a resolution to rescind the one established in the past.

Supervisor Dickinson and Councilperson Crocitto both agreed that a new sign ordinance needs to be created, discussed and agreed upon and then rescind the one from the 1990s. Supervisor Dickinson suggested that once an ordinance is drafted by the Board, a meeting with all the business people should be held even the ones whose signs have been grandfathered. Councilperson Muratori expressed her belief that this proposal would be long and laborious.

A discussion ensued with Councilperson Crocitto stating that as soon as the resolution is repealed a lot of signs may be going up. Councilperson Heinrich's suggested that the Board might want to start enforcing the current sign ordinance from this day forward and not deal with the ones in the past.

Pam Parrott asked about the proliferation of sandwich board signs and why are they allowed to which Supervisor Dickinson responded that these signs will be considered in the sign ordinance.

John Salvador suggested that the Town copy the Village's sign ordinance and Councilperson Muratori informed him that the Village Board formed a committee to pursue and research a sign ordinance. This process included many meetings and a professional planner and it is probably one of the most difficult processes in establishing a zoning ordinance.

A discussion ensued among the Board Members and a workshop was scheduled for August 28, 2012 at 3:00 p.m., copies of the current sign ordinance to be distributed to the Board for their review.

COMMITTEE REPORTS

Councilperson Muratori reported on the Courts. The two justices saw 309 cases in July, most being vehicle and traffic cases and the money forwarded to Audit and Control was \$25,628.50.

Councilperson Muratori had a conversation with David Vernor from New York Light Energy in Latham. We had sent him copies of our bills as well as the energy bills of the Village. She has been in contact with a couple of different solar companies. He says we can do a long term and a short term energy program. We can do site specific solar panels. He advised that we could have something up within 45 days and she advised him she would meet with him next week.

Councilperson Heinrich stated that for Personnel, the board appointed Lori Barber as the Assessor's Clerk. She has been a teacher for 9 years and she has worked as an Account Clerk for Warren County DPW. She is a Lake George resident. She will begin work on August 14th. Her position is provisional as she will need to pass the Civil Service Test. The other issue under personnel is Adele Behrmann's title. She is still in conversation with Kathie Barrie over the Civil Service Testing Title.

Library – Marie Ellsworth has advised her that the computers that the Town gave the library were a real asset. They are running a power point slide show on one of them and the other is being used for word processing. 9 children earned tickets to the Big Apple Circus by reading 3 books. 987 people visited the library in July.

Diamond Point Hillview Library – She had a discussion with Jane at the library as someone had called the Town asking whether or not she had fire extinguishers at the library. They are mandated; she has two of them located by the doors.

Buildings and Grounds – The Diamond Point Beach opened on July 10th. We hired Toby Bombard at Usher’s Park as a Park Attendant on July 24th, filling in for someone who is out ill, for 3-6 weeks. We have been getting estimates for hail damage for the upper pump station roof on Fort George Road. Roof repair on the Museum has been started.

Councilperson Hurley reported on the Senior Citizens. The first meeting is September 6th at the Senior Citizens Center.

Animal Control Officer – 9 calls. There is one complaint that has occurred for 4 times. An appearance ticket was served. The paperwork was incorrect and Councilperson Muratori advised that she has asked Ernie from the Village who trains Peach Officers to work with George Schuster to file the paperwork correctly.

Sewer – Dan Merino is pressure washing all the wet well areas; cleaned all the grates at the lower station. He inspected a sewer connection on Route 9L.

Fire Department – They have two new 2012 Tahoes which were put into service for the Fire Chief and 1st Assistant Chief. The 2005 Jeep Grand Cherokee’s were declared surplus. They attended a seminar at Turning Stone at several people met with suppliers there.

Diamond Point Water – Samples were taken and everything tested out fine. He fixed one leak where someone had a major leak in their basement. They purchased a dehumidifier for the plant up there because there is so much moisture and need to be concerned with the amount of electronics at the plant. He stated that for the month of July, he treated 1,618,600 gallons; an average of 52,000 gallons per day for Diamond Point.

Councilperson Crocitto reported that Marion Purcell from our insurance company wrote an apology letter to the Town for the delay on the part of the insurance company relating to the Diamond Point Beach.

Chambers Property Deer Run – We found the resolution going back to May 25, 1970 where the Town actually did own the properties, but there was a resolution giving it back to the property owner which was Samuel Hoopes. With that said, it is not on our property, it is on Mr. Chamber’s property. The board did make Mr. Chamber an offer that the Town would do the labor if he buys the material. He feels we should stand by this offer.

There was a discussion and it was decided that a letter needs to be written to Mr. Chambers giving him a time frame to act on this offer. Supervisor Dickinson will write a letter to Mr. Chambers explaining the compromise which is Mr. Chambers will provide the materials and the

Town will provide the labor. He needs to respond within 15 days to this offer or it will be void.

Highway Department – Placed a culvert along Flat Rock Road; mowed throughout the Town; worked with Soil and Water along Route 9 Corridor; repaired entrance to the Bike Path met by Mountainview Lane; repaired tractor and worked with the Town of Bolton and worked at Hillview Library.

Transfer Station – 10 ton of cardboard; 4.8 ton of metal; 3 tons of tin. Made a little money on the C & D. Dan has asked the board to raise the C & D price from \$45.00 per yard to \$50.00 per yard.

C&D FEE

RESOLUTION #132-2012, Introduced by Councilperson Heinrich and seconded by Councilperson Hurley.

RESOLVED, that the Town Board authorize to raise the C & D fee from \$45.00 to \$50.00 per yard.

Duly adopted this 13th day of August, 2012, by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson

Noes:

Absent:

Youth Commission – The Summer Program ended with a visit from the Health Department. Anyone wishing to look at the report is welcome to. There were five violations.

Supervisor Dickinson stated this is the first time in 45 years that the Health Department has inspected the Youth Program. This now falls under a Youth Camp. They inspected the bus garage where the program is held. They found things such as insulation that is exposed. They objected to some of the shelving units; the bathrooms; the handicapped access; oil on the ground. They want us to employ an aquatic director to take our kids from a bus garage to a public beach. He contacted the Health Department and asked if they would come up and talk to the board about the Summer Camp. We have to make a decision before next year.

Councilperson Muratori reported on Planning and Zoning. She stated in his report he had asked for the board's advice on a project.

Robb Hickey stated he needs some direction from the board regarding the Casale project. He stated he would like to violate him and take him to court to end this.

Supervisor Dickinson stated he has attempted to bring resolution to this matter. He has spoken many times to Mr. Casale's attorney as well as Tony. He stated he has a very poor stormwater plan.

Councilperson Muratori stated that violating him will still not make the plans correct.

Robb Hickey stated we gave him a list of what the Town is looking for. He stated this is frustrating.

Supervisor Dickinson suggested that he call Mr. Casale's attorney and our attorney and tell them we want to sit down one last time with Tony's attorney, our attorney and the engineers and bring in a final proposal.

Casale Project Letter

RESOLUTION #133-2012, Introduced by Councilperson Muratori and seconded by Councilperson Hurley.

RESOLVED, that the Town Board authorize Supervisor Dickinson to contact the attorneys and create a final proposal for Mr. Casale's project.

Duly adopted this 13th day of August, 2012, by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson

Noes:

Absent:

Councilperson Muratori also asked Robb about the Gross project and the Secovnie Project. She asked what the status was on these projects.

Robb Hickey stated Gross went back to the Planning Board last Tuesday. Chazen reviewed his plan and gave it the okay to go to the Planning Board. The Planning Board approved the extension of his road up to the new house location and now he can build his new road to the house location. He has a major stormwater that has been approved by our engineer. The site has been stabilized and the erosion sediment is doing fine.

Robb Hickey stated that Secovnie was going to appear tonight however, Attorney Lapper would like to meet with Supervisor Dickinson to work out a plan to bring to the board.

Councilperson Muratori asked if the sump pump checks are done. Robb Hickey responded that 99.9% of them are done.

Councilperson Muratori asked about the status of the Price Chopper.

Supervisor Dickinson stated they are moving forward. The problem they have is the same problem they had in the beginning and that is the sewage system. He stated he has been in contact with Barry Feinman who is the developer for this project.

Councilperson Muratori asked Supervisor Dickinson about Diamond Point Beach and the algae issues.

Supervisor Dickinson stated that over the summer Kathy Bozony from the Fund for Lake George has been continuing their scientific testing along the brook isolating the source of failing septic systems. They are doing the same thing on the shore from the mouth of the brook to the Diamond Point Beach and there is at least one septic failure. They base this on the type of algae that is growing there. He stated he has talked to Chazen and are looking for funds and ideas to solving the problem.

Supervisor Dickinson asked Pam Morin of the Warren County Planning Department to come forward to discuss the Quad Poster Booklet Update. The project of design printing is completed and distributed is nearly completed. There are 3,200 into the Warren County School systems. There is a section on the Town history and a mention of the Warren County Bicentennial next year. There has been advisory committee with representations from each of the Towns. In December the Warren County Souvenir Bicentennial Booklet distribution will begin. The Advisory board is looking for a comment on how many copies we would like for the Town. On March 12, 2013, they are looking for 2:00 to be the bell ringing throughout the townships. On June 12, 2013, they are looking at a Warren County Special Meeting and Reception at the Lake George Courthouse. The Warren County Board of Supervisors will call the meeting at 10:00 a.m. They will have an awarding of brass plaques to the Town mentioning the Bicentennial.

Supervisor Dickinson stated he did go to re-enactment of the Fort William Henry. It was very interesting. Unfortunately, there were only about 30 people in attendance.

Supervisor Dickinson stated that the previous administration put 2 residents on 9L on notice that they were in the sewer district and had not hooked up to the sewer line. One of the residents came in the office and was very irate. The other resident was very cooperative and hired an engineer. The engineer wrote a letter and said they were willing to comply but they were very far from the road. They just barely made the cut off. He received the letter and decided that he would like to ask the board to release this request. If we want them to hook up, we need to extend the sewer line across the road, put a manhole in on their property line and then we can force them to hook up to the sewer.

Councilperson Heinrich stated how can we do this when our ordinance states that you must hook up if it's feasible. She stated Dan Merino, Dave Rosebrook and Robb Hickey all told the board it was feasible.

Supervisor Dickinson stated it is not feasible unless the Town extends the sewer line.

Robb Hickey stated that he feels if there was a failure to any of these houses, they would then need to hook up to the system.

Caldwell Sewer Letter

RESOLUTION #134-2012, Introduced by Councilperson Heinrich and seconded by Councilperson Muratori.

RESOLVED, That the Town Board sent a letter to the two residents on Route 9L that were asked to hook up to the Caldwell Sewer District be released from this request.

Duly adopted this 13th day of August, 2012, by the following vote:

Ayes: 5 Crocitto, Heinrich, Hurley, Muratori, Dickinson

Noes:

Absent:

Councilperson Heinrich stated if she had known that this was absolutely impossible the previous board would not have done this, but they were under the impression from Robb, Dave and Dan that this could be done.

John Salvador addressed the board regarding a letter he wrote to the Town regarding Shaw Road repairs. He stated that Judge Krogmann more or less obligated him to rectify damages allegedly caused to the pavement of Shaw Road Extension. The Town Board is reminded that the damage occurred between February 1st and March 20, 2009, at the time that the road and its subsurface were in a deep freeze. Transportation of logs ceased before the Town Highway Superintendent posted the spring time weight limit on Shaw Road. More than 3 months prior to Mr. Hickey's issuance of the Notice of Violation on August 14, 2009, Mrs. Diane Hyman solicited a quotation to the repairs to the Hyman driveway. The scope of work required to repair is noted to include plus or minus 12 different locations along the 960 foot portion of Shaw Road Extension that was limited to our access by the Planning Board. As soon as the Notice of Violation was issued, he went up on the road and saw where Mr. Hickey had marked where he thought the damage had occurred. It appears that one of these locations has already been repaired. The remaining should be marked, mapped and measured before the damaged material is removed, the thickness measured and the type 3 binder replacement is applied. He stated he

cannot understand why the entire road has to be top-coated. He did not do damage to the whole road. If in fact the top coat has been placed there, then why not just repair it in the area where they did the damage. We are obligated to make repairs and it has to be defined what has to be repaired.

Robb Hickey stated he is obligated to bring the road back to the condition it was in prior to the logging operation. The estimate was done shortly after all the damage was noted by the person who installed the road. The courts said repair the road back to the original condition.

John Salvador stated as soon as he was cited with the Violation and before we went to court, he had a certified drawing made of the location of the damage.

Councilperson Heinrich asked if he gave it to the Zoning Board.

John Salvador stated he did not. The issue with the Zoning Board was the violation of the timber harvesting.

Supervisor Dickinson stated to Mr. Salvador if you do not want to repair the road to the conditions as expressed by Mr. Hickey, you need to sue the Town.

John Salvador stated he wants the definition of what needs to be repaired.

Supervisor Dickinson stated they were explicit about what needs to be repaired and have estimates to do it and the estimate has been updated. You need to do what is on the estimate or it is not satisfactory to the Town or the Court.

Supervisor Dickinson stated he wanted to look into this and will get back to him.

Joanne Gavin commented on the follow-up to the Special Board Meeting regarding the Historical Association. At the end of the meeting, it was apparent at the close of the meeting that the Museum Board were certainly in a crisis that they did not expect and are certainly willing to raise money and do something to help the Town with the cost of that building and look into grants. Also, we were told that the County Court was in need of space and if the County Court wants to lease the space, they are going to use tax dollars as well. She stated she is coming with a new idea because that is what the Board asked for. The Town owns the building, they own the Town Center and the Senior Center. The Senior Center makes a very good multi-use building. The Courts could lease space in the Senior Center and that money could help support the museum. She stated she has a very old judge's desk and chair and she

will donate this to the Town if they want to put that in the Senior Center. It was formerly used by a Justice of the Peace in Lake George, her father-in-law, Ralph Brynes.

John Salvador read from the Stipulation signed by Judge Aulesi.

Next regular Town Board Meeting will be September 17th at 6:30 p.m., and will hold a Public Hearing on Temporary Signs.

A motion was made by Councilperson Heinrich and seconded by Councilperson Crocitto to move to Executive Session at 9:50 p.m., to discuss possible litigation.

All in favor.

Motion carried.

A motion was made by Supervisor Dickinson and seconded by Councilperson Crocitto to move to regular session at 10:05 p.m. No decisions were made.

All in favor.

Motion carried.

A motion made by Councilperson Muratori and seconded by Councilperson Crocitto to adjourn at 10:06 p.m.

All in favor.

Motion carried.

Minutes typed by Patty Schuster.

Respectfully Submitted,

Deborah Foley
Town Clerk