

Minutes of the Town of Lake George Regular Town Board Meeting held on Monday, August 8, 2011 at the Town Center, 20 Old Post Road, Lake George, New York 12845.

Members Present: Frank McCoy, Supervisor  
Vinnie Crocitto, Councilperson  
Fran Heinrich, Councilperson  
Caryl Clark, Councilperson  
Scott Wood, Councilperson

Also Present: Adele Behrmann, Jon Alexander, Thom Randall, Chris Navitsky, Mike and Dana Seguljic, David Harrington, Walt Lender, Jim Grey, Kathy Redpath and others.

The meeting was called to order at 7:30 p.m., by Supervisor McCoy. He led those in attendance in the Pledge of Allegiance.

A motion is introduced by Councilperson Crocitto and seconded by Councilperson Clark to approve the minutes for the Special Meeting on June 20, 2011, Regular Meeting on July 11, 2011, Special Meeting on July 21, and Joint Meeting on July 25, 2011.

### **PRIVILEGE OF THE FLOOR**

Supervisor McCoy asks Dave Harrington to give the Board and the audience a brief overview of the de-nitrification project.

#### **Dave Harrington:**

He explains that periodically higher levels of nitrates are found in the discharge water or ground water at the sewer plant. It typically happens two or three times a year, especially in the winter, and it has been going on for the last ten years. The Village has been receiving the violations for exceeding the nitrate level into the test wells and their answer to DEC has always been that they can solve the problem but only when they get the funding for it. They have been submitting for grants for the last 10 years, this year they took a chance and submitted for the GIGP Grant (Green Initiative Grant Program) and \$650,000 was received for this project. The project consists of aeration, cutting edge new technology that will aerate the water and will release the nitrite into the air. Nitrates basically come from ammonia from the sewer system and when in excess they end up in the ground water. The estimated cost of the project is \$1.5 million dollars and they are looking at borrowing \$965,000. The project will begin roughly around April of 2012; the bids will go out in March of 2012 and it should be completed around October of 2012.

The project consists of a concrete tank that holds the aerators, the affluent would go through the tanks and the aerators would aerate the water and discharge the nitrates in the atmosphere prior to reaching the sewer bed.

**Councilperson Wood** asks if there will be an odor problem to which Dave replies not any more than is already there.

**Councilperson Heinrich** states that they have received some complaints about the existing odor and Dave comments that unfortunately it cannot be avoided because of open tanks etc.

**Councilperson Clark** asks how long this has been going on.

#### **Dave Harrington:**

He replies that he asked Alex Rose from C. T. Male who is doing this project and was told that it has been about 10 years.

**Chris Navitsky** states that cold temperatures change the dynamics and responses of the nitrogen which cause to have less de-nitrification which is most likely why the evidence increases in the winter. Nitrogen has been popping up in West Brook for years which is one of the reasons why this issue needs to be dealt with.

Dave Harrington gives the Board an indication of what the financial ramifications will be for the Town with this project. They are estimating approximately a \$67,000 annual bond payment. The Village will start to pay in 2013 therefore the Town's estimated half payment will be \$33,500 which will begin in 2014.

### **LGA update on the Asian Clams eradication project.**

After attending a conference in Bolton, Supervisor McCoy decided to ask Walt Lender to give the Board an update on the Asian Clams eradication project. It is a concern since Lake George is the Town's most valuable asset and it is important that it is protected. He continues that although he would love to see the Federal and State governments come to the rescue, he highly doubts that it will happen although he heard that the LGA received a \$450,000 grant recently.

#### **Walt Lender:**

He confirms that they received the \$450,000 but only some of it can be used for the asian clams issue. It has been a huge struggle raising funds for this project and he appreciates the fact that the Town has contributed some funds towards it. He put together a brochure with some informative material for the Board. The Asian Clams were discovered on the beach off Lake Avenue about 1 year ago; the threat is significant to the lake and also surrounding lakes, rivers etc. A network of concerned entities came together quickly made up of folks from Darrin Fresh Water Institute, the Fund for Lake George, the LGA, State and local officials etc and a task force was put together to take action. Lake Tahoe is also experiencing a very serious problem with this infestation and since they did not act quickly enough they are now facing a \$1 million dollar annual cost to try to contain it over 200 acres. Asian clams are very small and spread quickly; they can reach densities of 8,000 clams per square yard and reproduce very quickly. In addition to the algae problems they also clog water intakes and create a good location for creatures such as the zebra mussels to attach to. On Lake George the method they chose was to put down rubber mats on 5 acres and it is working with having reached about 97% effectiveness. After Labor Day the areas by the resorts will be re-matted in order to destroy the remaining 3% clams. The mats will be rolled over onto the beaches in order to avoid the wave action that curls these mats up and to get a good, tight seal. A website has been set up with information and updates however the newest developments that are not on the website yet are new infestations discovered in the lake in Boon Bay, outside of Norowal Marina and by Treasure Cove which means that currently there are four infestations that have been documented.

Supervisor McCoy states that it is difficult to get 100% of the clams since they are around the docks and piers. The only way to get 100% would be to use suction.

#### **Walt Lender:**

He adds that there have been some discussions about doing some suction in the fall around the docks, etc.; they are going to try their best to get 100%.

**Councilperson Heinrich** shows Walt Lender the pictures of Lake George and the green waters to which Walt replies that it is algae and actually the clams contribute to the algae. The clams draw up nutrients out of the sediments and release the nutrients into the water column and the algae feed on it.

**Councilperson Heinrich:**

She helped with the clean up over the weekend in the Lake Avenue area and it seems as though the water is cleaner in this area then at Diamond Point Beach where it is green in color; has Diamond Point beach been checked for clams? She took pictures of this beach over the weekend because she is very concerned with it. She noticed that both beach areas are surprisingly clear but different colors which indicates that they have done a great job at the Lake Avenue area but maybe they need to concentrate on the Diamond Point Beach area as well.

**Walt Lender:**

They have checked the Diamond Point Beach for clams and found that it is clear of clams however there are other ways that nutrients get into the lake such as through development, streams, etc. Another way that folks can help is to keep their eyes peeled and if something looks suspicious to notify one of the agencies. At this point it is too late in the season to start a lake wide survey but they are trying to do some of it through a scientific process and the rest by looking around in the water.

**Dieter Drake – Tour of the Adirondacks bicycle race**

Dieter Drake not present at tonight's meeting.

**Chris Navitsky:**

He would like to thank the Town and particularly Councilperson Heinrich for the help and support they received at last weekend's cleanup. Around the lake a lot of trash was picked up as well as numerous car batteries and about 20 pistons. He also thanks the Town for the support on the Asian Clams eradication.

**Mike Seguljic:**

He was told by Kathy Bozony at the Water Keeper's office that the Keep the Queen Clean was a big success and thanks the Town and Councilperson Heinrich for their support. He informs the Board that the amount of garbage pulled from the lake was quite big and it comprised of plastic, cans, bottles with broken glass, boat tarps, ping pong balls, a lot of styrofoam cups, etc. One thing they noticed is that there are a lot of buoys on the lake made of styrofoam and as they are breaking down are contaminating the lake. They canvassed some people about the water quality and although some are in denial most of them felt that the water used to be blue and now it is green including a gentleman who runs a charter and has been living by the lake for the last 50 years. In fact they were informed that there is a marker on Diamond Island which gages the clarity of the water and they noticed that it was down to 35 feet last year and this year it is down to 21 feet. He notices that the water appears to be cleared in certain areas but only if it is not deep enough hence Lake Avenue seems to be clear just like Diamond Point Beach is in the shallow area. He shares photographs of the green waters with the Board Members and goes on to describe each picture. Some of the pictures are of the rocks, boat docks and steps at Diamond Point Beach

with algae on them. They were present went the steps were put in and within 1 weeks they were growing algae; something is happening to the lake. Some people informed them that they have broken out in rashes after swimming in the lake and asks the Board to please check the holding tank and the plumbing to make sure that no septic is being leeched into the lake. How ironic that the lake is finally starting to display the color of money since greed and a few people's self serving agenda are damaging the water quality of Lake George and if we keep denying it, it will kill the lake. He believes that the Planning and Zoning clutch is partially responsible for the declining water. The water protection needs to include revising the Town's ambiguous land use codes, the citizens need to get serious about the water quality or it will be lost forever.

Councilperson Wood asks Walt Lender if he has any insight on the green algae in the lake. Mr. Lender's reply is that algae grows naturally but it is accelerated by additional nutrients in the lake such as phosphorous etc.

**Supervisor McCoy:**

He states that he spoke to Emily DeBolt with the LGA and she will present a program with better updates on the water quality.

Councilperson Heinrich comments that Emily collected a water sample. Mike Seguljic confirms that it was collected from the rocks which turned to be cottonseed but could not weigh in on the algae since she had not tested it.

**OLD BUSINESS:**

Councilperson Heinrich asks if at the last meeting the Town Board hired Mary McKrell or the firm to which Supervisor McCoy replies that the firm was hired and Councilperson Heinrich recommends that Resolution #88-2011 be amended.

Supervisor McCoy suggested Resolution #88-2011 be amended and Councilperson Heinrich is not able to introduce the new resolution since she didn't vote for it on Resolution #88-2011.

Councilperson Clark said she abstained.

**Resolution # 96-2011-To rescind Resolution #88-2011 adopted on July 11, 2011 for the Town to hire Mary McKrell as an independent CPA.**

**Resolution #97-2011-To make a correction by replacing the hiring of Mary McKrell, CPA to the name of her firm LCS&Z LLP.**

A motion is introduced by Councilperson Wood and seconded by Councilperson Crocitto to adopt Resolution #96-2011 and Resolution #97-2011.

<b>Ayes:</b>	<b>3</b>	<b>Wood, Crocitto, McCoy</b>
<b>Nays:</b>	<b>1</b>	<b>Heinrich</b>
<b>Abstain:</b>	<b>1</b>	<b>Clark</b>

**Motion passed.**

**NEW BUSINESS:**

**Discussion on the closure of Old Military Road for a trial of one year for snowmobiles.**

**Supervisor McCoy:**

He states that there have been problems with Ellsworth Road as a result the Snowmobile Club is hoping to open up the bike trail. They were suppose to be present at this meeting but are not. He shows a picture of how much of the bike trail Mr. Gillette owns which is about 1 foot.

A discussion ensues among the Board Members and their suggestion or recommendation to DOT is to change the bike path slightly so not to encroach on Mr. Gillette's property.

**Supervisor McCoy:**

The Snowmobile Club will try to get the County to allow them to use the bike trail however part of the bike trail goes onto Old Military Road and Mike Fazio stated that if the Town can allow them on Old Military Road he will work with the County to get to the bike trail. The Town can only authorize the use of Old Military Road and not the bike trail and states that all this would be only on a trial basis for one year.

Councilperson Heinrich asks if Ellsworth Road will be closed to which Supervisor McCoy replies that it might but he will wait to see what the County does first. Councilperson Wood states that there is basically one house that is a year-round house on Old Military Road and Councilperson Clark explains where the house is in relation to the bike trail. Another discussion ensues on the speed limit and the hours of operation for the snowmobile trail. Councilperson Wood believes that snowmobile trails have time limits however Councilperson Crocitto comments that he does not believe so since the trails are groomed right through the night.

**Councilperson Heinrich:**

She comments that she would like to see something finalized with Ellsworth Road.

Supervisor McCoy informs Councilperson Heinrich that the use of Ellsworth Road will expire in November since it was on a yearly trial basis.

**Resolution #98-2011-motion made by Supervisor McCoy and seconded by Councilperson Crocitto**

**The Town Board of the Town of Lake George Granting  
Temporary authorization for snowmobile use on Old Military Road during Winter 2011-  
2012.**

**WHEREAS**, the South Warren Snowmobile Sponsors have expressed desire to allow snowmobile's use of Old Military Road during the winter and;

**WHEREAS**, the Town Board believes it to be in the best interest of the Town to allow such use and activities;

**NOW, THEREFORE BE IT RESOLVED THAT**, to the extent that the Town Board has the authority to do so, the Town Board of the Town of Lake George hereby grants temporary authorization for snowmobile use on Old Military Road during the winter days for **One year, and be it further**,

**RESOLVED**, that such use of this road by these vehicles shall at all times be subject to a speed restriction of ten (10) miles per hour **and be it further**,

**RESOLVED** that the road shall be closed at 10:00 p.m. to snowmobiles **and be it further**,

**RESOLVED**, that such authorization is subject to the Town of Lake George being named as “Additional Insured” on the general liability policy obtained by the South Warren Snowmobile Club Sponsors providing insurance coverage of snowmobile use of this road.

**Ayes: 5 Wood, Clark, Crocitto, Heinrich, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

**Resolution for Intermunicipal Agreement for Town access to Recreation Center.**

Supervisor McCoy announces that this is an agreement between the Village and the Town whereas the Village owns the Recreation Center and that the Town will pay the Village \$29,000 a year for access to the Recreation Center by the Town’s residents.

Councilperson Crocitto has not read the Resolution and would like time to do so.

Councilperson Clark states that the Resolution is worded rather strange by stating that it allows all Town residents access to all facilities, she is wondering how many there would be if it were just Village residents.

**Councilperson Crocitto:**

He adds that even though the Town has been paying this \$29,000 a year for many years, the Town has built a football field, the dug outs, they mow the lawns etc. as well.

Supervisor McCoy states that the Town has been paying this amount but the Resolution just makes it official.

**Councilperson Crocitto:**

He comments that one of the things the Town runs into problems is the mowing and maintenance of the baseball and football fields.

Councilperson Wood asks if there has been any talk about irrigation to which Councilperson Crocitto replies that there are sprinklers. Councilperson Heinrich asks if the Town takes care of the mowing and Councilperson Crocitto replies that the Village does the mowing and that the last time the football field needed mowing, volunteers did it.

Councilperson Heinrich says that if the Town pays \$29,000 it ought to be the Village's responsibility to mow the fields.

**Councilperson Crocitto:**

He feels that the ambiguity is ultimately whose responsibility will it be? The Recreation Center is open to the residents only but there is no way to stop anyone else especially in the winter when a lot of tourists and people from other communities use the tubing hill, cross country trails etc. Even though the Town has been making the payment for a while, his concern is maintenance of the fields. The Highway garage has less people and not a lot of time to maintain the fields and at the end of the day, it is not Town's property, the Town uses it just like the Village uses some of the Town's services.

Councilperson Heinrich asks if Councilperson Crocitto has spoken to anyone about it and he replies no however tonight he is not comfortable passing a resolution. He would like to take some time to read and clarify some of the maintenance issues and discuss it further at the next meeting. At the All Star Tournament, volunteers weed wacked the whole fence, picking weeds in the field and did a lot of work.

Councilperson Wood does not see any urgency to this resolution and agrees to wait as well as the other Board Members.

**Councilperson Crocitto:**

He states that the Town has been contributing for years but never had a contract before and would like to table it in order to clarify some maintenance issues however the \$29,000 payment can still be made.

**Supervisor McCoy:**

He replies that he will not mail the payment without the signed contract because he believes that with this contract the responsibilities are spelled out and he believes that the Village is responsible for the maintenance of the fields.

Councilperson Crocitto asks Supervisor McCoy to show him where in the contract it is stated that the Village is responsible for the maintenance to which Supervisor McCoy replies that it is apparent that the Village is responsible however he does not feel that a check should be sent without an agreement. Councilperson Crocitto comments that a check should "absolutely" be sent since the Town has been doing it for many years without an agreement and would like to be shown the paragraph in the agreement that states that the Village will be in charge of the maintenance.

**Supervisor McCoy:**

He informs that the Village is in charge of the whole "shooting match."

**Councilperson Crocitto:**

He adds that it will start now because the Village does not maintain the "whole shooting match." He informs that volunteers are doing a lot of the maintenance such as weed whacking the whole fence line. At the beginning of the baseball season, volunteers rake the whole field and pick weeds in the infield. The Village mows the fields even though it is hard to get them to do it but they do not do the other maintenance and he would like to see certain things spelled out in the contract. There are times when a game is going on and the restrooms are locked and feels that the Village should give the Town keys to the restrooms especially with a signed contract. We are not

allowed keys to the bathroom. There are teams coming from out of town and have to apologize for the fact that they cannot use the restrooms.

**Councilperson Heinrich:**

She adds that as long as there are some clarifications then “solely responsible for any injuries” should be clarified as well.

**Resolution# 99-2011- motion introduced by Councilperson Heinrich, seconded by Councilperson Clark Establishing Flow Rates for Caldwell Sewer**

Supervisor McCoy announces that this would be a resolution to establish the base flow rates for the Caldwell Sewer District. For the year 2010- 2011 the rate was 48.28% for the Village and 51.72% for the Caldwell Sewer District. His reply to Councilperson Wood is that these rates were metered and audited.

**Ayes: 5 Wood, Clark, Crocitto, Heinrich, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

**Resolution # 100-2011-A motion is made by Supervisor McCoy, seconded by Councilperson Wood to set Standard workday resolution for Adele Behrmann and seasonal Youth Commission Employees.**

Councilperson Heinrich asked if this was for retirement purposes?

Supervisor McCoy replies yes.

**To set Standard Workday for Season Employees and Adele Behrmann For purposes of reporting for retirement system only.**

**BE IT RESOLVED** that the Town of Lake George Board be and hereby established the following as a **STANDARD WORK DAY** for employees for the purpose of determining days worked reportable to the New York State and Local Employees’ Retirement System:

Adele Behrmann  
Five day work week, Eight hour standard work day

Recreation Leader (Youth Commission)  
Five day work week, Six hour standard work day.

Recreation Leader (PEP program)  
Three day work week, Six hour standard work day..

**Ayes: 5 Wood, Clark, Heinrich, Crocitto, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**



## **COMMITTEE REPORTS:**

### **Councilperson Clark:**

- Courts

There were 471 cases for the month of July, 369 were vehicle and traffic cases. \$33,518 was collected for July bringing the total for the year to \$182,464.

- Libraries

There were 1,204 visits, 221 computer use, 86 reference questions, 973 items circulated, 458 interlibrary loans and 44 programs. In July 2 programs were hosted for the Lake George Youth Commission pre-schoolers and 20 children attended each program. On August 2<sup>nd</sup> a program on marine life will be hosted and on August 9<sup>th</sup> Story Towers. A trip on the LGA Floating Classroom will be sponsored on August 17<sup>th</sup>.

At the Hillview Free Library for the month of July there were 380 patrons, 250 books were given out. Millionaire Row is a program that had 75 adults attending. The Birds Program had 45 children and 15 adults attending. The Peggy Lynn concert had 45 adults attending. On Wednesday, August 10<sup>th</sup>, Betty Spinelli will present a slide show "The Fascinating Life of Katrina Trask" philanthropist and founder of Yaddo.

- Senior Citizens

On August 12<sup>th</sup> Dennis Galloway will speak on his experiences in World War II in the South Pacific Theater.

- Go Green Committee

A meeting was held on July 20<sup>th</sup> for an update and discussions were held for a possible expansion due to its success. Their suggestion is a fall deadline for cleanup of beds and deadline to be set up for next year's signups. Any extra produce to be distributed locally to food pantries or churches. A grant is being applied for through Glens Falls Hospital's "Creating Healthy Places Funds" used for storage shed, tools, thermometer, Adirondack Chairs as well as a Have A Heart trap. A new project was discussed to possibly retrofitting antique village street lights at a cost of approximately \$500.00 for each retro kit. This would be too costly for the amount of lights to be done and NYSERDA and National Grid do not offer any funding. The committee will have a presentation in the fall and their next meeting will be August 17<sup>th</sup>.

- Lighting & Energy

The Hess Corporation is submitting a bid for natural gas through MEGA and there are waiting to hear from Integrys for an electric bid since both are needed.

- Warren County Bicentennial Committee

The quarterly meeting has not yet been set up.

- Personnel Committee

She would like to hold a workshop on either the 16<sup>th</sup> or 18<sup>th</sup> of August for 3 issues in two sections of the new Employee Handbook. This will finish Section 503 and 703 leaving Section 800 to be done.

An agreement is reached by the Board Members to hold the workshop on August 16<sup>th</sup> at 2:00 p.m.

**Resolution # 101-2011** A motion is introduced by Councilperson Clark and seconded by Councilperson Heinrich to correct an error in longevity payments and to therefore **recind Resolution 93-2011** done at the July 11, 2011 meeting.

**Ayes: 5 Wood, Clark, Crocitto, Heinrich, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

**Resolution # 102-2011-A motion is introduced by Councilperson Clark and seconded by Councilperson Heinrich Authorizing payment to correct errors in the longevity pay for David Rosebrook**

**WHEREAS**, David Rosebrook's years of service to the Town of Lake George entitled him to the following longevity payments, for the specified years, respectively:

1997 \$50; 2006 \$500; 2008 \$500; 2009 \$500; 2010 \$500; and

**WHEREAS**, David Rosebrook received the following incorrect longevity payment amounts:

1997 \$0; 2006 \$250; 2008 \$250; 2009 \$250; 2010 \$250; and

**WHEREAS**, David Rosebrook is entitled to an additional \$1050 of longevity pay to correct this error, and;

**THEREFORE, BE IT RESOLVED** that the Town of Lake George Board hereby authorizes the payment of \$1050 to David Rosebrook to correct errors in longevity calculations and also

**BE IT RESOLVED** that \$1050 is to be transferred into Budget Code A1355.0110 from Contingency A.1990.0400.

**Ayes: 5 Wood, Clark, Heinrich, Crocitto, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

**Councilperson Wood**

• **Buildings & Grounds**

The water pump that feeds the sprinkler system in Usher's Park was stolen out of the lake and they are working on prices to get a new one which should be approximately \$1,000. The Police are investigating the theft.

There was a problem with the fire and security alarm system at the Court House. A bad wire in the phone system was found and fixed.

A crew cleaned up the cemetery plot on Old Military Road.

Some plumbing work was done at the Highway Dept.'s office.

Permits were received by the State for work on 9N for the corner project but it must be approved by the County Engineer.

The roof over the Highway Dept.'s gas island was repaired.

Water samples were taken from Usher's and Diamond Point Beaches since the Darrin Fresh Water Institute no longer does it.

Thanks to the Village for painting all parking lots with proper striping colors.

Temporary repairs to the hand rails at Usher's Park were done.

Working on pricing for the slate roof at the Court House which might be \$11,000.

Jim Mathis was called to put the season's life guards pictures on the web site.

Major cleaning was done at Hubbell Lane Cemetery and a tree was removed.

They are keeping up with mowing and putting top soil down, replacing some pavers at the Town Center.

They met with Dan Merino at Usher's Park where a sewer line was plugged

- **Planning & Zoning**

At the last meeting a discussion came up about Robb Hickey's sump pump project. He was directed to do some inspections and Robb told him today that he has done between 150 and 200 inspections.

Councilperson Heinrich asks if Robb is keeping a log to which Councilperson Wood replies yes. She would like to see the log. Councilperson Wood adds that Robb uses tear sheets and with some of the projects such as Prospect Mountain, there are no basements and all the townhouses are on slab therefore there is no ability for these buildings to have sump pumps.

**Councilperson Heinrich:**

She asks to have Robb put a copy of what he has done so far in her box.

Alan Moon – Ursula Moon was served with the papers because the Town had Alan Moon's permission to clean up the site and then assess the cost to his taxes. Miller, Mannix, Schachner and Hafner Law Firm was hired to help with the processing to appear in front of Judge Krogmann and while researching it, Cathi Radner found out that in 2004 foreclosure proceedings order that was granted by Judge Krogmann for foreclosure on this property by the bank; they were not making their mortgage payments however the bank never processed it and sat dormant until 2010 when a second notice, which is before the Court right now, for foreclosure. What this means is that there is no owner to this property, if the bank owns it then they would be responsible to clean it up. He is looking to adopt a resolution to commence conversations with the bank to ask them to clean up the site but in order to do so the Town needs to hire Mark Schachner's office.

**Resolution 103-2011**-A motion is introduced by Councilperson Clark and seconded by Councilperson Heinrich,

**BE IT RESOLVED** that the Town of Lake George Board grants authorization to hire the Law Firm of Miller, Mannix, Schachner and Hafner LLC in the Alan Moon case

**WHEREAS** the Law Firm will approach the bank to come up with official findings, submit them to the Court and see if the bank will willingly clean up the mess.

Councilperson Heinrich asks if the Town can ask to be reimbursed for the expenses to which Councilperson Wood replies that this is what he is looking for however they will not reimburse the Town for the legal fees.

A motion is introduced by Councilperson Clark and seconded by Councilperson Heinrich to adopt Resolution #103-2011 authorizing Cathi radner of the Law Firm of Miller Mannix Schachner & Hafner to continue on with the Alan Moon Property.

**Ayes: 5 Wood, Crocitto, Heinrich, Clark, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

Rick Moon – Supervisor McCoy and Robb Hickey went to Court to testify for the Town. There was quite a bit of confusion over the forms used. The Town has a Zoning Compliance Certificate which is given out once a project meets all of the Town’s criteria followed by a Land Use Certificate of Compliance after the Town has reviewed the entire project. The Court had these certificates confused, they were aware of the Zoning Compliance Certificate and could not understand why the Town gave it out on this project since it did not meet the criteria. The misunderstanding was that the Court thought it was a Land Use Certificate of Compliance therefore Robb Hickey spent the beginning of the day explaining it and Supervisor McCoy spent the afternoon.

**Supervisor McCoy:**

He states that the lawyers tried to trip him up. During cross examination, the lawyers questioned why a Zoning Compliance Certificate was issued followed by a \$10,000 fine and brought up a summary of the minutes. Subsequently, Cathi Radner brought up the full minutes in verbatim showing that indeed a resolution was adopted for the fine.

**Councilperson Wood:**

He would like to rename the certificates to avoid any future confusion. He does not care if they are called pre- building or post building certificates and will be doing some research to see if it can be done; he believes that the Zoning Compliance Certificate can be changed but not the Land Use Certificate of Compliance and what further confuses things is that the County calls it the Certificate of Occupancy. He would like to rename them so that they are a little more self explanatory.

Frank Thomas – he currently removed the renters from his property on 9N since he had too many except for one. The only way to resolve this issue is for Mr. Thomas to obtain a survey which he states he cannot afford to do, however it is currently being worked on.

Anthony Casale – the APA has taken over this project due to the fact that the house is 4.5 feet over height.  
Class A Regional

He reminds the Board that a three hour workshop will be held by Chris Navitsky which can be used towards their certificate. September 19 @ 6:00 pm.

**Councilperson Heinrich:**

She thanks Chris Navitsky and announces that she will be attending the workshop. She then proceeds to ask what kind of water sample the Town takes.

**Supervisor McCoy:**

He replies that the Darrin Water Institute used to take water samples all over the lake however they can no longer afford to do it due to budget issues. These tests are not mandatory for the Town however he directed Rick Morehouse to do some tests mainly at the beaches for chloroform bacteria. The tests were done about one month ago and they came back perfect.

**Councilperson Heinrich:**

She states that this would mean that there are no problems at the Diamond Point area to which the other Members add that the test only shows that there are no chloroform issues.

Councilperson Wood also adds that chloroform is septic bacteria which would answer the question that Mike Seguljic had earlier. Algae can originate from phosphorus as well but he informs Mike that the Town will check the septic by using dye.

Supervisor McCoy continues by stating that the Village conducts their own testing as well as Bolton. Everyone is trying to protect the people. It costs the Town about \$80.00 per test and he believes he asked Rick to do the testing a couple of times a year.

**Councilperson Heinrich:**

She states that she would like to ask the Board to show some support to our neighbors and the County by passing a Resolution disagreeing with FEMA over the position they took when they denied assistance to our County and to the Town of Thurman. If the Board agrees, she would like to make a resolution stating our disappointment with FEMA (Federal Emergency Management Agency). She would like a copy of this Resolution be sent to the Governor and to representatives in the Federal Government.

**Resolution #104-2011-introduced by Councilperson Heinrich, seconded by Councilperson Clark**

**Resolution to show support to the County, the Town of Thurman and other neighbors by disagreeing with FEMA's ruling.**

**BE IT RESOLVED** that the Town Board of the Town of Lake George shows their support for the Town of Thurman and the other communities in the County disagreeing with the FEMA position whereas the funding was denied which thereby violates their own mission statement which says that they will support our citizens to insure that we work together to build, sustain, improve and mitigate all hazards.

**Ayes: 5 Wood, Crocitto, Heinrich, Clark, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

- Fire Department –  
July's drills were dedicated to water rescue drills working with the multi-jurisdictional water rescue team on Lake George. The Fire Department had a problem with one of their

- trucks when responding to a call on a steep incline the rear air break hit the road and broke an air bleeder. The truck was repaired and only out of service for one day.
- EMS –  
They have been very busy and at times they have not been able to run a second truck due to the lack of people. Apparently they still have a shortage of volunteers. Again for the third month in a row, she informs the Board that the operations cost of the Emergency Squad is going up due to the requirements that are being put on them by the Department of Health. The Town needs to be prepared to discuss this at budget time. Her reply to Councilperson Crocitto is that the EMS have to have a medical director, certain drugs in addition to other requirements. The hospital is working with the squad to help them meet some of these requirements.
  - Water –  
Not much to report on Diamond Point Water. Joel Odell fixed a leak at the building and changed the back light lamp on the main control panel.
  - Sewer –  
Caldwell Sewer District – Danny Merino reports that he has been marking the manholes on NYS Route 9L in order to keep the NYS DOT mowing crew from hitting them. Last week there was a problem at the upper pumping station. The transducer failed which caused the pumps to be air bound. Hometown Septic was called to be on standby in case a problem occurred which luckily did not. Dan Merino ran the pumps by hand until the transducer was up and running again. There was another problem over the weekend; it was the smart board, which is a computer that regulates some of the electrical equipment. Some money was spent for overtime due to these issues.  
Continuing with the Caldwell Sewer, Councilperson Heimrich has been speaking to the Board for a few months about a project that the Town has been working on regarding exempting people whose properties are located in the Caldwell Sewer District but for some reason simply cannot hook up. This past month, Danny Merino, Forman of the Caldwell Sewer and Code Enforcement Officer Robb Hickey along with Dave Rosebrook and Wendy Baird, have compiled a list of these properties. A copy of this list was presented to the Board Members and if the Board agrees she would like to schedule a public hearing to discuss it further. As everyone knows, this issue was discussed by previous Boards but no action has ever been taken. While on this subject, it has been discovered that there are three parcels that are not hooked up although they are deemed able. This is a violation of codes which says that if the sewer runs by your parcel you must hook up to it. She believes the Town should consider notifying these property owners by letter that they must hook up. If the Board so chooses this can be discussed at the public hearing as well. By looking at these properties the homes seem to be older, one of which was built in 1939 however the septic had to be updated since then at which time they should have hooked up. These citizens have been charged for land only which is approximately \$65.00 and have been paying even though they are not hooked.

It is agreed that the Board take a look at the information they received and then possibly set a public hearing.

**Councilperson Clark:**

She adds that she talked to the Association of Towns about the property tax cap. Water and sewer districts are done a little different however within the next days they will be getting their brochure with a lot of information especially on the tax cap which will affect every municipality.

**Councilperson Heinrich:**

She is wondering if anyone has heard anything from Attorney Mark Schachner about the letter he was suppose to draw up to be sent to NYS DEC regarding their running water into the Town’s sewer system.

As for the Gaslight Village Project she attended a meeting where the Elan Group presented 3 different proposals to the public with various water features, ponds , bridges and of course the skate park. They are still taking input from anyone who would like to comment on it. She would also like to propose another resolution to correct errors made and add that if anything was learned from the audit is that errors always need to be corrected properly by alerting the Board and passing resolutions.

**Resolution #105-2011**-motion made by Councilperson Heinrich and seconded by Councilperson Clark,

To correct errors made in 2009. The errors were found in 2010, whereas three employees were shorted money. The employees in question were Patty McKinney and she was owed \$1113.97; Janie Dorman was owed \$514.99 and Kathy Gleason was owed \$1,655.32.

This Resolution is just a formality as the employees have already received the monies which was done in payroll 4 of this year.

**Ayes: 5 Wood, Clark, Crocitto, Heinrich, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried.**

**Councilperson Clark:**

She comments that one thing that came out from the audit was that these mistakes were made years ago.

Supervisor McCoy adds that payroll was automated since then therefore these errors should not occur again. The above employees did not get their 2009 raises.

**Councilperson Heinrich:**

The last thing she would like to bring up is that the NYS Comptroller is holding a class in Plattsburgh on the property tax cap which will be held on August 25<sup>th</sup> with the cut off date for registering being August 23<sup>rd</sup>. She will try to go and if anyone would like to go and ride up with her to let her know.

**Councilperson Crocitto:**

• Highway Dept. –

The Highway Dept. has continued patching and repairing ditches with blacktop. Mountain View Lane and Flat Rock Road were the one done recently.

They completed shoulder work along Flat Rock Rd and Truesdale Hill. Warren County Soil and Water came down and hydro seeded the grade work to prevent erosion. Hydro seed was applied to Bakers Crossing and Norton Rd’s shoulders as well. A lot of brush work and mowing was done throughout the Town such as on Goggins Rd, Sherrick Dr, Halada Dr., etc. At the Highway garage 3 parking spots were added and a rain garden was built to help catch run off. The work was completed by the Highway workers with Beth Gilles from Lake Champlain Lake George Regional Planning Board, Emily DeBolt from the LGA and Dave Wick, Dean Moore, Lori Kerrigan, Josh Davis from Warren County Soil and Water. It was a nice project and it looks nice at the Highway garage.

- Youth Commission Program

It was another great success and the Town worked well with the school. It was a huge turn out and it ended last Friday.

- Transfer Station –

He would like to discuss a letter he received from a resident who had brought some demolition trash to the transfer station in a garbage can and felt that it was unclear as to what the correct charge should be and that he was overcharged and he would like to discuss it. When one pulls into the Transfer station there is a sign that says \$45.00 a yard for demo therefore on a 39” high can the charge was \$15.00 which is about 1/3 of a yard. This citizen also felt that residents should not be charged for everything they bring to the transfer station and that he had not been charged in the past since he feels citizens pay enough in taxes and the Town makes money on the recyclables. He will be going over a list of how much the Town made in the recyclables for the month of June. 2.9 tons of steel were collected @ \$27.00/ton; 5.7 tons of newspaper @ \$25.00/ton; 9.7 tons of magazines at \$25.00/ton; there is no charge for plastics; 10.3 tons for cardboard at \$25.00/ton; 18.7 tons of demolition at \$45.00/ton and 82.5 tons of garbage was hauled away. The recyclables do not offset a lot of the cost however they are open for suggestions and maybe all the charges should be posted. As for electronics, citizens have been dropping them off and they are free. Dan Davis also researched how much the other communities charge and the end result was that the Town’s rates are either in line or lower compared to other communities.

He agrees with the other Members that the gentleman should have been charged before.

At the Transfer Station an average count of customers coming in was taken over the last nine weeks and it was determined that the two slowest days are Sunday and Monday. Sunday average was 12.2 customers a day and Monday was 8.7. Tuesday through Saturday, Saturday being the busiest day, the average was 20 per day. He recommends that after Labor Day the Transfer Station should go back to a five days a week schedule.

A discussion ensues among the Board Members and Supervisor McCoy recommends closing it on Monday after Labor Day and keeping it open on Sunday until Columbus Day after which it would be open for 5 days specifically Monday through Saturday with the Transfer Station being closed Sunday and Monday. He also informs the Board that he has received no word from Attorney Paul Dusek from Warren County as to the trash pick up. The County has received three bids and they are reviewing them.

Councilperson Wood questions what this change will do the salaries and is informed of the possibility of either cutting hours back or laying off a part time employee.

**Councilperson Clark:**

She agrees as long as the citizens are notified and the schedule is changed from the summer schedule.

**Councilperson Crocitto:**

He states that after last month’s discussion about Mary McKrell, he reached out and met with Mary twice and recommends that the rest of the Board Members do so if they haven’t. She is very knowledgeable and he knows the right decision was made since he believes that she is a good fit and will help the Town quite a bit. He hopes that the firm assigns Mary to the Town since he likes the fact of having one person who will get to know the Board and how they work. He met Mary when she was at the Town office.

**Councilperson Heinrich:**



She adds that she reached out to Mary McKrell by contacting her. Mary advised that she would call Councilperson Heinrich and she never did therefore she has not shown her the same courtesy.

**Councilperson Clark:**

She notes that she had met Mary McKrell years ago and knew that she had been involved with the Town and knew a lot about where the Town had been and where we are going.. She assumed that Mary had talked to all the Board Members.

Councilperson Heinrich replies that Mary McKrell has still not spoken to her. Councilperson Wood has not spoken to her as well but maybe arrangements can be made next time she comes into the Town Office.

**SUPERVISOR'S REPORT**

Supervisor McCoy announces that there are three budget transfers that need to get done.

**Resolution # 106-2011** motion made by Supervisor McCoy, seconded by Councilperson McCoy for the following Budget Transfers

**Supervisor McCoy:**

He explains that the one of the budget transfers is to pay the Village for taxes on the landfill property for the last 3 years.

**Councilperson Clark:**

She comments that at the July meeting, Mayor Blais stated that they did not bill the Town because he thought that the Town would be completing the transaction to purchase the property at the landfill.

**Supervisor McCoy:**

He states that he called Don Pigeon three times and has not received a call back from him and finally Mayor Blais sent him an email stating that he talked to Don Pigeon and the survey will be done at a cost of #1,700.00. The Town will have to do this in order to own this land although he is not happy about spending \$1,700.

**Councilperson Heinrich:**

She agrees with the amount however it does not seem logical that the Town would be paying taxes on something they do not own. The Town should be paying the fair share of taxes from the moment the land is purchased and not before.

**Supervisor McCoy:**

He believes that there must have been an agreement between the Village and the previous Supervisors but he could not come up with one.

**Councilperson Clark:**

She remembers that cost was \$1.00 a year for a lease but she believes that it was changed at some point.

**Ayes: 5 Wood, Crocitto, Heinrich, Clark, McCoy**  
**Nays: 0**  
**Abstain: 0**

**All in favor, motion carried**

Supervisor McCoy continues by stating that there have been some discussions on the gas lines that will be installed on the East side; he was asked by a citizen that since Beach Road was being dug up why can't these gas line be extended further. He called Niagara Mohawk and spoke with

Phil Amsterdam in trying to make the case to just putting the conduit in in the fall. Phil agreed completely but the higher ups in National Grid want customer signatures and contracts before they put any pipes in the ground. Phil will revisit this matter with his superiors. There are some other projects pending in that area and should these projects go through this would allow these customers to qualify for this project. Phil states that he is in “our corner but has guidelines to follow.”

The Town’s expenditures are up because the Gaslight Village bond was paid off at \$211,000.00. The Town received money or revenue to pay it off.

Payroll is down year-to-date. Last year the expenditures were \$1,130,000 while this year’s year-to-date is \$985,000 therefore payroll is down about \$145,000.

The Caldwell Sewer District is up with some problems and the Fire Contract has gone up from \$318,000 to \$325,000. It is known that fuel is up; expenses are up at the Highway Dept. primarily due to the cost of fuel. Danny Davis is doing the same things this year that he did last year but the expenditures are higher.

**Councilperson Crocitto:**

He states that the Highway Dept. used less fuel this year and the reason for being over budget is due to the fact that the budget amount put in for 2011 was incorrect by approximately \$50,000 less than the amount in 2010.

• Assessor’s Report –

During July maintenance of deeds and property information was kept up to date. For the period 2010 – 2011 there were 62 sales and dividing the sale assessments with the sale prices the ratio was 65.7% which is very close to the Town’s equalization rate of 65.5% which means that Dave Rosebrook is right on the money with his assessments.

Dave took some courses in Ithaca and has five petitions for assessment review.

Today the Town received a law suit from The Ft William Henry Corporation they disagree with their assessment of \$11,900,000 and believe that it is less than that. It is going to court it is going to cost us money.

Councilperson Crocitto asks if the lawsuit includes the shops, etc. to which Supervisor McCoy replies that he does not know but the lawsuit names the Town of Lake George, Dave Rosebrook and the Lake George School District.

- Cash at hand is \$723,752.00 which is higher than the same time last year.

**CORRESPONDENCE:**

- Letter from the Village in regards to contacting Don Pigeon for the survey
- Letter from Warren County Soil and Water – Dave Wick is the new Hazard Mitigation Coordinator. He will be assisting municipalities and communities with pre disaster planning.
- Letter from the Lake George Water Keeper thanking the Town for adopting Local Law 1-2011 requiring a public hearing for projects within 300 ft. of the lake.
- The annual report from the Fund for Lake George
- A newsletter from the LGA

- Letter from Dennis Bardon to Councilperson Crocitto complaining about the \$12.00 charge.

A motion is made by Councilperson Heinrich and seconded by Councilperson Crocitto to adjourn the meeting at 9:39 p.m.

**All in favor, motion carried.**

Minutes typed by Adele Behrmann.

Respectfully Submitted,

Deborah Foley  
Town Clerk