

Minutes of the Town of Lake George Public Hearing and Town Board Meeting held on Tuesday May 14, 2012 at the Town Center, 20 Old Post Road, Lake George, New York 12845.

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

Also Present: Deb Foley, Town Clerk, Members of the Lake George Jr Sr High School Gov't Class, Kevin Hooey, Casey Bills, Alex Vanderworker, Nate Hubbell, Charles Parsons, Cody Glenn, Marilaina Marquino, also, Steven Drino, Joe Stanek, Karen Azur, Kathy Bozony, Chris Navitsky, Lisa Admonson, Alan Moon, Jim Grey, Mike Seguljic, Joan and Hugh West, Robb Hickey, John Salvadore and others.

Pledge of Allegiance:

The Public Hearing is called to order at 6:30 p.m. by Supervisor Dickinson who leads those in attendance to the Pledge of Allegiance.

Deb Foley, Town Clerk reads the Notice for the Public Hearing:

PUBLIC HEARING – FIRE DISTRICT #1 BUDGET

NOTICE OF PUBLIC HEARING

Fire District #1 Budget

Town of Lake George

NOTICE is hereby given that the Town Board of the Town of Lake George will hold a public hearing on Monday, May 14, 2012 at 6:30 p.m. at the Town Center, 20 Old Post Road Lake George, NY.

The purpose of the hearing is for public comment on the Fire District #1 Budget for 2012-2013

The Regular Town Board meeting will immediately follow.

By the Order of Town Board
of the Town of Lake George
Deborah Foley, Town Clerk

Supervisor Dickinson announces that Alan Moon, Fire Chief, is present to answer questions.

John Salvador states that the Town of Lake George is willing to pay the Village a lump sum of \$231,561.14 for fire protection service for 2013. The fire protection is for the whole Town of Lake George excluding the area of Fire Protection #2 which embraces within the Town, the area of the Warrensburg Central School District. He recently raised the issue that the Village cannot be held in breach of contract because of impassable roads or other conditions that make transferring of equipment unsafe. He sent letters to Mayor Blais and Kevin Geraghty, requesting a definition of the conditions that would make a road unsafe since a major portion of the Town's forest lands bordering Shaw Rd are in the Caldwell Fire District #2 therefore serviced by the Warrensburg Fire District which contract contains the same impassable road feature. Mr. Geraghty agreed that the fire district boundaries were impractical for his fire fighters' response even if they were passible road conditions. He also questions the contract itself; he understands that the \$231,561.14 comprise O & M (Operations and Maintenance) and payment for the

fire house which is a capital expense. He does not agree they should be together since it gives the impression that the Town has ownership of the firehouse as well the fact that debt payment is not O&M.

Supervisor Dickinson replies that he has spent a considerable amount of time on this issue and a preliminary map is circulating the fire departments, 911, etc. As for a public hearing to adopt the new map, one can be scheduled at a later date. He reminds Mr. Salvador that tonight's public hearing is to adopt the fire budget and although he agrees that the contract is incorrect, it will have to be discussed at another meeting.

A discussion ensues resulting in Supervisor Dickinson informing Mr. Salvador that the fire district budget is separate from the fire district boundaries and maps. Mr. Salvador believes that the fire district and its cost are the same since this contract defines the areas within which the budget is effective.

Supervisor Dickinson informs him that the budget needs to be squared away. This issue will be revisited when the map is finalized and a public hearing is held on it. Mr. Salvador will be given a copy of the preliminary map.

Mr. Salvador asks which line item is the firehouse capital expense on the Town's budget to which Supervisor Dickinson replies that he was not part of the negotiations of the firehouse payments and is just fulfilling his obligation to pay the Village the agreed fire services and firehouse however he officially requested that the firehouse name be changed to the "Lake George Volunteer Fire Department," and assures him that this cost is indicated on the Town's budget and that the fire contract will be amended.

Mr. Salvador adds that he would like to find what line item on the Town's budget contains this capital expense as well as suggesting that an additional "actual cost" column be added to the adopted budget and proposed budget columns. It is hard to make comparisons when one does not know the actual amount spent.

Councilperson Heinrich asks the status of the new sign; Supervisor Dickinson knows that the Mayor is working on it but has not heard anything else about it. In reviewing the budget she understands the price of insurance going up however she questions the cost for two cleaners.

Alan Moon replies that the cleaners are responsible for the office area and the common area such as the meeting room. A lot of different meetings and events go on in this room that are not fire department related and the Village feels it is a justified expense to keep the room presentable. Councilperson Heinrich informs him that the budget went up by \$1,879.10 and the cleaning budget went up \$1,665.00. He replies that he was not involved with this line item and has no control over it since it does not entail fire equipment, utilities etc.

Councilperson Hurley adds that the \$32,000 for insurance is a proposed amount; they will not get an actual bill until December. He informs Councilperson Heinrich that Mary McKrell has gone over and audited the figures in the budget.

Councilperson Muratori agrees that it would be prudent to go over these figures with Darleen Gunther to find out what the actual costs are as opposed to estimated figures as Mr. Salvador mentioned earlier.

Councilperson Hurley makes the Board aware that the Department and the Company are two different entities. He, Supervisor Dickinson and Chief Alan Moon went over the budget a few months ago and it seems fine. He questions the excess money.

Alan Moon replies that in the past, the excess money was put in the capital reserve which is used to purchase apparatus.

Councilperson Hurley will check on what happens to the overage.

Supervisor Dickinson closes the Public Hearing.

Approval of Minutes

A motion is introduced by Councilperson Crocitto; seconded by Councilperson Hurley to approve the April 9, 2012, the Warrensburg Joint Workshop and the Town Board meeting of April 23, 2012 minutes.

All in favor, motion carried.

Supervisor Dickinson reminded the public that last month the Lake George and the Warrensburg Boards met to discuss the proposed Price Chopper project.

Kathy Bozony with the Lake George Waterkeeper has a short presentation. Stormwater runoff is the number one pollution to the lake and the way roads and drainage ways have been constructed have not helped the situation. She also presents pictures of Lake Street and Sunset Lane showing both roads going directly into the lake. Other sources are unprotected shoreline, pipelines from other towns, lawns, unmanaged stormwater flowing from roads and parking lots. Stormwater management regulations very often come up with new developments or re-developments where there is an increase in impervious surface of 1,000 ft. however the Park Commission is preparing a study of feasibility of reducing impacts of stormwater runoff in areas where development already exists and they encourage municipalities to consider policies and methods to address such impacts. On a recent trip she witnessed how every property in a neighborhood implemented some sort of stormwater management control such as pavers, bricks in the driveways instead of asphalt, etc. In Lake Tahoe a law has been passed where every property around the watershed needs to implement a method by which stormwater is infiltrated and stays on the property and does not flow into the lake. Her office re-wrote the Queensbury stormwater regulations and proposed them to the Town Board and although they were not interested in changing them, they agreed to mail out brochures and check lists for the residents and businesses. They will be making the same proposal to the Park Commission. She proposes a five year challenge where businesses and residents can make changes to their properties so the direct flow to the lake can be stopped. She believes this is a very exciting program if a way to make it work can be found.

Chris Navitsky from the Office of the Lake George Waterkeeper. Their goal is not to make this program burdensome but offer simple solutions such as rain gardens, using berms on down slopes, plantings on depressed areas by amending the soils, bio swales on a smaller scale can be incorporated in order to reduce the run off from the roads, tree filters, roof disconnections, pervious pavement as well as other recommendations from DEC such as tree plantings and underground infiltration devices. They would like to work with the Town in providing a checklist, consultations or work with people in the community, education, outreach programs etc. They would also work with the Town to try to get some grants for these projects.

Supervisor Dickinson thanks Kathy and Chris for speaking about the stormwater; he is very enthusiastic about it. It is a voluntary program and the goal is to educate and assist anyone who might be making improvements to their home; the Town will also continue to work with the Waterkeeper on this.

Councilperson Muratori confirms with Chris Navitsky that the Waterkeeper is willing to consult with citizens and work with the Town to try to get some funds to which Chris replies yes.

Chris Navitsky comments that this is a voluntary program and other than showing citizens their data indicating the decline of the water quality, he is not sure how else to get people involved. It would be beneficial if they can get support from the Town and possibly fill out an application for grant money.

Kathy Bozony states that they are looking at this as a 5 year challenge with the Town of Lake George being the entity that will work with them on this project with the hope that other communities will join in. Lake Tahoe is not enforcing this law but has found that people are learning what can be done on their properties resulting in over 50% of the citizens taking steps within the set time frame. She would like to see a program rolled out collectively with the Town to educate and inform the citizens; there are still unanswered questions however she is excited about it.

Supervisor Dickinson points out that with the help of Councilperson Muratori, stormwater remedial work has been done on the Town's lower parking lot with the upper parking lot planned for next year as well as the driveway.

Karen (not audible)

Mike Seguljic from Diamond Point. He believes that the program is great and hopes that it is successful. He suggests that goals be set up to help move the program along and possibly challenge the Town of Queensbury to see which Town can come up with the most retrofits in a given year and maybe have a prize as well as before and after pictures.

Lisa Adamson from the Assembly Point Water Quality Committee. She was planning on approaching the Park Commission to support getting regulations around the entire Lake George basin to retrofit but judging from tonight's conversations, she realizes that water quality committees established within Towns are a very effective way to raise awareness and people's understanding that they can speak up and possibly attend Town's meetings and participate in this process. Her committee is fully aware of the effect stormwater; pesticides and fertilizers have on the water quality and have distributed brochures and is aware that Cleverdale, Rockhurst and Diamond Point are working on one.

Councilperson Crocitto comments that he has just finalized implementing a lot of stormwater controls at his motel with many of them being inexpensive and simple. He thanks Kathy Bozony and Chris Navitsky for their input and help during this process; he hopes and encourages everyone to take advantage of their expertise.

Old Business

Supervisor Dickinson mentions two requests he received for Occupancy Tax money. The first one is from Norman Dascher who is in charge of the Lake George Performance Weekend and asked for \$2,000.

Councilperson Crocitto comments that this event was given \$1,500 last year; it is a nice event and fits the criteria for Occupancy Tax money. The Village gave them a gift of \$2,500 since they will hold fireworks for this event.

RESOLUTION #83-2012: A motion is made by Supervisor Dickinson; seconded by Councilperson Crocitto to grant \$2,000.00 Occupancy Tax Money to Norman Dascher for the Lake George Performance Weekend to be held on May 18 through May 20, 2012.

AYES: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYS: 0

Resolution passed.

Supervisor Dickinson states that the second request is from Dale C. Perry who is with the Lake George Community Band for \$1,000. He is frustrated with the Occupancy Tax process and is working towards hopefully getting it under control within the year with new and better applications as well as following stricter adherence to the rules. The

County's Occupancy Tax fiscal year currently runs from January 1st to December 31st and a request has been sent to the County to revise these dates since there are no funds available for applications received on January 1st. His plan is to carry the Town's fall share of \$30,000 to the following January so funds can be disbursed without touching the Town's budget.

RESOLUTION #84-2012. A motion is introduced by Councilperson Heinrich; seconded by Councilperson Crocitto to grant \$1,000 Occupancy Tax Money to Dale Perry from the Lake George Community Band.

AYES: 5, Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYS: 0

Resolution passed.

New Business

Discussion to start the Town Board meetings at 6:30 pm beginning with the June meeting.

Supervisor Dickinson announces that the Board would like to start the meetings at 6:30 pm beginning with the month of June on a trial basis therefore on June 11, 2012 the meeting will begin at 6:30 pm.

Resolution to hire a part time person for the Assessor's office.

Councilperson Heinrich informs that Debbie MacEwan will no longer be working at the Assessor's Office beginning next month and after a meeting with Dave Rosebrook she proposes that the Warren County Civil Service office be contacted to see if they have a list of people since experience in Real Property Data Collection is important. The proposed rate is \$10.00 per hour for a total of 16 hours; there may be a set rate associated with this title in which case the Town will pay whatever that rate.

RESOLUTION #85-2012. A motion is introduced by Councilperson Heinrich; seconded by Councilperson Hurley to hire a part-time person for the Assessor's office.

RESOLVED, that the Town Board begin the process of hiring a part-time, permanent assistant for Dave Rosebrook in his office for 16 hours per week.

AYES: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYES: 0

Resolution passed.

Councilperson Heinrich states that she and Councilperson Hurley have had some discussions on adding Good Friday on the Holidays Schedule for 2013 in the Employees Handbook; the Village and the County have this day off as well.

RESOLUTION #86-2012. A motion is introduced by Councilperson Heinrich; seconded by Councilperson Hurley to add Good Friday on the Holiday List for the year 2013.

RESOLVED, that the Town Board add Good Friday to the Paid Holidays to coincide with the Village of Lake George's Paid Holidays.

AYES: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYS: 0

Resolution Passed.

Supervisor Dickinson proposes a Resolution for the Town employees to get clearance from his office prior to contacting the Town's attorney.

Councilperson Heinrich states at the last meeting, after reviewing the legal fees for the month of Mach, she recommended to the Board that the Town's employees should not be contacting the Town's attorney without initially clearing it with their respective Chairperson or the Supervisor. She feels, however, that a Resolution is not needed but rather a memo to all the employees should be sufficient.

Supervisor Dickinson agrees to send a letter to all the employees.

Councilperson Heinrich adds that she was made aware that both Deb Foley and Wendy Baird have been contacting the Association of Towns' legal staff and believes it to be a good idea since it not only seems to be working well but it is free of charge and all employees should be made aware of it. Due to the Department of Labor Employees' Classifications there is an additional definition that needs to be added to the Employees Handbook. Under #202A, "Other Time Employee" is being added. The definition of "Other Time Employee" is someone who is paid based on any and all hours necessary to fit their job duties or responsibilities.

RESOLUTION #87-2012. A motion is introduced by Councilperson Heinrich; seconded by Councilperson Hurley to adopt Resolution #87-2012.

RESOLVED, that the Town Board adopt Employee Handbook changes due to Department of Labor clarifications and adding one definition to Employee Classifications.

AYES: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYS: 0

Resolution Passed.

1. Resolution to close expendable portion of cemetery fund.

Supervisor Dickinson announces that according to Wendy Baird there exists a Cemetery Fund started in 1960 and very little is known about it other than it has a permanent \$2,010. balance with an expendable interest making the total balance \$3,500. It seems as though this account has not been audited for a while and he would like to propose to close the expendable portion.

RESOLUTION #88-2012. A motion is introduced by Supervisor Dickinson; seconded by Councilperson Crocitto to adopt Resolution #88-2012.

WHEREAS the non-expendable portion of this Cemetery Fund (TN) continues to earn interest which is expendable; and:

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the closing of the expendable portion of the Cemetery Fund; and;

FURTHERMORE, BE IT RESOLVED, that as additional interest is earned from the non-expendable portion of the Cemetery Fund, it will be expended.

AYES: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYES: 0

Resolution Passed.

Resolution to set up a Public Hearing for change of residency requirements for the Comptroller.

Councilperson Heinrich states that a discussion was held about reinstating the residency requirements for the Comptroller’s position and it seems as though the Local Law needs to be appealed but first a Public Hearing needs to be scheduled for next month.

RESOLUTION #89-2012. A motion is introduced by Councilperson Heinrich; seconded by Councilperson Hurley to adopt Resolution #89-2012.

**RESOLUTION #89-2012
SCHEDULING PUBLIC HEARING
ON PROPOSED LOCAL LAW NO. 2 OF 2012
REPEALING LOCAL LAW NO. 3 OF 2010
RELATING TO COMPTROLLER RESIDENCY REQUIREMENTS**

WHEREAS, the Town Board wishes to reinstate the requirement of New York Town Law Section 23 that the person holding the office of Comptroller of the Town of Lake George is required to be a resident of the Town of Lake George by repealing Town of Lake George Local Law No. 3 of 2010, codified as Article 1 of Chapter 39 of the Code of the Town of Lake George, which superseded New York Town Law Section 23 in its application to the office of Comptroller of the Town of Lake George and provided that the person holding the office of Comptroller could be a resident of the Town of Lake George, Bolton, Lake Luzerne, Queensbury or Warrensburg; and

WHEREAS, the Town Board has prepared a proposed Local Law repealing Local Law No. 3 of 2010; and

WHEREAS, under Municipal Home Rule Law Section 20, no Local Law may be adopted 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 June 11, 2012, to consider proposed Local Law No. 2 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 in the manner provided by law and shall make a copy of the proposed Local Law available for public inspection in the Town Clerk’s office following the adoption of this Resolution and until the Public Hearing is closed.

AYES : 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYES: 0

Resolution passed

Resolution for budget transfers.

Councilperson Crocitto announces the need for two budget transfers.

RESOLUTION # 90-2012: A motion is introduced by Councilperson Crocitto; seconded by Councilperson Hurley to adopt Resolution #90-2012.

	From		To		Amount
1	DB.5130.0439	HWY Trolley	DB.5130.0422	HWY Repair/Main Equip	\$ 2,420.05
2	A.1620.0441.ASC	Auto Supply/Rep Sr. Ctr	A. 1480.0400	VAN/Trans --CE	\$ 500.00
			<u>TOTAL</u>		<u>\$ 2,920.05</u>

AYES : 5 **Hurley, Crocitto, Heinrich, Muratori, Dickinson**

NAYES: 0

Resolution Passed.

Committee Reports:

Councilperson Muratori –

Planning & Zoning

- Robb Hickey will be making regularly scheduled visits throughout the Town starting with June 1st. He will divide the Town in 4 areas and visit each area on a weekly basis so the entire Town will be covered for the month; a schedule of these visits will be posted on the Town's website. These visits will be in addition to visiting new construction sites and continuation of sump pumps inspections.

- Courts

The total amount of monies collected by the Court for the month was \$26,374.25.

The Court has successfully received a grant for two metal detection devices one is a hand held wand and the other is a walk through one. Discussions have been held about channeling all court visitors through the Court entrance which is located on the west side of the building and not the other entrances. This will make it safer for the Courts and these devices will be utilized. She is proposing that a large sign be put in the upper parking lot in addition to a sign along the drive indicating the location of the court and the locking of the east entrance during court hours. She welcomes feedback on these suggestions.

A discussion ensues among the Board Members with the suggestion that Jim Martino be notified as well.

50 blueberry bushes have been planted at the Town Hall along with the other work done at the lower parking lot in keeping the stormwater on site. In addition two beautiful trees donated by Mandy Spring have been planted by the gazebo.

She would like to note that the Town encourages its staff to attend conferences to further their education. She attended the eighth annual symposium on Energy in the 21st in Syracuse. She went to it to get information on establishing some type of solar system since the Town and the Village are both interested in providing stable energy to the grid and save some funds as well. Of the several companies she spoke to, the most interesting proposal was from a company that wants to install a solar farm on the landfill cap. There are a lot of companies in the renewables market although it is a slow process which is due to interference from the big utilities since this market is a disruptive one for them. New York State, however, wants to pursue this initiative in fact the goal is to double the installation of wind and solar producing energy and quadruple it by next year. She recommends that the Town stay the course and install solar farms.

Secondly, she and others from the Town attended the Low Impact Development Conference given by the Waterkeeper; a great deal was learned from it one interesting topic in particular was organic gardening. She picked up some material for Jim Martino, Building & Grounds Supervisor, who interestingly has already been implementing a lot of the organic gardening fundamentals. The Town of Lake George through Jim Martino is committed to establishing organic gardening which includes lawns and the use of no fertilizers.

Councilperson Heinrich –

- Personnel –
The discussions on the proposed Town Manager position has been tabled until a later date; all other topics have been covered already.
- Building & Grounds –
It is difficult to list everything this department does and the great job they do; Jim Martino is such an asset to the Town. Bernie has been hired to work as a Park Attendant and Jim is very happy with his performance.
Last Thursday, she, Councilperson Hurley, Kathy Bozony, Dana Seguljic and Jim Martino met at Diamond Point Beach, the sewer line was dug up and a die test was performed and she is happy to announce that no lines were leaking.
Jim Martino uses organic and phosphorus free fertilizers for the Town's properties.
- Libraries –
Marie Ellsworth advised that the Board will be meeting on May 18th at 9:00 am to plan summer activities for the NYS Summer Reading Program.
The library has had 704 visits in April. Computer use was 100. Reference questions were 21. Program attendance was 63. New borrowers were 4.
Hillview Library is updating their website.
- The Warren County Safe Quality Bicycling Organization would like to remind everyone that they will be having the Centurion Race in Lake George from June 22nd to June 24th. They need volunteers for 4 hours time slots; if anyone is interested please let her know.

The Board has received a letter from Alex Parrott, President of the Lake George Historical Association and would like to read the ending paragraph into the record: "We hope that the Board of the Town of Lake George will consider the impacts that multiple use of the former Courthouse will have on the museum and the daily operations and we hope that the Board will continue the traditions of the Lake George Historical Association having the responsibility of deciding the proper use of the Museum space. Thank you."

The Rotary Club in partnership with the Town of Lake George will be hosting a Memorial Day New Flag and Yellow Ribbon installation dedicated to all American military servicemen and women. The dedication will be held at the Northway Exit 21 on Sunday, May 27th 12:00 noon.

Supervisor Dickinson brings up a letter sent by John Kearney in which he expresses his disapproval of the Town getting involved in the Gaslight Village Project and suggests that if anything is done a referendum should be held.

Councilperson Crocitto –

- Highway –
The men have been sweeping, finishing up the streets and spring cleanup is going well.
A backhoe was made available to Peter Bauer for the Asian clam project.
The new bus is at the Highway garage; tires were put on and brakes were fixed with a little less than \$1,500 used. As for repairing the seats, the first estimate their received was \$2,400 therefore they will be shopping around for more estimates in the meantime seat covers will be used.

Becky has asked if the Town could apply for a credit card at Wal-Mart; currently they have one for Lowes, Home Depot and True Value.

Plastic has been sent to a new vendor with the Town collecting \$120.00/ton an increase from \$60.00/ton. \$120.00 is being received for metal. 15 tons in magazines – 4.3 tons in cardboard – 6.8 tons in metal tin cans and 1.1 tons in plastic for a total of \$2,007.95 for the month of April with a payout amount of \$3,149.52 for 14 tons of demo and garbage – 27 tons of garbage and 8 tons of processable waste.

- Youth Commission –

A new on-line registration system is being looked at. A meeting has been set up between himself, Wendy and Anthony Bruno, Online Sports Management, for an online registration system which will take care of everything such as background checks, etc.

The baseball and softball programs are going well. The summer program will begin soon and its cost will be \$70.00/child.

Councilperson Hurley:

- Sewer –

The report is from Dan Merino. He raked the leaves, picked up debris from both stations, cleaned off the roofs, flushed the drain on the roof, cleaned all the grates, will paint when it gets warmer. He trained the Village people for the work on the weekends and no problems were reported from the Village.

- Fire Department –

An OSHA Refresher training was completed and for the members who were not able to attend, an on line course is available.

Pump repairs were done to the apparatus. Several members went to Ossining for the 200th Anniversary parade. 25 incidents were logged in however they are trying to get the false alarms ones off the log.

- Diamond Point Water –

The report is from Joel Odell. He performed the monthly water testing and everything came back negative for chloroform. He trained Chris from the Village to monitor the water plant on weekends.

871,930 gallons of water were treated for the month of April.

- Senior Citizens –

A picnic has been planned for June 7th. He states that the seniors use the center, for friendship, support, have fun and help each other out.

Councilperson Hurley's response to Supervisor Dickinson is that John Erzog (President of the Senior Citizens Center) is on vacation and was not able to talk to him about the racino trips. He believes that the best resolution is for the seniors to work out a deal with Yankee Trails, which is what all the other towns are doing, he will talk to Lucy Abrahams about it this week.

Supervisor's Report:

Supervisor Dickinson's only announcement is that his secretary, Patty McKinney, got married on Saturday to George Schuster and a good time was had by all.

Privilege of the floor:

John Salvador comments that in regards to communications with the Association of Towns, this association is not a government entity but rather a private club and a lobbying organization on behalf of the towns and taxpayers pay for the membership to this organization as well as paying the officials to attend the annual meeting. He then asks about the Town Manager position to which Supervisor Dickinson replies that it has been tabled for now. In reference to the prior stormwater presentation, he believes that it is a problem but not nearly as big a problem as waste water both are prohibited to flow

into Lake George or its tributaries. He feels that no one is paying attention to finding out the best technologies available for sewage facilities for the removal of nutrients and mentions a manual from DEC which provides excellent information; he would like the Board to take this into consideration as the waste water regulations are being revised. The Consolidated Board of Health District regulations do not specify the definitions of district and asks the Board that this issue be clarified as well as informing the Members that two of the Park Commission's regulations for stormwater and wastewater are companion regulations and should be considered together. He then brings up his citation concerning a timber harvesting plan which he challenged in court with Judge Krogman issuing a determination rejecting his appeal which puts Robb Hickey's notice of violation back in effect therefore no further logging can be performed until this violation is satisfied. The papers include an estimate of \$2,000 to repair the road and he is trying to find out to what extent he can repair the road within the \$2,000.

Supervisor Dickinson disagrees with Mr. Salvador's figures since he is in possession of an estimate from the contractor who originally paved the road in the amount of \$12,000; the road he damaged needs to be repaired and \$2,000 will not be enough to do so. Mr. Salvador will provide him with a copy of the affidavit which includes the \$2,000.00 figure.

Councilperson Crocitto states that after he and Councilperson Muratori met with him, the discrepancy is the amount needed to repair the road but they are willing to help him resolve this issue.

Supervisor Dickinson would like to make two comments the first being that in reviewing the sanitary ordinances, the Town's intent is to adopt two of them one through DEC which is empowered to review commercial facilities and the other is DOH which is empowered to review individual septic systems. The current zoning ordinances are under the Consolidated Board of Health which is a local Board made up of one member from the Village, the Town and a professional and it comprises both the Town and the Village. In response to Mr. Salvador's question, public hearings and workshops will be held at the opportune time; he is anxious to resolve this issue however it is going to take some time.

Joan West who is a member and trustee of the Lake George Historical Association, museum and bookstore, is concerned with the changes in uses for the museum such as returning to be a courthouse, a wedding venue etc. She is asking the Board to keep the museum as such since it is an attribute to Lake George.

Kathy Bozony asks if signs citing the basics of both the Village and the Town of Lake George fertilizer law which went into effect last year can be posted. These signs will bring awareness to this issue. The signs are highway signs and the Town of Queensbury will post them in different locations such as Assembly Point, Cleverdale, Pilot Knob, etc. and the Mayor is willing to put up these signs as well. The signs will not all be alike since Queensbury's law is different from the Town. She informs that Lake George's law requires a 20 ft. set back from surface water which is very important since it includes, streams and tributaries whereas Queensbury has a 50 ft. set back from the lake. As for pesticides, Queensbury requires that an individual homeowner install small flags in order to warn the neighbors.

Supervisor Dickinson asks Kathy to provide him copies of the signs and then the two of them can meet and discuss it further.

Chris Navitsky thanks the Board for the opportunity to comment on the ongoing issue of approved plans in the Town. Tonight's discussion is regarding the Lochlea Subdivision. Five of the lots have pre-existing dwellings which are of modest size with the understanding that the proposed dwellings on the remaining lots were not to exceed 1,100 sq. ft. footprint; the Town of Lake George Zoning Board granted these variances based on this information and the Planning Board approved the subdivision.

This approval also required compliance with the NYS Environment Quality Review Act with the applicant stating that the proposed footprint of the dwellings to be 1,2100 sq. ft. which determined that there would be negative environmental impacts. Subsequently the subdivision owners submitted an offering to the

NYS Department of Law which stated that the footprint of the dwellings would now be 2,700 sq. ft. therefore allowing homes exceeding the original foot print to be approved by the Planning Board to be built. Currently the Town and Village have applications for homes one of which is for 3,200 sq. ft. All Boards have been alerted of this fact and a letter from their attorney was submitted to the Village and the Town. The Village's Planning Board has reviewed the issue and requested that the Town's Planning Board review the letter as well as the environmental review since they are the leading agency however the Town's Planning Board has neglected to acknowledge their letters, the attorney's letters and to respond to the Village Planning Board request. A second letter from their attorney was sent to the Town Board. He urges the Board to review this issue since their claim is that the approved plans are not in compliance with the October 2008 variance approvals as well as a violation of the information provided to the Planning Board which was included in their negative declaration and also the 2009 approved subdivision plan.

Supervisor Dickinson states that he and the Board are aware of this issue and are taking everything into consideration and have not neglected their request.

Joe Stanek with the Lake George Park Commission. He is informing the Board that the wash and decontamination unit will be arriving on Wednesday; training will be done on the Lake George Park Commission boats. The boats participating in the boat race this weekend will be decontaminated in the Beach Road parking lot in front of the Fort. Since an agreement could not be reached with Norwal Marina, the equipment will be placed in Hague across the street from their public launch with a retired individual from Hague as the operator. They are also in the process of getting a permit from DEC to bring the equipment to Mossy Point and Roger's Rock.

Councilperson Muratori asks Joe Stanek if he knows anything about a gentleman who has been emailing her about a contraption which electrocutes the clams, is there any validity to his claims? Joe replies that he does not know anything about him or his equipment.

Kathy Bozony comments that she received a similar email and a conference call was held with this gentleman during an Asian Claims Task Force meeting. He explained how he treats Asian clams and zebra mussels and what equipment he uses however the problem is that no reports can be found supporting the validity of his claims. This proposition is quite expensive which makes it hard to take a chance without any valid reports.

Mike Seguljic from Diamond Point. He wants to publicly thank Supervisor Dickinson, the Town Board and Jim Martino for taking prompt action to eliminate the Diamond Point beach house as a source for nutrients going into the lake however he would like to see one more dye test done during the busy season and during heavy rains. He has prepared a draft sub surface septic system survey for the Town to review and do whatever they see fit with it. Several emails sent to the Supervisor, Town Board Members and others along with telephone message are not being received, they are getting their computer checked but would appreciate it if the Town's computers were checked as well.

Supervisor Dickinson asks to make a couple of points. The first one is that there are some serious issues in the Diamond Point area, the Town has checked the beach facility's line and holding tank and found them to be in good order. He hopes that the citizens will take the initiative to conduct good testing of their own individual facilities. It seems as though there are two sources with problems and the Town will continue to press on to try to resolve this issue. The problem with subsurface sewer disposal is being able to prove it beyond a shadow of a doubt and there is no easy way to do this however sophisticated testing is being done that might be able to isolate the problem areas.

Mike Seguljic continues by bringing up underground oil tanks. Very often structures are demolished leaving oil tanks underground for many years which eventually will leak. One such tank is located by Diamond Point Beach and after some research he learned that a building existed at the location in the past and it correlates with the tank; next to the tank there is a water valve which indicates that most likely

there is a septic system nearby which should be found. He believes that the Planning and Zoning Boards should be made aware that when a demolition project comes on, questions should be asked about the heating system of the building and proof that any existing tanks are removed and properly disposed of. Any septic systems that are not utilized should be pumped out and removed as well as any water wells should be properly abandoned.

John Salvador comments that in a previous meeting he mentioned the fact that there exists a grant program by the Lake George Park Commission about stormwater and Supervisor McCoy was made aware of the fact that \$15,000 was being made available to municipalities around the lake to protect the water quality of Lake George.

Supervisor Dickinson informs Mr. Salvador that he is aware of the program, it was a short one and all the funds are gone.

A motion to adjourn is introduced by Councilperson Hurley and seconded by Councilperson Heinrich.

Motion carried.

There was a question in regards to a Bond Resolution which was to be done.

A motion was introduced by Councilperson Crocitto and seconded by Councilperson Hurley to rescind the motion to adjourn.

Motion Carried

Supervisor Dickinson announced that a Truck is in the process of being purchased and a Resolution needs to be brought forth for its purchase.

RESOLUTION #91-2012: A motion is introduced by Supervisor Dickinson; seconded by Councilperson Crocitto to adopt Resolution #91-2012.

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$200,000 SERIAL BONDS OF THE TOWN OF LAKE GEORGE TO PAY THE COST OF A NEW PLOW TRUCK; AND AUTHORIZING THE ISSUANCE OF UP TO \$200,000 BOND ANTICIPATION NOTES OF THE TOWN FOR THE SAME PURPOSE;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LAKE GEORGE, WARREN COUNTY, NEW YORK, AS FOLLOWS:

Section 1. The specific object or purpose for which the obligations authorized by this Bond Resolution are to be issued is a 2013 Mack Granite GU713 Class 8 Heavy Duty Truck with Henderson body and plow equipment, including related preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$200,000.

Section 2. The plan for the financing of such maximum estimated cost of the Project is the issuance of up to \$200,000 serial bonds and/or bond anticipation notes of the Town, hereby authorized to be issued pursuant to the New York Local Finance Law. Pursuant to Local Finance Law Section 107.00(d)(9), a down payment from current funds is not required.

Section 3. It is hereby determined that the period of probable usefulness of the specific object or purpose is fifteen (15) years, pursuant to Section 11.00(a)(28) of the New York Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

Section 4. The faith and credit of the Town of Lake George, Warren County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as they become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such obligations as they become due and payable.

Section 5. For the purpose of paying a portion of the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$200,000, the maximum maturity of which shall not exceed the period of probable usefulness set forth above, and which shall mature on or before such date as measured from the date of the bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. Such bonds may be in the form of a Statutory Installment Bond pursuant to Local Finance Law Section 62.10.

Section 6. There are hereby authorized to be issued bond anticipation notes for the specific object or purpose in an amount up to but not exceeding the \$200,000 maximum amount of serial bonds authorized to be issued, in anticipation of the issuance and sale of the serial bonds authorized, including renewals of such bond anticipation notes.

Section 7. Any bond anticipation notes shall be payable from the proceeds derived from the sale of the bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the bond anticipation notes and the interest on them.

Section 8. There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of these bonds. Neither are the bond anticipation notes hereby authorized renewal notes. These bond anticipation notes will not be issued in anticipation of bonds for an assessable improvement. These notes shall mature at such time as the Town may determine and may be renewed from time to time, provided that in no event shall such notes or renewals extend more than one (1) year beyond the original date of issue except as permitted in the Local Finance Law.

Section 9. Subject to the terms and conditions of this Resolution and of the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of these notes, and the power to prescribe the terms, form and contents of the serial bonds and bond anticipation notes and the power to sell and deliver the serial bonds and bond anticipation notes issued in anticipation of the issuance of the bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds and bond anticipation notes issued in anticipation of the issuance of the serial bonds issued pursuant to this Resolution by manual or facsimile signature, and the Town Clerk is hereby authorized to affix or impress or imprint a facsimile of the seal of the Town to any of the serial bonds or bond anticipation notes and to attest such seal by manual or facsimile signature. If executed by facsimile signature, such obligation shall be authenticated by the manual countersignature of the Town Clerk or a designated fiscal agent. The Town Supervisor, as Chief Fiscal Officer of the Town, is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this Resolution.

Section 10. The exact date of issuance of the bonds and/or notes and the exact date upon which they shall become due and payable shall be fixed and determined by the Chief Fiscal Officer, provided, however, that the maturity of the notes or renewals shall not exceed one (1) year from the date of issue except as permitted by the Local Finance Law.

Section 11. The Chief Fiscal Officer shall prepare the bonds and/or notes and sell them in accordance with the provisions of the Local Finance Law, and at such sale shall determine the interest

rate to be borne by such bonds and/or notes, and whether fixed or variable. The Town Board authorizes the Chief Fiscal Officer to establish substantially level annual debt service for the repayment of such Bonds if he believes it is in the best interests of the Town.

Section 12. If issued, the notes may be in bearer form and may contain a power to convert to registered form, and shall bear interest at the determined rate.

Section 13. The Chief Fiscal Officer shall deliver the bonds and/or notes to the purchaser only against a certified check or other immediately available funds. The proceeds of the sale of the bonds and/or notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Chief Fiscal Officer and the power to invest in any instruments described in Section 165.00 is expressly granted.

Section 14. To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Town hereby designates the bonds and/or notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Town hereby covenants that it will (i) take all actions on its part necessary to cause interest on the bonds and/or notes to be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the bonds and/or notes to be included in gross income for purposes of Federal income taxes.

Section 15. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 16. The Town of Lake George is a town wholly within the Adirondack Park. However, State lands subject to taxation within the Town's boundaries are assessed at less than thirty percent (30%) of the total taxable assessed valuation of the Town, so permission of the State Comptroller to issue the bonds and/or notes is not required under Local Finance Law Section 104.10(3).

Section 19. This Resolution is subject to permissive referendum pursuant to Article 7 of Town Law and Section 35.00 of Local Finance Law, and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum.

Section 17. This Resolution shall be published in full, or a summary of this Resolution shall be published, in the *Post Star*, which has been designated as the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 18. The validity of these serial bonds and bond anticipation notes may be contested only if:

- (1) These obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this Resolution or a summary thereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the State Constitution.

Section 19. The question of the adoption of this Resolution was duly put to a vote which resulted as follows:

AYES: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
NAYS: 0

The Resolution was declared duly adopted by a vote of not less than two-thirds (2/3) of the full membership of the Town Board.

There was discussion as to when and what time the Public Hearing would be for the Comptroller Residency it was decided to be at the next board meeting at 6:30.

RESOLUTION #92-2011: A motion is introduced by Councilperson Crocitto; seconded by Councilperson Hurley to enter into contract with Computel Consultants to review franchise fees.

Whereas Computel Consultants proposes to examine the Time Warner Cable Franchise Agreement to identify possible areas of non-compliance with the terms of the Agreement and to determine if funds may be due for past underpayment of franchise fees.

Whereas there is no cost to the town for this service unless underpayments are identified, in which case the town agrees to pay Computel Consultants fifty percent of all recovered underpayments.

Therefore, Be it Resolved, that the Town Board agrees to enter into contract with Computel Consultants to review the Town of Lake George's Cable Television Franchise Agreement.

Ayes: 5 Hurley, Crocitto, Heinrich, Muratori, Dickinson
Nays: 0

Resolution Passed.

A motion is re-introduced by Councilperson Hurley and seconded by Councilperson Heinrich to adjourn the meeting at 8:45 p.m.

All in favor, motion carried.

Minutes typed by Adele Behrmann.

Respectfully Submitted,

Deb Foley
Town Clerk