

Minutes of the Town of Lake George Special Meeting held on March 13, 2015 at the Town Center, 20 Old Post Road, Lake George, New York 12845.

Members Present: Supervisor Dennis Dickinson
Vincent Crocitto, Councilperson
Marisa Muratori, Councilperson
Dan Hurley, Councilperson
Nancy Stannard, Councilperson

Others Present: Deb Foley, Town Clerk; Wendy Baird

Supervisor Dickinson opened the meeting at 9:00 a.m.

GATEWAY PROJECT BOND RESOLUTION

Supervisor Dickinson stated we need a resolution for the bond for this project.

Councilperson Crocitto explained to the board the details of this resolution.

RESOLUTION #60-2015, Introduced by Councilperson Crocitto and seconded by Councilperson Stannard.

RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$1,002,568 SERIAL BONDS OF THE TOWN OF LAKE GEORGE TO PAY THE COST OF CERTAIN GREEN GATEWAY PROJECT IMPROVEMENTS; AND AUTHORIZING THE ISSUANCE OF UP TO \$1,002,568 BOND ANTICIPATION NOTES OF THE TOWN FOR THE SAME PURPOSE

WHEREAS, the Town of Lake George (the "Town") was awarded a grant of Five Hundred Forty-four Thousand Five Hundred Dollars (\$544,500) ("Grant") by the New York State Environmental Facilities Corporation pursuant to the Green Innovation Grant Program ("GIGP") to be used to pay a portion of the cost of the Town's Green Gateway Improvement Project; and

WHEREAS, under the terms of the Grant Agreement, the Town must initially incur the costs of the improvements which will be reimbursed by Grant funds;

WHEREAS, the Town Board previously authorized a maximum cost of \$664,500 for a portion of the Town's Green Gateway Improvement Project and the issuance of \$544,500 in Bonds and/or Bond Anticipation Notes to finance a portion of the Project, which amount was expected to be reimbursed from Grant proceeds; and

WHEREAS, the Town is undertaking additional portions of the Green Gateway Improvement Project and wishes to authorize the issuance of Bonds and/or Bond Anticipation notes to finance these improvements; and

WHEREAS, Strategic Transportation Enhancement Program (STEP) and Transportation Enhancement Program (TEP) funding will be provided by the New York State Department of Transportation (DOT) in the amounts of \$7,569,375 and \$1,100,000, respectively; and

WHEREAS, the Town must provide \$904,068 after the letting of the Project and before it is awarded in order for the Project to move forward;

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 Route 9 corridor improvements between its intersection with Route 9N near Exit 21 of the Adirondack Northway (I-87) north to the Village of Lake George boundary at West Brook Road, including pedestrian access and safety improvements, bicycle access, traffic flow and access improvements, corridor beautification, stormwater collection and treatment systems and a Park and Ride lot, all in connection with the Town's Green Gateway Improvement Project, and related construction inspections and other preliminary and incidental costs (the "Project"), and this specific object or purpose is hereby authorized at a maximum estimated cost of \$8,549,375.

Section 2. The plan for financing of such maximum estimated cost of the Project is (1) issuance of up to One Million Two Thousand Five Hundred Sixty-eight Dollars (\$1,002,568) in serial bonds and/or bond anticipation notes of the Town, hereby authorized to be issued pursuant to the New York Local Finance Law, all of which is expected to be reimbursed from the STEP and/or TEP funding referenced above, (2) Two Hundred Seventy-five Thousand Dollars (\$275,000) in Town general fund cash and/or in-kind services and (3) use of STEP and/or TEP funding and/or other grants for all remaining amounts.

The proceeds of the bonds or bond anticipation notes may be used to reimburse expenditures paid by the Town from other funds or otherwise on or after the date of adoption of this Bond Resolution. The Town has submitted and may submit applications for grants and/or low interest loans from the New York State Environmental Facilities Corporation (EFC) and/or the Department of Transportation (DOT) and/or other funding sources and, to the extent that any such moneys are received, may apply such funds to the payment of principal and interest on the bonds or bond anticipation notes. Pursuant to Local Finance Law Section 107.00(d)(9), no down payment from current funds is required.

Section 3. The Town Board anticipates that the Town may pay certain expenditures in connection with the Project prior to the receipt of the proceeds of the Bonds. The Town Board hereby declares its official intent to use Bond proceeds to reimburse the Town for such Project expenditures. This section of the Resolution is

adopted solely for the purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the Town to make any expenditure, incur any indebtedness or proceed with the acquisition, construction and installation of the Project.

Section 4. It is hereby determined that the period of probable usefulness of the specific object or purpose is fifteen (15) years, pursuant to New York Local Finance Law Section 11.00[a][20](c). 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 the cost of the Project, there are hereby authorized to be issued serial bonds of the Town up to a maximum amount of \$1,002,568, 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 \$1,002,568 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 including, without limitation, the power to contract and issue indebtedness pursuant to New York Local Finance Law Section 169.00, 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 at public or private sale and in accordance with the provisions of the Local Finance Law including, but not limited to, the provisions of Section 169.00, if applicable, 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 substantially net level or declining annual debt service for the issuance and repayment of such Bonds.

Section 12. If issued, the notes shall be in 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 to the date hereof (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, to the extent permitted under the Code in effect as of the date of issuance of any bonds and/or notes, 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. 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 16. Miller, Mannix, Schachner & Hafner, LLC, Glens Falls, New York, is hereby designated bond counsel.

Section 17. This Resolution is subject to permissive referendum pursuant to Article 7 of New York Town Law and Section 35.00 of New York 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 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. 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 20. This Resolution shall take effect immediately.

Section 21. The question of the adoption of this Resolution was duly put to a vote on roll call which resulted as follows:

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

Motion carried.

**RESOLUTION ADOPTING MEMORANDUM OF UNDERSTANDING FOR
AQUATIC INVASIVE SPECIES**

RESOLUTION #61-2015, Introduced by Councilperson Muratori and seconded by Councilperson Crocitto.

**MEMORANDUM OF UNDERSTANDING AMONG PUBLIC AND PRIVATE
ORGANIZATIONS REGARDING AQUATIC INVASIVE SPECIES PREVENTION IN
THE ADIRONDACK REGION**

The purpose of this Memorandum of Understanding (MOU) is to describe an understanding among the diverse undersigned organizations representing state agencies, municipal governments, property owners, lake associations, conservation groups, and businesses regarding a program to prevent the introduction and spread of aquatic invasive species in the Adirondack region. This MOU is not a binding commitment, but rather a statement of the intent of undersigned parties to work together in good faith, subject to the requirements of SEQRA and the availability of lawful appropriations and funding, to create an effective program in the Adirondack region that recognizes the following:

- The Adirondack region possesses one of the largest natural assemblages of valuable and vulnerable waterways in North America, including 3,000 lakes and ponds, and 30,000 miles of rivers and streams that represent the region's chief economic asset; and
- Based on the most recent monitoring data from the Adirondack Park Invasive Plant Program and partners, the region is experiencing infestations of no less than 18 aquatic invasive and non-native species, and infestations pose a threat to the ecological health and economic future of the Adirondacks; and
- Nearly 200 aquatic invasive and non-native species exist in close proximity to the region including, as of 2011, 184 in the Great Lakes, 122 in the Hudson River, 49 in Lake Champlain, and 87 in the St. Lawrence River. Although a majority of these species are not spread by

watercraft, this MOU pertains to those that may be introduced through the use of the same boat in different waterbodies as a means of transporting an aquatic invasive species; and

- The aquatic invasive species which may enter the region's waterways or spread within the region include plants such as Hydrilla, Eurasian watermilfoil, and Water chestnut, and animals such as Quagga mussels, Asian clams, spiny waterflea, Zebra mussels, and pathogens – viral hemorrhagic septicemia; and • Aquatic invasive species can spread through various means at different life stages including through boats in bilge waters, ballast waters, live well waters, anchors and in live bait containers often when they are in their juvenile, microscopic form; and

- A recent report commissioned by the Adirondack Park Invasive Plant Program entitled "The Actual and Potential Economic Impact of Invasive Species on the Adirondack Park: A Preliminary Assessment" very conservatively estimated that the spread of just eight high risk invasive species, including four aquatic invasive species, could result in an annual loss of \$48 to \$53 million to recreation & tourism, agriculture, and forestry sectors in the Park with a long-term loss of \$420 to \$840 million to lake shore property values; and

- A 2012 U.S. Fish and Wildlife Service publication states that just one aquatic invasive plant, Eurasian watermilfoil, reduced Vermont lakefront property values up to 16 percent and Wisconsin lakefront property values by 13 percent. That report also states that the cost of damage from invasive species in the United States exceeds \$120 billion annually; and

- Very few invasive species can be eradicated once established and control often involves costly actions implemented and underwritten in perpetuity without achieving the objective of eradication; and

- The draft NYS AIS Management Plan released in October, 2014 for public comment has stated the overarching goal of stopping the introduction and spread of AIS into and within New York's waters. The Plan includes strategies and actions for improving prevention, detection, response, and agency capacity to manage AIS; and

- Aquatic invasive species spread prevention depends on a variety of strategies including inspection and removal of visible vegetation; thorough decontamination of watercraft and mandatory "Clean, Drained, and Dry (or decontaminated)" programs; and

- The New York State Department of Environmental Conservation ("NYSDEC") is currently developing regulations which will be effective statewide to assist in the efforts to minimize the spread of aquatic invasive species by incorporating reasonable precautions boaters shall take prior to launching a watercraft or a floating dock. These regulations will be in addition to the existing Department's regulation for the prevention of the spread of AIS at DEC boat launch sites, specifically Parts 59 and 190, and the regulations which provide for the protection of waters found in Part 608 of the Department's regulations, and furthermore, NYSDEC has existing signage addressing AIS at its sites; and

- Trailered boats are an important vector for the overland transport of aquatic invasive species from one waterbody to another. It is also well documented that investment in spread prevention of aquatic invasive species can be achieved at a fraction of the cost of managing subsequent infestations and avoids environmental damage associated with physical and chemical control actions; and
- Viable boat inspection, self-certification programs and decontamination programs have been established in New York State and other parts of the country with documented results in preventing the spread of aquatic invasive species; and
- The Aquatic Invasive Species Prevention Program at Lake George is a 2-year pilot program implemented in 2014 that featured a partnership with State agencies and shared public/private investment to underwrite operations. More than 19,000 trailered boats were inspected and over 1,300 boats were decontaminated in its first season of operation. Nearly 150 cases of visible invasive species were “caught,” including Eurasian watermilfoil, Asian clams and Zebra mussels. Detailed evaluation of the program will be forthcoming at the conclusion of the pilot program but lessons learned from the Lake George program can be applied to invasive species prevention programs throughout the Adirondacks; and
- The Adirondack Watershed Institute Stewardship Program has been in place since 2000 with strong public support that provides a natural region-wide network for an expanded prevention program throughout the Adirondacks featuring full inspection and decontamination capacity for local municipalities and lake associations; and
- Recreational boating and fishing provides an annual economic impact of \$ 5.79 billion and \$ 1.9 billion dollars respectively on an annual basis to New York State and is an important component of the tourism based economy of the Adirondacks. Given the importance of boating and fishing to the economic well-being of the Adirondacks, any inspection, selfcertification and/or decontamination programs will be done in such a way that does not unduly restrict these activities; and
- Fishing and boating are activities that are not restricted to a specific portion of the day or year. Anglers for example, prefer to get on the water early to avoid other recreational boaters or late to fish for species such as walleye that are most effectively caught during low light periods.

NOW, THEREFORE, IT IS HEREBY AGREED that the undersigned public and private entities support the efforts of the undersigned municipalities and interested parties to develop a new region-wide aquatic invasive species prevention program that may include stewardship and data collection, infrastructure and administration, subject to the availability of funding, for boat inspection and when necessary, decontamination, in order to protect water quality, public enjoyment and economic value to the maximum extent practicable by proactively preventing the introduction of new, and the spread of existing, aquatic invasive species in Adirondack waters; and it is further

AGREED that the said entities support the development and implementation of a regional policy of "Clean, Drained, and Dry (or decontaminated)" standard for all boats entering and exiting the region, applied to both launching and retrieving watercraft where possible, subject to SEQRA for actions by public entities; and it is further

AGREED that the said entities who do not currently have signage in place intend to develop, where appropriate, consistent signage in collaboration with appropriate State agencies, to inform boaters on both the threat of invasive species and prevention methods, 3 including a "Clean, Drained and, Dry (or decontaminated) standard for transport and launching of watercraft; and it is further

AGREED that the said entities will further coordinate and evaluate i) the need for trailered boats entering and exiting the region to be assessed by inspection to determine compliance with a "Clean, Drained, and Dry (or decontaminated) " standard, ii) whether launching or retrieving, that all boats and trailers not meeting the standard are to be decontaminated with high pressure, hot water or other appropriate decontamination methodology; and it is further

AGREED that the said entities intend to cooperate with each other, to support an expanded aquatic invasive species prevention program throughout the Adirondack Park which complies with NYSDEC regulations, to explore ways to fund inspection and decontamination stations for installation at strategic high risk locations, including major entry points to the Adirondack Park, areas of user convenience, invasion spread hubs and identify the most suitable locations for such inspection stations within the Park with reference to the report, "Boat Inspection and Decontamination for Aquatic Invasive Species Prevention; Recommendations for the Adirondack Region", and other sites as required to provide optimal coverage and spread prevention; and it is further

AGREED that the said entities intend to work with appropriate authorities on a plan to implement an inspection certification program to designate boats that have been determined to meet the "Clean, Drained, and Dry (or decontaminated)" standard or which have been decontaminated and have not been launched in another waterbody; and it is further

AGREED that the said entities intend to work together to establish a training program for volunteers to staff and operate the inspection and decontamination stations; and it is further

AGREED that the said entities intend to prepare Memoranda of Understanding with marinas, motels, and launch facilities in order to implement the protocol for complying with "Clean, Drained, and Dry (or decontaminated)"; and it is further

AGREED that the said entities recognize the importance of the State of New York properties and the ability to launch from these sites that provide public access, and that the NYSDEC has regulations in place to manage and minimize the entry and exit for aquatic invasive species introduction and spread at these publically owned sites; and it is further

AGREED that the said entities believe this serious threat to the ecological and economic health of the Adirondack region, through negative impacts to water quality and infrastructure, tourism revenues and property values, constitutes the need for the undersigned to cooperatively develop a reasonable protocol to follow at the earliest possible time, with the 2015 boating season as the target date; and it is further

AGREED that the said private entities, local municipalities and state agencies who are signatories to this MOU intend to work together to identify and develop opportunities to obtain public grants subject to lawful appropriations and private grants in order to support the development and implementation of a region-wide aquatic invasive species spread prevention and decontamination program in a similar manner as has been successfully demonstrated by the efforts at Lake George and by emerging local programs established by a growing number of lake associations; and it is further

AGREED that this Memorandum of Understanding may be signed in counterparts.

Duly adopted this 13th day of March, 2015 by the following vote:

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

Motion carried.

RESOLUTION TO HIRE A PART TIME CODE ENFORCEMENT ASSISTANT

RESOLUTION #62-2015, Introduced by Councilperson Hurley and seconded by Councilperson Crocitto.

WHEREAS, the Town of Lake George requires a Part Time Code Enforcement Assistant; and,

WHEREAS, Doug Frost has held this position in a shared services capacity in recent months but such Agreement is being nullified as of March 18, 2015; and,

THEREFORE, BE IT RESOLVED, Doug Frost is hired as the Town of Lake George Part Time Code Enforcement Assistant at an hourly rate of \$19.00 with normal expected hours of 20 per week to begin March 18, 2015; and a probationary period waived due to prior employment with the Town.

Duly adopted this 13th day of March 2015, by the following vote:

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

Motion carried.

Minutes typed by Patty Schuster.

Respectfully Submitted,

Deborah Foley
Town Clerk