

Minutes of the Regular Meeting of the Town Board of the Town of Lake George held on September 12, 2016 at the Town Center, 20 Old Post Road, Lake George, New York.

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

Others Present: Deb Foley, Town Clerk; Jim Grey, Dawn
Koncikowski, Mike Lanfear, Thom Randall, Chris
Navitsky, Dennis Galloway, Beth Gillis, David
Rudd, Sean Doty

Supervisor Dickinson opened the Public Hearing at 5:30 p.m.

PUBLIC HEARING - CHAPTER 147 & 148 (MS-4)

Dan Barusch stated over the past couple years, the EPA has designated the entire Village, a certain portion of Queensbury and by extension a certain portion of the Town as an MS-4 municipality. Along with this designation is a program that has to be developed on behalf of the municipality to administer and carry out activities and long-term inspections and maintenances of stormwater practices and other infrastructures in the Town. It is required that the municipality adopt a Local Law Ordinance in line with the DEC. Chapter 147 is a brand new law. We have nothing in the code on illicit discharge. Chapter 148 is a revision of Chapter 175-21 where it is being taken out of the Zoning Code and creating its own chapter. We have developed these two laws and they were presented to the public last month. They have been on the website and we are here for public comment on the changes that were made and our goal is to adopt by March 2017 at the latest. These are just two of many items that need to be completed before that date for the MS-4 Program.

Dawn Koncikowski spoke. She read into the record the following e-mail sent to the Town prior to this meeting.

Dear Town Board Members,

I am writing to ask you to keep the very restrictive regulations that now exist for the Town pertaining to Stormwater regulations and tree removal. They meet and exceed the State DEC requirements outlined in the MS-4 Construction Activity General Permit No. GP-0-15-002. The required minimum control measure (MCM) are already covered in our existing land use regulations. There is no need to rewrite, especially when the proposed new wording Purpose is to "Provide for more stringent requirements" (proposed 148-3 (G)). You told the residents time and again at public hearings on the MS-4, that it was based on education not regulation. Then the 148-3(G) added to the Purpose without any public input.

The residents were told at the last workshop that the MS-4 covered the entire town. That is false. There is a map available on line that indicates exactly where the MS-4 covers and it is not the entire town. It is the entire Village but not the entire area of the Town. Yet, in proposed 148-3 Purpose it states " Provide more stringent requirements within the portion of the town that is within the Lake George Park" therefore not limited to the required MS-4 approved area. The Town should notify the residents and business owners that it will affect and let them know that this process is occurring and then prepare new regulations only if necessary, that would affect only the parcels included in the MS-4 area.

The MS-4 Program **REQUIRES** that stormwater management public information and public involvement "Must begin" during the program development and continue for the life of the MS-4's permit coverage under GP-02-02. Regulated MS-4's must include the public in "developing", "implementing" and "evaluating" their stormwater management programs. "Public participation activities for the construction/post construction stormwater management program should emphasize involvement in the "DEVELOPMENT" of the local law."

The residents just finished the Comprehensive Plan Process and overwhelmingly stated that they did not want any further regulations on their private property. They based their decision on the most recent RPI 30 year study that stated that the existing regulations are working and have been working to improve lake conditions since before the study began. They also state in the study that no further regulations are needed. No new regulations at least until the study is completed and then any new regulation would be based on complete, conclusive studies not someone's guess or wish.

The MS-4 toolbox also states that you are to conduct public hearings and that ideally those public hearings should be held following the public being invited to participate in the DRAFTING of any new regulations. The residents were not invited to help in the drafting of any new regulations. The residents were told that there would be no regulations involved, only education.

Now, when a public hearing is scheduled and advertised on your website it is indicated as

PUBLIC HEARING @ Town Center Meeting Room

Sep 12 @ 5:30 pm

Re: Follow up on Town Code Chapter 147 & 148 (MS4) Regular Town Board Meeting to follow the Public Hearing

How many residents would know what it pertains to and if it would affect them or not?

The Town may not have and may need regulations in place that cover the Municipality's Storm Sewer Discharges, Activities and Connections as covered under proposed Chapter 147. But a new Chapter 148 is not necessary.

The Town Code already includes more restrictive land use controls concerning Erosion, Sedimentation and Stormwater Runoff Control and Tree Removal and Land Clearing Regulations than required by the NYS DEC GP-0-15-002 (Construction Activity) and therefore they cannot prove any need to make the existing regulations any more restrictive in the new proposed Chapter 148 and its definitions.

Here is just a short list of the existing regulations concerning Stormwater and land clearing that have protected the town and the lake and the residents for years. 175-21;175-59;175-43;180-6;175-21G Schedule 1;175-21 Appendix G; Appendix F;175-7; Appendix E Best Management Practices ;8.0 Land scape and Screening;150 Subdivision of land; just to list a few attachments for more.

If the town wants to locate all of the existing regulations in one chapter, the residents have no problem with that. The problem is that the zoning office has falsely used the excuses that "it is required by the State" or "We are trying to make it less restrictive" or "We aren't changing anything, we are just moving to a new chapter of its own" too many times. The residents have only found out that they were lied to, by doing their own research. Therefore, we are requiring the town board to send all existing regulations to DEC and they will see that no new

regulations and no new definitions are required to meet the requirements of DEC General Permit for MS4.

The residents want to be included in this process and to date we have not. We have been given inaccurate and incomplete information to date which is unacceptable and will not be tolerated.

The meeting of September 12, 2016 should be considered only a workshop due to the fact that most of the information offered the residents to date has been either inaccurate, incomplete or misleading.

Thank you for your time.

Dave Rudd spoke. He stated the last time he was here he stated we need to use common sense and evaluate things carefully. A retention pond for any property with over 5 acres is not a common sense rule. Another regulation stating making the stormwater seep into the ground. This is ridiculous. Lake George is built and run by runoff running into the lake. If you stop all the runoff going into Lake George, it will dry up and become a small tiny stream. This is using common sense instead of some fly by night law that is put into place without considering the local people, the environment and the makeup of the property.

Supervisor Dickinson tabled the Public Hearing until the October 17, 2016 meeting beginning at 5:30 p.m. Attorney Schachner will be present for any questions.

Supervisor Dickinson opened the regular meeting at 6:30 p.m. Councilperson Hurley led the Pledge of Allegiance.

APPROVAL OF MINUTES

A motion was made by Councilperson Stannard and seconded by Councilperson Crocitto to approve the August 8, 2016 minutes.

All in favor.

Motion carried.

Dennis Galloway presented to the board a Lake George Region Veterans Memorial Project idea he had.

Supervisor Dickinson asked how many names he thinks he will have room for on this memorial.

Dennis Galloway responded they have not projected how many names they will have on it. They will not pick out and honor any particular veteran. They will honor all veterans. The stones will not contain the veterans names. According to the quote from Cliff Gates, there will be room for 96 bricks which can be purchased with individual veterans names on them. This is divided into two phases. Phase A would be the monuments, the plaques that go in it and the footings. This is what he is seeking a commitment of funds for up front. He has pledged to raise at least \$10,000 for this at no cost to the Town. The estimate of Phase A is \$32,000. The permit process has been started. He stated nothing can be done until the permit is in place and the Town agrees to the Phase A funding of \$32,000.

Supervisor Dickinson stated he appreciates all the hard work that Dennis has put into this. The board will discuss this and hope to come to terms with how we can assist monetarily with this project.

RESOLUTION FOR FUNDING FOR EMERGENCY SQUAD

RESOLUTION #143-2015, Introduced by Councilperson Crocitto and seconded by Councilperson Stannard that the Town Board approves a five year pay back with interest rate of 2.75% not to exceed an annual principal payment of \$35,000 for the Lake George Emergency Squad.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION - TOWN OF LAKE GEORGE CLEANUP

RESOLUTION #144-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Muratori.

TOWN OF LAKE GEORGE CLEANUP

OCTOBER 24, 2016 TO NOVEMBER 23, 2016

There will be a "Fall Clean Up" pick up by the Highway Department

Leaves do NOT have to be bagged.

However, if bagged, a paper Biodegradable bag must be used.

Leaf piles left with stone and other debris in it will not be picked up.

Brush must be tied in bundles so that one man can handle them and no longer than eight feet and diameter no greater than 5".

NO pick up of solid refuse such as refrigerators, stoves, etc.

THERE WILL BE NO ROADSIDE PICK UP OF ABOVE DEBRIS AFTER
NOVEMBER 23, 2016

THERE WILL BE NO ROADSIDE PICK UP ON LAKESHORE DRIVE OR STATE
ROUTE 9L

Leaves and brush must be taken to Transfer Station off Luzerne Road
by resident after NOVEMBER 23, 2016

Thank You

Dan Davis, Highway Superintendent
Town of Lake George

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson

NOES : 0

ABSENT: 0

Motion carried.

**RESOLUTION TO ACCEPT SANDING AGREEMENT WITH LG ELEMENTARY
SCHOOL**

RESOLUTION #145-2016, Introduced by Councilperson Crocitto and seconded
by Councilperson Stannard.

RESOLVED, that the Town of Lake George enter into a contract with the Lake George School District for sanding/salt/snow removal/sand for sanders/sweeping the Elementary School parking lot, for a figure not to exceed \$5,000 with save harmless the Town of Lake George from any claim or cause of action of any kind whatsoever which may arise as a result of the work services contemplated by this agreement, and further

RESOLVED, the Supervisor be and hereby is authorized to execute such agreement on behalf of the Town of Lake George.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson

NOES : 0

ABSENT: 0

Motion carried.

RESOLUTION TO AMEND BUDGET FOR BATTLEFIELD GRANT

RESOLUTION #146-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Muratori to modify 2016 B Fund Budget to receive and expend Battlefield Grant proceeds

WHEREAS, the Town of Lake George has been awarded a Battlefield Grant of approximately \$50000. and will be receiving the reimbursements as the grant expenditures occur; and;

WHEREAS, adjustments to the 2016 budget are needed to allow for proper accounting of this new grant; and;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes an increase (\$48,800.) to the revenue code B3089 State Aid Other and corresponding increase to the expense codes, B8010.4117 Planning Special Project, Battlefield Grant (\$24,400) and B8010.4117 Zoning Special Project, Battlefield Grant (\$24,400)

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION TO AMEND BUDGET FOR SEPTIC INITIATIVE GRANT

RESOLUTION #147-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Stannard to modify 2016 B Fund Budget to receive and expend Septic Initiative Grant proceeds .

WHEREAS, the Town of Lake George has been awarded a Septic Initiative Grant of \$104,000. and will be receiving the reimbursements as the grant expenditures occur; and;

WHEREAS, adjustments to the 2016 budget are needed to allow for proper accounting of this new grant; and;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes an increase (\$104,000.) to the revenue code B3089 State Aid Other and corresponding increase to the expense codes, B8010.4116 Planning Special Project, Septic Initiative (\$52,000) and B8010.4116 Zoning Special Project, Septic Initiative (\$52,000)

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION REGARDING COURT CLERK

RESOLUTION #148-2016, Introduced by Councilperson Stannard and seconded by To accept resignation and new hire Court Clerk

WHEREAS, the Town of Lake George has received notice from Carolyn Hughes that she will be retiring effective October 10; and;

WHEREAS, the recommendation of the Town Justices is that the board accept Carolyn's resignation and accept Justice Brian Reichenbach's appointment of Linda McMahon as a Full Time, Permanent Court Clerk; and;

WHEREAS, Justices Reichenbach and Stafford further recommend that McMahon's salary be set at \$32,000 and that the waiting period for health insurance be waived due to her prior part time service to town; and;

THEREFORE BE IT RESOLVED that the Town will accept Carolyn Hughes resignation effective October 10; and affirm the appointment of Linda McMahon as FT Court Clerk, with a start date on or around October 10, and a probation period of 3 months, at a salary of \$32,000. and with length of service set to 1 year and normal benefits to begin accordingly (based on her prior part time service to town), including the health insurance benefit to begin on her start date.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION TO PAY VACATION TIME FOR RETIRING EMPLOYEE

RESOLUTION #149-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Hurley to agree to pay Janee Dorman her remaining 14 days vacation at her hourly rate at her retirement.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION TO AMEND BUDGET FOR PARKING METERS

RESOLUTION #150-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Stannard to modify 2016 B Fund Budget to receive and expend unexpected parking meter proceeds.

WHEREAS, the Town of Lake George has received an unexpected \$2500. in parking meter fees; and;

WHEREAS, the Town would like to offset anticipated onetime meter expenses with this revenue; and;

THEREFORE, BE IT RESOLVED, that the Town Board authorizes an increase (\$2,500.00) to the revenue code A1741 Parking Meter Fees and corresponding increase to the expense codes, A1490.4115 Westbrook Parking Meter Project.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION TO ADOPT JOINT OCCUPANCY TAX EVENT CONTRACT

RESOLUTION #151-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Stannard to adopt the new Joint Occupancy Tax Event Contract.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION - OCCUPANCY TAX REQUESTS

RESOLUTION #152-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Stannard to allocate \$2,000.00 from Occupancy Tax Funding to the Light Up the Village Event.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION #153-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Muratori to allocate \$5,000 from Occupancy Tax Funding to the ECHL All Star Hockey Tournament.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION #154-2016, Introduced by Councilperson Hurley and seconded by Councilperson Stannard to agree to pay the outstanding bills for the Memorial Day Parade; Lake George High School Band (\$350) and the Lake George Community Band (\$500).

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson

NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION TO ACCEPT DONATIONS TO THE TOWN

RESOLUTION #155-2016, Introduced by Councilperson Stannard and seconded by Councilperson Crocitto to accept the following donations to the Town:

Shady Business (Carollee Labruzzo)---\$330 for Youth Commission Scholarship Fund
LG Region Women in Need---\$500 for Youth Commission Scholarship Fund
Yonder Hill Group---\$250 for use of Town Center
Circuitous Group Inc---\$100 for use of Town Center
SAVE---\$150 for use of Town Center

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION TO APPROVE BUDGET TRANSFERS

Resolution #156-2016, Introduced by Councilperson Crocitto and seconded by Councilperson Muratori to approve the following budget transfers:

1. (Mid year adjustment requested by Dan B.) \$4500 from B8010.200, Zoning Equipment to B8010.406 Zoning Legal (\$2250) and B8010.400 Zoning Contractual Expense (\$2250).
2. (Mid year adjustment requested by Dan B.) \$4500 from B8020.200, Planning Equipment to B8020.406 Planning Legal (\$2250) and B8020.400 Planning Contractual Expense (\$2250).
3. (Part time clerk hours greater than expected in Assessor Dept). \$100 from A1355.458 Assessor Education and Conference to A1355.107, Assessor PT Hrly.

4. (to adjust for increases in Youth Commission salaries of summer staff, bus drivers and administrative PT clerk help, due to increased registrations) \$3000 from A7310.470, YC Contracts and \$2301.54 from A7310.200 YC Equipment to A7310.107 YC PT Hrly (\$734.50) and to A7310.108 YC salary seasonal (\$3090.00) and A7310.109 YC PT Hrly Seasonal (\$1477.04).
5. (to adjust for interest expense budgeted as principal expense) \$6.27 from SS 9720.700 Sewer Statutory Installment Bonds Interest on Indebtedness to SS 9720.600 Sewer Statutory Installment Bonds, Principal on Indebtedness.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

RESOLUTION FOR PART-TIME DATA COLLECTOR FOR ASSESSOR'S OFFICE

RESOLUTION #157-2016, Introduced by Councilperson Muratori and seconded by Councilperson Stannard to hire a temporary part-time Real Property Data Collector.

WHEREAS, the Assessor has indicated that assistance is needed for preparation for the reevaluation; and;

WHEREAS, it has been recommended that Kathy Erceg be hired on a temporary basis as a Real Property Data Collector; and;

THEREFORE BE IT RESOLVED that the Town will hire Kathy Erceg as a temporary part-time Real Property Data Collector beginning mid September through December 31 or earlier, at a rate of \$15 hour for 10 hours a week, with no benefits except cancer screening. The probationary period is not applicable because the appointment is temporary and at the will of the employer.

Duly adopted this 12th day of September 2016, by the following vote:

AYES : 5 Crocitto, Hurley, Muratori, Stannard, Dickinson
NOES : 0
ABSENT: 0

Motion carried.

COMMITTEE REPORTS

Councilperson Hurley -

Caldwell Sewer - Received a call from Green Mountain and they are coming Wednesday to do the slip lining. They hope to be done by Friday. Flows went up a little big. The meters do not match what the Village has and he will check this out this week.

Diamond Point Water - Had to replace the transducer because it was sending alarms. A new transducer was ordered immediately; it is in and working fine.

Councilperson Stannard -

Courts - Money forwarded to Audit and Control was \$28,788.00. Yearly to date was \$215,411.67. Village Parking \$29,329.00.

Library - Very busy summer. Lot of traffic with little time for special projects. They have received the yearly request from Future Business Leaders of Lake George High School regarding the snowman donation. Each snowman display is a donation of \$25.00 to go to the Future Business Leaders of Lake George. Summer programs were well attended with 26 adults and 39 children attending three different programs. She applied for and received \$200 from Stewarts to support the summer programs. On September 22nd, the preschool story time will start. John Briggs, Children's Author and hockey players from Adirondack Thunder will be present to read to the children.

Councilperson Crocitto -

Highway - Dan is again asking for his truck. The money is there and it is a need.

The board held a lengthy discussion. Supervisor Dickinson requested that Dan Davis give us a spreadsheet of his inventory and the life expectancy of these

vehicles. Councilperson Crocitto will also look into the cost for replacing the roll-off truck.

Councilperson Muratori -

Planning & Zoning - Gateway Construction is at 50%, way under budget and before schedule. The septic initiative program is nearly 25% complete. Code Chapter 115 adopted by the board on August 8, 2016 and filed with Department of State on August 9, 2016. There is an Economic Development Plan in progress. The next public workshop is September 20th. This is open to the public and all are encouraged to do so.

Buildings and Grounds - Lifeguards are done for the season and both Town beaches are closed for the season. Shephard's Beach will remain open without lifeguards due to a level four permit that the Village applied for this summer. Jim Martin and Supervisor Dickinson decided to close Usher's Beach as a precautionary measure in light of Million Dollar Beach closing for high level of fecal coliform. Jim had Usher's Beach tested and it came back 140 parts per million, which is very low. On August 26, there was a near drowning incident at the Diamond Point Beach, outside of the swimming area. The Town's Head Lifeguard, Amanda Mastropietro saw a man leave his floating device and Josh Tudda, the second lifeguard jumped in and brought the man to shore, no CPR was conducted. The man was calmed down by lifeguards and no further assistance was needed. The board thanked the lifeguards for paying attention and doing their job.

Supervisor Dickinson attended a meeting with Dan Stec and Betty Little with marina owners on Lake George regarding boating licenses to drive a boat. This was very well attended by 18 of the 28 marina owners. There is a 45-60 minute training after a person has filled out all the paperwork and rented a boat. None of these facilities rent vehicles after dark.

Supervisor Dickinson stated he spoke with the Mayor and he will definitely be stepping down as Mayor in April. He has put out an invitation to continue the discussion of consolidation.

PRIVILEGE OF THE FLOOR

Mike Lanfear addressed the board regarding Big Hollow Road stating he owns property on the other side of the culverts and he can not get to it. This is a Town road and he would like improvements. He also addressed the board regarding the lack of progress with extending the sewer lines up Route 9.

Supervisor Dickinson stated he has two projects; one is to extend the Village sewer line up to Lakeview Circle Drive. The other is up Route 9. Both of these projects have engineered proposals. We have been unsuccessful so far in obtaining the funding for these projects.

A motion was made by Councilperson Crocitto and seconded by Councilperson Stannard to adjourn the meeting at 8:30 p.m.

Minutes typed by Patty Schuster.

Respectfully submitted,

Deborah Foley
Town Clerk