

Minutes of the Town of Lake George Town Board Meeting held Monday, April 8, 2019 at the Town Center, 20 Old Post Road, Lake George, New York.

Present: Dennis Dickinson, Town Supervisor
Vincent Crocitto, Deputy Supervisor
Dan Hurley, Councilperson
Marisa Muratori, Councilperson

Absent: Nancy Stannard, Councilperson

Also Present: Deb Foley, Town Clerk, Jim Grey, Reilly Williams, Rachel Green, Maddie Campbell, Samantha Henry, Philip Shambo, Mark Connelly, Marty Farrell, Don Partyka, Autumn Shaughnessy, Christopher Becker, Luke Kelly, Ruben Ellsworth, Logan Galusha, Thom Randall, Sean Quirk, Monathan Marchelle, Todd Earl, Mason Flatley, Riley, Connor Vidnasky, Kellyn Perkett

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

Marty Farrell spoke regarding Short Term Rentals. He lives on Glendale Way. This is a family compound with 9 individual residences. One of the family members who is 78 years old and lives in Florida most of the year, rents her log cabin out in order to keep her house as it costs a lot of money to maintain. He came in to get a permit and he was told it was not allowable in that zone. This is a huge financial impact on her. She would like to continue to rent this out.

Supervisor Dickinson stated the Town has been working on this. It was set up through Saratoga Rentals restricting them to commercial zoned areas. There are approximately 160 people renting their homes. There are 10 or 12 that fell outside of the commercial zone. They have taken a second look and made a proposal to remedy some. We will take the information and review whether we are going to amend or not.

Mark Connolly from McGowan Circle stated the financial impact of this decision greatly affected his family. When he received the letter, he contacted 11 families who had booked their house who were very disappointed that they were not going to be able to come to Lake George. These are not people who are going to hotels. None of these families are coming to Lake George so this is a loss to Lake George. The Town of Lake George literally ruined vacations to 11 families and to away abilities of others in the future to enjoy the Town. They have never had a complaint from any neighbors. He said he would like this decision reconsidered.

Don Partyka of 16 Robin Lane which is the subject of Local Law 175-52B. The imposition of the 30 day lease restriction precludes an owner from being able to compete in the summer market rentals. This limitation constitutes an unconstitutional regulatory undertaking. He asked that this board reconsider this regulation.

Dan Barusch stated that the law that is on the docket tonight is not the initial law to restrict rentals. That already happened in November. We are actually going to be grandfather laws to

give them a grandfathering status to allow them to continue renting as long as you go through the same procedures for permitting.

The board would need to reverse the sub section on Dead End Streets and Cul-de-Sac in order for this grandfather clause to take place.

A motion was made by Councilperson Muratori and seconded by Councilperson Hurley to move to Executive Session at 7:00 p.m.

All in favor.

Motion carried.

A motion was made by Councilperson Crocitto and seconded by Councilperson Muratori to move back to regular meeting at 7:05 p.m.

All in favor.

Motion carried.

No decisions were made.

A motion was made by Councilperson Crocitto and seconded by Councilperson Muratori to change from restricting all residential zones to all medium, low and land conservation zones for Short Term Rentals.

All in favor.

Motion carried.

**Resolution by the Town Board of the Town of Lake George
To Accept a Negative Declaration SEQR Determination for
amendments to Town Code Ch. 175-52**

Resolution #56-2019, Introduced by Councilperson Crocitto and seconded by Councilperson Hurley.

WHEREAS, the Town Board of Lake George desires to adopt an amendment to a recently adopted local law for purposes of better regulating short term rentals in the Town, and said local law requires completion of a SEQR review prior to the action commencing;

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, fund or approve an action until it has complied with the requirements of SEQR;

WHEREAS, the Town Board of the Town of Lake George, located at 20 Old Post Road in Lake George, NY, has followed procedure pursuant to 6 NYCRR 617.6, has identified the Adirondack Park Agency (APA) as an involved agency, but is opting to not complete a coordinated review of the Unlisted SEQR Action;

NOW, THEREFORE, it is hereby

RESOLVED, the Town Board of the Town of Lake George hereby determines that the proposed amendments to Town Code Chapter 175-52 'Tourist Accommodations and Residential Rentals' is considered an Unlisted action that is subject to SEQR; and for this action a Short Environmental Assessment Form is sufficient to determine the significance of the action;

BE IT FURTHER RESOLVED, the Town of Lake George Town Board has reviewed the SEQR Short Environmental Assessment and has answered the questions in Part 2 and Part 3, which applies to the proposed Chapter 175-52 amendments (which in turn is applicable to the entire Town of Lake George), concluding that none of the criteria contained in 6CRR-NY 617.7(c) are going to be heavily impacted by this proposed amendments, and determined that the proposed Local Law has no significant adverse environmental impacts on any areas of environmental concern in the Town (which include but are not limited to changes to the air and water quality, deforestation and removal of habitats, creation of hazards to human health, change in the use of energy, change in intensity and type of land use, and conflict with a community's current adopted plans or goals); and

BE IT FURTHER RESOLVED, that the Town Board does, based on the environmental concerns identified and analyzed, hereby declares a Negative Declaration under SEQRA for the proposed local law to amend Chapter 175-52 of the Town Code, and that this Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town Supervisor to complete and sign the Short Environmental Assessment Form for the proposed local law to indicate the Town Board's determination to issue a Negative Declaration under SEQRA, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes and directs the Town's Director of Planning and Zoning and/or the Town Clerk to take any additional actions necessary, including distribution of copies of this Resolution and /or copies of the completed Short Environmental Assessment Form, to document the Town Board's issuance of a Negative Declaration in its review of the proposed local law.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

**Resolution by the Town Board of the Town of Lake George
To Request APA Review and Approval of the amendments to Town
Code Chapter 175-52**

Resolution #57-2019, Introduced by Councilperson Muratori and seconded by Councilperson Crocitto.

WHEREAS, the Town of Lake George administers the Zoning Code of the Town of Lake George, and the Town Board recognized the need to update the Code to maintain the health, welfare and safety of the Town's residents, and the Town has proposed a code update which contain amendments to more appropriately regulate short term rentals; and

WHEREAS, the Town of Lake George shall, per Code Section 175-98 (B) 'Amendments Procedure', send proposed zoning amendments to the APA for approval under Section 807 of the Adirondack Park Agency Act;

WHEREAS, the Town of Lake George is an Approved Local Land Use Plan (ALLUP) and must receive approval on major code amendments from the APA prior to acceptance by the Lake George Town Board;

WHEREAS, The Town Board of the Town of Lake George has prepared a Short Environmental Assessment Form pursuant to State Environmental Quality Review for the listed Zoning Code amendments, and has subsequently declared a negative declaration through an uncoordinated review of the Unlisted Action, pursuant to Town Board resolution 56-2019;

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of Lake George requests the review and approval of the Town of Lake George Code amendments to Chapter 175-52 by the Adirondack Park Agency (APA) Board pursuant to Article 27 of the Executive Law, Section 807.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

**Resolution by the Town Board of the Town of Lake George
To Set a Public Hearing for Local Law 1-2019, amendments to Town
Code Ch. 175-52**

Resolution #58-2019, Introduced by Councilperson Hurley and seconded by Councilperson Crocitto.

WHEREAS, the Lake George Planning and Zoning Office has been working on new amendments to the recently amended Town Code Chapter 175-52 Tourist Accommodations and Residential Rentals;

WHEREAS, the Town Board of Lake George prefers to hold a public hearing on the proposed Town Code amendment and will pass this resolution to fix the time and place of said public hearing;

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of Lake George agrees to set the date for the public hearing for the proposed Town Code amendments to Chapter 175-52 Tourist Accommodations and Residential Rentals, for 6:15 pm on May 13, 2019, prior to the regular Town Board meeting.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

APPROVAL OF MINUTES

A motion was made by Councilperson Crocitto and seconded by Councilperson Hurley to approve the minutes of March 11, 2019.

All in favor.

Motion carried.

DISCUSSION OF ASSESSOR HOURS

RESOLUTION #59-2019, Introduced by Councilperson Muratori and seconded by Councilperson Crocitto.

RESOLVED, the Assessor's Office will be Monday, Wednesday, Thursday and Friday from 8:30 a.m. to 6:30 p.m., on a six month trial basis.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

NOTICE OF SPRING CLEAN UP

NOTICE

TOWN OF LAKE GEORGE CLEAN-UP

APRIL 22, 2019 TO MAY 24, 2019

There will be a "SPRING Clean Up" pick up by the Highway Dept.

Leaves do NOT have to be bagged but must be free of stones, rocks, and debris and will not be picked up if they contain these items.

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

Brush must be tied in bundles so that one man can handle them and

no longer than eight foot and no more than 3 inches in diameter.

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

THERE WILL BE NO ROADSIDE PICK UP OF ABOVE DEBRIS AFTER

MAY 25, 2019

THERE WILL BE NO ROADSIDE PICK UP ON LAKESHORE DR OR STATE RT 9L

Leaves and brush may be taken to Transfer Station, Transfer Rd. Lake George

by resident after MAY 24, 2019

Thank You

Dan Davis, Highway Supt.

Town of Lake George

**Resolution by the Town Board of the Town of Lake George to
Approve CSD Phase II Payment App #3 from KPI**

Resolution #60-2019, Introduced by Councilperson Hurley and seconded by Councilperson Crocitto.

WHEREAS, the Town of Lake George (the "Town") in 2018 had entered into an agreement with contractor "Kenyon Pipeline Inspection" (KPI) for the Caldwell Sewer District Phase II remediation project,

WHEREAS, the contractor KPI has completed some work on the remediation project since the finalization and approval of Pay App #2 in February 2019 on same,

WHEREAS, the first payment request from KPI in January 2019 was for the amount of \$23,750 for partial completion of services on the remediation project,

WHEREAS, the second payment request from KPI in February 2019 was for the amount of \$176,021.32 for substantial completion of services on the remediation project;

WHEREAS, the third payment request from KPI in April 2019 is for the amount of \$7,125 for partial completion of services on the remediation project and the project engineer Chazen has completed an analysis of the third Pay App and has given their sign-off for Town Board approval;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Lake George approved KPI Pay App #3 for the CSD Phase II remediation project in the amount of \$7,125 and authorizes the Town Supervisor to sign the Pay App and authorizes the Town Comptroller to pay the contractor KPI for Pay App #3.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

Resolution by the Town Board of the Town of Lake George to appoint new Zoning Board member: Kris Erceg

Resolution #61-2019, Introduced by Councilperson Muratori and seconded by Councilperson Hurley.

WHEREAS, the Town of Lake George (the "Town") hosts a five-person Zoning Board of Appeals (ZBA) and currently has one (1) vacancy on the Board,

WHEREAS, the Town has inquired to the community at large for possible ZBA membership and has received application from Kris Erceg,

WHEREAS, the Town believes Kris Erceg to be well suited for ZBA membership and the Planning and Zoning Commissioner and Director of Planning and Zoning also believe he will be a good addition to the ZBA and are supporting his appointment to the ZBA;

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Lake George approves the appointment of Kris Erceg as a full member of the Town's Zoning Board of Appeals starting immediately and lasting for 5 year terms, until the end of calendar year 2023.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

Resolution by the Town Board of the Town of Lake George to sign the Opt-In letter for the National Grid Streetlight Conversion Program

Resolution #62-2019, Introduced by Councilperson Hurley and seconded by Councilperson Crocitto.

WHEREAS, a proposal from National Grid to enter the Town of Lake George into their LED streetlight conversion program was sent to the Town Supervisor, and;

WHEREAS, converting to LED fixtures for the Town's street lighting would not only reduce costs and increase the life-span of the streetlights, it would also reduce the Town's Carbon footprint and help the Town achieve another goal of retrofitting all streetlights to LED,

WHEREAS, these conversations are eligible at this time by National Grid at no cost to the Town and does not require a contract or payment, just a response to the "opt-in" request;

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lake George, NY authorizes the Town Supervisor to sign the "opt-in" request letter on behalf of the Town of Lake George to authorize National Grid to enter the Town into the LED streetlight conversion program.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	3	Hurley, Crocitto, Dickinson
NAYES:	0	
ABSENT:	1	Stannard
ABSTAIN	1	Muratori

Motion carried.

Dan Barusch gave the Planning and Zoning Office Report. A copy of this report is on file for review.

RESOLUTION LANDFILL TAX 2019

This item will be tabled for further information.

RESOLUTION – INTERNAL CONTROL POLICY – MARY McKRELL

RESOLUTION #63-2019, Introduced by Councilperson Crocitto and seconded by Councilperson Hurley to adopt the proposed Internal Control Policy.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

RESOLUTION – BUDGET TRANSFERS

RESOLUTION #64-2019, Introduced by Councilperson Crocitto and seconded by Councilperson Muratori to approve the following budget transfer:

\$5,000 from A1990.4 Special Items A Contractual to A1320.400 Audit CE for 2017 Audit /Review Lutz, Selig & Zeronda.

Duly adopted this 8th day of April 2019, by the following vote:

AYES:	4	Hurley, Crocitto, Dickinson, Muratori
NAYES:	0	
ABSENT:	1	Stannard

Motion carried.

LAKE GEORGE AMERICAN LEGION MEMORIAL DAY PARADE FUNDING

This item will be tabled for further information.

COMMITTEE REPORTS

Councilperson Crocitto -

The AUD Report was sent into the State last year and came back with two pages of questions. This year, the AUD was sent in and there was one question received back. KUDOS to Jenn Farrell for doing an outstanding job on this report.

Nancy Earl will be retiring 04/30/2019. Becky Coon will be retiring 04/30/2019 and Dan Davis, Highway Superintendent will be retiring 04/30/2019. We wish all three much luck in their retirement.

Caldwell Sewer District – The Village spent 40 man hours checking the stations and performing daily maintenance. 2 hours were spent on exercising valves in the upper and lower stations. March 18th received a call from Dan Barusch reporting that he could smell sewer and it looked like it was coming out of a manhole. The sewer department was immediately notified and responded to the incident with a vac truck and began to jet and clean the line. The blockage was cleared and normal service was restored.

Councilperson Hurley –

Diamond Point Water – Testing all came out good. They hooked up the back-up chlorinator. The flows were way down from last year. The month of March was 864,990 gallons and last year it was 1,884,960 gallons.

Councilperson Muratori -

Building and Grounds – They are now placing cameras the Town properties. The Town Office will be done and also looking into placing cameras at Usher Beach and Diamond Point Beach.

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

All in favor.

Motion carried.

Respectfully submitted,

Deb Foley, RMC
Town Clerk

Minutes typed by Patty Schuster