

TOWN OF LAKE LUZERNE
TOWN BOARD MEETING
OCTOBER 13, 2009

MEETING CALLED TO ORDER AT 7:00 PM BY SUPERVISOR MERLINO WITH THE FOLLOWING QUORUM PRESENT: COUNCILMAN MCLAIN, COUNCILMAN SHIEL, COUNCILMAN DIEHL, SUPERVISOR MERLINO. ALSO PRESENT: ATTORNEY RUSSELL THARP JR. ABSENT: COUNCILMAN WATERHOUSE, HIGHWAY SUPERINTENDENT CLUTE, ZEO SAHEIM.

SUPERVISOR MERLINO STATED THERE WERE NO BIDS RECEIVED FOR THE SALE OF THE FORMER TOWN COURTHOUSE BUILDING BUT HAS RECEIVED INTEREST REGARDING LEASING.

FLOOR OPEN TO THE PUBLIC:

JOE HANLON – LAKE AVENUE - STATED THAT THE FIRE COMMISSIONER MEETING WILL BE HELD ON THURSDAY EVENING AT 6:30 AND THAT THE NEW COMMISSIONERS APPOINTED SHOULD TRY TO ATTEND THIS MEETING AS THE BUDGET WILL BE THE TOPIC OF DISCUSSION. ALSO, ATTORNEY THARP IS WAITING TO HEAR FROM TERRY HANNIGAN.

JAMES MANDLE – LAKE SHORE ROAD - GAVE A PRELIMINARY PRESENTATION REGARDING ACC USING THE OLD TOWN HALL TO HOLD CLASSES AND POSSIBLY USE AS CAMPUS FOR THEIR OUTDOOR RECREATION CLASSES AND SUGGESTED THAT THE BOARD SUBMIT A LETTER IN SUPPORT FOR A ONE YEAR TRIAL AND THE TOWN RECEIVE A MINIMAL AMOUNT OF RENT AND ACC WOULD PAY ALL UTILITIES RATHER THAN LET THE BUILDING SIT.

RESOLUTION # 99 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN SHIEL TO APPROVE THE MINUTES OF SEPTEMBER 14, SEPTEMBER 18, AND OCTOBER 8. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE AND SUPERVISOR MERLINO, AYE

RESOLUTION # 100 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED COUNCILMAN DIEHL TO APPROVE VOUCHERS FOR PAYMENT AS PRESENTED. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE AND SUPERVISOR MERLINO, AYE.

REPORTS:

DEPUTY TOWN CLERK READ CORRESPONDENCE FROM THE HISTORICAL SOCIETY AND THE LIBRARY THANKING THE TOWN FOR THEIR SUPPORT.

COUNCILMAN MCLAIN - LET EVERYONE KNOW THAT THE LIONS CLUB IS COLLECTING FOOD FOR THE NEEDY AND THERE WILL BE A DROP BOX IN THE TOWN CLERK'S LOBBY THRU OCTOBER 23RD. ALSO A COUPLE OF WEEKENDS AGO THE LIONS AND LIONESS' PICKED UP GARBAGE ON RT 9N AND DID A VERY GOOD JOB AND WILL WORK ON GLENS FALLS MT. ROAD IN THE NEXT WEEK OR SO. COUNCILMAN MCLAIN ALSO REPORTED THAT ACCORDING TO A PROPOSAL FROM TIME WARNER, WE COULD SAVE \$300 A MONTH ON SERVICE FOR THE TOWN OFFICES, THIS WOULD NOT INCLUDE THE HIGHWAY GARAGE, TRANSFER STATION OR PARK AND RECREATION DEPARTMENTS. ALSO, A REPRESENTATIVE FROM TIME WARNER GAVE A PRESENTATION ON A DIGITAL PHONE SYSTEM THAT WOULD SAVE \$300 A MONTH PLUS A SMALL DISCOUNT ON INTERNET. THIS WILL HAVE A BATTERY BACK UP UNIT, THIS DOES NOT INCLUDE THE HIGHWAY GARAGE, TRANSFER STATION OR PARKS AND RECREATION. WE WOULD BE KEEPING THE SAME PHONE NUMBER.

COUNCILMAN SHIEL – SPOKE ABOUT THE VACANCIES ON THE ZBA. INTERVIEWS WERE HELD AND SUGGESTED DONALD BURNHAM AND KATHLEEN HURLY FOR APPOINTMENT.

RESOLUTION # 101 OF 2009- RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN MCLAIN TO APPOINT DONALD BURNHAM TO THE ZONING BOARD OF APPEALS FILLING A VACANCY LEFT BY THE RESIGNATION OF ROBERT FORTE AND TO APPOINT KATHLEEN HURLEY AS AN ALTERNATE. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE AND SUPERVISOR MERLINO, AYE.

COUNCILMAN SHIEL ALSO REPORTED THAT THE MASTER PLAN COMMITTEE IS PRETTY WELL DONE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE UPDATE. OUR CONSULTANT HAS COME UP WITH A PLAN FOR ADOPTION THAT COUNCILMAN SHIEL FEELS IS PRETTY AMBITIOUS AND PROPOSES TO HAVE IT ALL DONE BY THE FIRST PART OF DECEMBER, THERE IS A LOT OF WORK TO BE DONE IN THAT SHORT PERIOD OF TIME. IN ADDITION SUMMER RESIDENTS WHO OWN A LOT OF PROPERTY IN TOWN WOULD NOT BE TO ATTEND THE PUBLIC HEARING. HE WOULD LIKE TO HOLD OFF UNTIL LATE SPRING OR EARLY SUMMER TO HAVE THE PUBLIC HEARING WHEN MOST RESIDENTS ARE HERE. HE THINKS IT WOULD BE BEST TO CONTINUE WITH THE SEQR PROCESS AND DECLARE TOWN AS LEAD AGENCY AND CONTINUE WITH THE REST IN MAY OR JUNE.

COUNCILMAN MCLAIN ASKED IF WE NEED A RESOLUTION REGARDING LEAD AGENCY

RESOLUTION # 102 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL:

WHEREAS: 6NYCRR PART 617 OF THE STATE ENVIRONMENTAL QUALITY REVIEW LAW REQUIRES THAT A LEAD AGENCY BE ESTABLISHED FOR CONDUCTING ENVIRONMENTAL REVIEW OF PROJECTS IN ACCORDANCE WITH LOCAL AND STATE ENVIRONMENTAL LAW, AND

WHEREAS: STATE LAW SPECIFIES THAT FOR ACTIONS GOVERNED BY LOCAL ENVIRONMENTAL REVIEW, THE LEAD AGENCY SHALL BE THAT LOCAL AGENCY WHICH IS PRIMARY RESPONSIBILITY FOR APPROVING AND FUNDING OR CARRYING OUT THE ACTION, AND

WHEREAS: TOWN OF LAKE LUZERNE BOARD IS CONSIDERING THE ADOPTION OF A NEW COMPREHENSIVE PLAN AND ZONING CODE FOR THE TOWN AND,

WHEREAS: THIS IS A TYPE I ACTION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQRA) WHICH REQUIRES REVIEW,

NOW THEREFORE BE IT RESOLVED: THAT THE TOWN BOARD OF THE TOWN OF LAKE LUZERNE IS, BY WAY OF THIS RESOLUTION, DECLARING ITS INTENT TO ACT AS LEAD AGENCY IN ENVIRONMENTAL REVIEW FOR THE PROPOSED ADOPTION OF THE TOWN OF LAKE LUZERNE COMPREHENSIVE PLAN AND ZONING CODE. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE AND SUPERVISOR MERLINO, AYE.

COUNCILMAN SHIEL FELT THAT AT THIS TIME WE COULD ALSO DISMISS THE COMMITTEE AND THANK THEM FOR ALL THE WORK THAT WENT INTO THE PLAN. IT WAS MONTHS OF WORK AND IT WAS A GOOD JOB.

SUPERVISOR FELT IS WAS WISE TO WAIT FOR ALL THE RESIDENTS TO BE ABLE TO VOICE THEIR CONCERNS AT THE PUBLIC HEARING.

COUNCILMAN DIEHL - REGARDING EMS – WE HAD FOUR APPLICANTS FOR COMMISSIONERS FOR EMS. ALL CAME TO ME VOLUNTEERING THEIR TIME AND SERVICES, THREE ARE NEEDED. WE ARE PROPOSING ARNOLD ALBERT, ROGER NELLIGAN AND JACK FAZIO FOR APPOINTMENT.

RESOLUTION # 103 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN SHIEL TO APPOINT ARNOLD ALBERT, ROGER NELLIGAN AND JACK FAZIO TO THE BOARD OF COMMISSIONERS OF THE LUZERNE-HADLEY VOLUNTEER EMS SQUAD

EFFECTIVE IMMEDIATELY. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE AND SUPERVISOR MERLINO, AYE.

SUPERVISOR MERLINO – FINISHED WORKSHOPS ON TENTATIVE BUDGET. PUBLIC HEARING NEEDS TO BE HELD ON PRELIMINARY BUDGET. THE BUDGET IS \$5,106.00 LESS IN THE AMOUNT TO BE RAISED BY TAXES THAN LAST YEAR. THE FIRE DEPT DID A GREAT JOB TO KEEP THEIR BUDGET THE SAME. THE TOWN BOARD HAS DONE A GOOD JOB ON THE TOWN BUDGET.

RESOLUTION #104 OF 2009 – RESOLVED UPON A MOTION BY SUPERVISOR MERLINO, SECONDED BY COUNCILMAN MCLAIN TO SCHEDULE A PUBLIC HEARING ON THE PRELIMINARY BUDGET TO BE HELD AT THE NOVEMBER 9TH TOWN BOARD MEETING. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE AND SUPERVISOR MERLINO, AYE.

COPIES OF THE BUDGET WILL BE AVAILABLE IN THE TOWN CLERK’S OFFICE AND MAY BE PICKED UP MONDAY – FRIDAY, 9 AM – 4 PM.

SUPERVISOR MERLINO COMMENDED THE HIGHWAY SUPERINTENDENT AND THE PARKS AND RECREATION DEPARTMENT ON HOW WELL THEY DID WITH THEIR BUDGETS AS WELL AS THE FIRE DEPT. AND EMS KEEPING THEIR BUDGETS LEVEL. WE ARE GIVING A 3% RAISE TO EVERYONE AND OUR BUDGET IS STILL DOWN \$5106.

HIGHWAY DEPT NEEDS A NEW TRUCK. JANUARY 2010 IS THE TARGET DATE TO GET A TRUCK, WHICH WOULD BE BONDED WITH FIRST PAYMENT DUE IN THE JANUARY 2011 BUDGET. A PORTION OF HIS HIGHWAY BUDGET BALANCE WILL GO TOWARD THIS TRUCK. THIS IS THE LAST YEAR OF PAYMENTS ON THE VOLVO TRUCK, SO THAT PAYMENT CAN BE ROLLED INTO THE PAYMENT ON A NEW TRUCK SO THE PURCHASE WON’T AFFECT NEXT YEARS BUDGET.

RESOLUTION # 105 – RESOLVED UPON A MOTION BY SUPERVISOR MERLINO, SECONDED BY COUNCILMAN MCLAIN TO AUTHORIZE HIGHWAY SUPERINTENDENT DAN CLUTE TO SIGN A STATE CONTRACT IN THE AMOUNT OF \$180,000 TO PURCHASE A NEW TRUCK. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AND SUPERVISOR MERLINO, AYE.

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RESOLUTION #106 – RESOLVED UPON A MOTION BY SUPERVISOR MERLINO, SECONDED BY COUNCILMAN MCLAIN, TO ADVERTISE THE COURT HOUSE BUILDING WITH A PICTURE IN THE POST STAR REAL ESTATE SECTION FOR SALE OR LEASE WAS MADE BY SUPERVISOR MERLINO, SECONDED BY COUNCILMAN MCLAIN. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

BOARD MEMBERS FEEL THAT ALL REASONABLE OFFERS SHOULD BE CONSIDERED. ATTORNEY THARP WILL WRITE UP THE LEASE AGREEMENT TO BE USED IN THE EVENT THE BUILDING IS LEASED.



SUPERVISOR MERLINO WE APPLIED FOR A \$200,000 GRANT FOR SIDEWALKS AND STREET LIGHTING, WE RECEIVED NOTIFICATION THAT WE ARE GOING TO RECEIVE \$101,480.80 AND WE WILL HAVE TO MATCH 20% WITH IN KIND SERVICES.

RESOLUTION #107 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO ACCEPT THE GRANT FOR SIDEWALKS AND STREET LIGHTING FROM HYLAND DRIVE TO THE AMERICAN LEGION. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

OLD BUSINESS:

A REPRESENTATIVE FROM NYS CAME TO THE SEPTEMBER MEETING AND GAVE A PRESENTATION IN REGARD TO OFFERING A DEFERRED COMPENSATION PLAN, THIS PLAN COULD BE OFFERED TO ALL EMPLOYEES.

RESOLUTION # 108 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL

WHEREAS, THE TOWN OF LAKE LUZERNE WISHES TO ADOPT THE DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF THE STATE OF NEW YORK AND OTHER PARTICIPATING PUBLIC JURISDICTION (THE “PLAN”) FOR VOLUNTARY PARTICIPATION OF ALL ELIGIBLE EMPLOYEES; AND

WHEREAS, THE TOWN OF LAKE LUZERNE IS A LOCAL PUBLIC EMPLOYER ELIGIBLE TO ADOPT THE PLAN PURSUANT TO SECTION 5 OF THE STATE FINANCE LAW;AND

WHEREAS, THE TOWN OF LAKE LUZERNE HAS REVIEWED THE PLAN ESTABLISHED IN ACCORDANCE WITH SECTION 457 OF THE INTERNAL REVENUE CODE AND SECTION 5 OF THE STATE FINANCE LAW OF THE STATE OF NEW YORK; AND

WHEREAS, THE PURPOSE OF THE PLAN IS TO ENCOURAGE EMPLOYEES TO MAKE AND CONTINUE CAREERS WITH THE TOWN OF LAKE LUZERNE BY PROVIDING ELIGIBLE EMPLOYEES WITH A CONVENIENT AND TAX-FAVORED METHOD OF SAVING ON A REGULAR AND LONG-TERM BASIS AND THEREBY PROVIDE FOR THEIR RETIREMENT;

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, THAT THE TOWN OF LAKE LUZERNE HEREBY ADOPTS THE PLAN FOR THE VOLUNTARY PARTICIPATION OF ALL ELIGIBLE EMPLOYEES; AND IT IS FURTHER

RESOLVED, THAT THE APPROPRIATE OFFICIALS OF THE TOWN OF LAKE LUZERNE ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND ENTER SUCH AGREEMENTS AS ARE REQUIRED OR NECESSARY FOR THE ADOPTION, IMPLEMENTATION, AND MAINTENANCE OF THE PLAN; AND IT IS FURTHER

RESOLVED, THAT THE ADMINISTRATIVE SERVICES AGENCY IS HEREBY AUTHORIZED TO FILE COPIES OF THESE RESOLUTIONS AND OTHER REQUIRED DOCUMENTS WITH THE PRESIDENT OF THE STATE OF NEW YORK CIVIL SERVICE COMMISSION.

ADOPTED THE 13TH DAY OF OCTOBER, 2009, AT A MEETING OF THE BOARD.

ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

THE BOARD TABLED A DISCUSSION ON THE ASSESSORS OLD COMPUTER.

FLOOR OPEN TO THE PUBLIC

JIM MANDLE ASKED IF THE MASTER PLAN COMMITTEE WAS GOING TO BE DISSOLVED, AND ALSO IF PARTS OF THE PLAN COULD BE ADOPTED NOW RATHER THAN WAITING IN ORDER TO GET SOME GRANTS. JIM ALSO

FEELS THAT THIS PROCESS SHOULD GO FORWARD NOW RATHER THAN LATER.

COUNCILMAN SHIEL – WE ARE ONLY DECLARING THE INTENT TO BE LEAD AGENCY, THIS WILL TAKE AT LEAST 30 DAYS.

COUNCILMAN MCLAIN – WE NEED TO WAIT FOR THE SEQRA PROCESS TO BE DONE, THIS COULD TAKE A LONG TIME AND ONCE WE RECEIVE THAT BACK WE COULD GO AHEAD AND SET THE DATES.

THE BOARD DISCUSSED THE NEED FOR A NEW CHAIR PERSON FOR THE ZONING BOARD OF APPEALS.

RESOLUTION # 109 – RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY SUPERVISOR MERLINO TO APPOINT STANLEY GOLDBERG AS THE ZONING BOARD OF APPEALS CHAIRMAN. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

FLOOR OPEN TO PUBLIC:

DOUG WOOD – MILL STREET ASKED FOR AN UPDATE ON MT. LUZERNE PROJECT, IN REGARD TO THE ARTICLE IN THE POST STAR. SUPERVISOR MERLINO SPOKE TO THE REPORTER AND HAD A RETRACTION OF THE PORTION OF THE ARTICLE THAT STATED THEY HAD RECEIVED PERMITS. NO PERMITS HAVE BEEN ISSUED AND ATTORNEY THARP ALSO STATED THAT THE ENVIRONMENTAL IMPACT STATEMENT IS ALSO NOT COMPLETE.

BILL EDDY – LAKE AVENUE – ASKED ABOUT THE OLD TOWN HALL AND WHAT THE BOARD THOUGHT THEY MIGHT DO WITH IT, WOULD HATE TO SEE IT JUST SIT THERE EMPTY AS THAT COULD RUN INTO PROBLEMS. SOME OF THE BOARD MEMBERS DO NOT WANT TO SELL IT.

JOE HANLON – LAKE AVENUE – DOESN'T WANT THE BOARD TO REJECT ALL PROPOSALS. MAYBE THE ACC PROPOSAL SHOULD BE CONSIDERED SO THE BUILDING IS NOT LEFT VACANT.

BEVERLY DAFFNER – FOURTH AVENUE – THE WAS A RUN OFF PROBLEM AND THE HIGHWAY SUPERINTENDENT PUT RUBBLE THERE BUT IT DIDN'T SEEM TO HELP THE PROBLEM, AND WOULD LIKE THE SAND ROAD PUT BACK AS THEY ARE AFRAID OF INJURIES, WHEN WALKING IT HURTS YOUR FEET.

RESOLUTION #110 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO ADJOURN THE MEETING

WITH NO FURTHER BUSINESS. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB
DEPUTY TOWN CLERK