

TOWN OF LAKE LUZERNE
EMERGENCY TOWN BOARD MEETING
NOVEMBER 16, 2009

MEETING WAS CALLED TO ORDER AT 2:06 PM BY SUPERVISOR MERLINO WITH THE FOLLOWING MEMBERS PRESENT: COUNCILMAN MCLAIN, COUNCILMAN SHIEL, COUNCILMAN DIEHL . ALSO PRESENT ATTORNEY RUSSELL THARP JR. ABSENT: COUNCILMAN WATERHOUSE

THE PURPOSE OF THIS EMERGENCY IS TO REMEDY A FILING REQUIREMENT IN THE ESTABLISHMENT OF THE AMBULANCE TAXING DISTRICT. THE ORDER HAS TO BE FILED WITHIN 10 DAYS OF THE ADOPTION OF THE RESOLUTION OF THE BOARD. THE ORDER HAS TO BE FILED WITH WARREN COUNTY AND THE STATE OF NEW YORK. THE ORIGINAL ORDER WAS PASSED IN AUGUST, BUT ATTORNEY THARP ADVISED THE BOARD TO CALL THIS SESSION AND RE DO THE PASSAGE OF THE ORDER AND GET IT FILED WITHIN THE 10 DAY REQUIREMENT. THE ORDER WILL ALSO BE RE PUBLISHED IN THE LEGAL NOTICES OF THE POST STAR.

RESOLUTION # 123 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO:

**ADOPT THE FINAL ORDER ESTABLISHING TOWN OF LAKE LUZERNE
AMBULANCE DISTRICT**

WHEREAS, THE TOWN BOARD BY RESOLUTION DATED APRIL 13, 2009 AUTHORIZED THE PREPARATION OF A GENERAL MAP, PLAN AND REPORT CONCERNING THE PROVISION OF EMERGENCY MEDICAL SERVICES IN THE TOWN OF LAKE LUZERNE; AND

WHEREAS, SAID GENERAL MAP, PLAN AND REPORT WERE DULY FILED WITH THE OFFICE OF THE LAKE LUZERNE TOWN CLERK ON MAY 4, 2009; AND

WHEREAS, THE TOWN BOARD BY RESOLUTION DATED MAY 11, 2009 ADOPTED AND ACCEPTED THE GENERAL MAP, PLAN AND REPORT ON FILE WITH THE TOWN CLERK AND FURTHER MADE ALL NECESSARY PROVISIONS AS REQUIRED BY TOWN LAW CONCERNING THE ESTABLISHMENT OF SAID AMBULANCE DISTRICT AND FURTHER SET THE DATE OF JUNE 8, 2009 AS THE DATE FOR THE PUBIC HEARING CONCERNING THE ESTABLISHMENT OF SAID DISTRICT AS REQUIRED BY TOWN LAW; AND

WHEREAS, THE PUBLIC NOTICE OF SAID PUBLIC HEARING WAS DULY PUBLISHED BY THE TOWN CLERK AS REQUIRED BY TOWN LAW; AND WHEREAS, THE PUBLIC HEARING WAS DULY HELD BY THE TOWN BOARD ON JUNE 8, 2009 AND WAS COMPLETED ON SAID DATE AND;

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WHEREAS, THE TOWN BOARD PASSED RESOLUTION NUMBER 59 OF 2009 ESTABLISHING THE AMBULANCE DISTRICT; AND
WHEREAS, THE CLERK HAS FILED WITH THE COUNTY CLERK ON JULY 21, 2009 HER CERTIFICATE PURSUANT TO SECTION 209-E(4) OF THE TOWN LAW THAT NO PETITIONS WERE FILED REQUESTING A REFERENDUM CONCERNING RESOLUTION NUMBER 59 OF 2009 ESTABLISHING THE AMBULANCE DISTRICT; AND
NOW THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF LAKE LUZERNE PURSUANT TO TOWN LAW 209 THAT THE AMBULANCE DISTRICT DESCRIBED IN THE AFORESAID RESOLUTION IS HEREBY ESTABLISHED IN THE TOWN OF LAKE LUZERNE.
ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, COUNCILMAN SHIEL, AYE, SUPERVISOR MERLINO, AYE.
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ALSO DISCUSSED WAS THE FACT THAT ATTORNEY THARP HAS HAD NO REPLY TO HIS LETTERS SENT TO ATTORNEY HANNIGAN OR THE ATTORNEY FOR THE TOWN OF HADLEY. SENT A ROUGH DRAFT OF AN INTERMUNICIPAL AGREEMENT BETWEEN THE TWO TOWNS AND HAS HAD NO RESPONSE TO THAT. SOMEONE FROM WARREN COUNTY CALLED SARATOGA COUNTY TO ASK ABOUT HADLEY AND THE FILING ISSUES AND WAS TOLD THEY DIDN'T KNOW WHAT THEY WERE TALKING ABOUT.

SUPERVISOR WILL CONTACT HADLEY SUPERVISOR TO SEE IF THEY HAVE FILED THEIR PAPERWORK .

AT THIS POINT IF THE TIME CONSTRAINTS ARE TOO NARROW TO PUT A SEPARATE TAXING DISTRICT LEVY LINE ON THE BILLS, THE BUDGETED MONEY WILL GO TO THE FIRE TAXING DISTRICT. IF ALL GOES THROUGH, IT WILL GO TO THE AMBULANCE DISTRICT.

ATTORNEY THARP ALSO ADVISED THAT IF THE CORPORATION DOES NOT YET EXIST, IT CAN'T RECEIVE THE DESIGNATION FROM THE FIRE DISTRICT TO RUN THE AMBULANCE. SO IT HAS TO BE IN EXISTENCE, ORGANIZED AND RECEIVE THE DESIGNATION TO OPERATE, THEN THE TOWN BOARDS OF HADLEY AND LAKE LUZERNE THEN HAVE TO PASS REGULATIONS, RULES, SETTING THE CHARGES. IT ALSO SAYS NO RESIDENT OF LAKE LUZERNE HAS TO DO A CO-PAY . YOU ALSO HAVE TO AGREE ON THE BILLING PROCEDURES AND WHO IS GOING TO DO THE COLLECTIONS. THE AMBULANCE DISTRICT WILL DO IT. THE MONEY COLLECTED IS ACTUALLY TOWN MONEY PER THE COMPTROLLER'S

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OFFICE. YOU CAN AUTHORIZE THEM TO COLLECT AND HOLD IT BUT YOU HAVE TO HAVE AUDIT CONTROL AND HADLEY WILL HAVE TO DO THE SAME.

SUPERVISOR - AT DIFFERENT MEETINGS ALL THESE THINGS HAVE BEEN DISCUSSED. HE SAID HE IS PRETTY CONFIDENT ABOUT IT. THE ATTORNEY FOR THE FIRE DISTRICT SAID THAT THIS MIGHT NOT GO INTO EFFECT UNTIL FEB OR MAYBE MARCH. THEREFORE, ANY MONEY COLLECTED BY THE FIRE DISTRICT WOULD HAVE TO BE DESIGNATED TO RUN THE AMBULANCE. THE BILLS SENT IN JANUARY WILL REFLECT THE ENTIRE BUDGET ON THE FIRE DISTRICT LINE. THEN THE FIRE DISTRICT WILL WRITE A CHECK TO THE DISTRICT.

ATTORNEY THARP – THAT IS WHY THE PROPOSED AGREEMENT IS BETWEEN THE TWO DISTRICTS AND THE TWO TOWNS, TO COVER EVERYTHING.

SUPERVISOR MERLINO THOUGHT ATTORNEY HANNIGAN WAS GOING TO TAKE CARE OF THE FILING?

ATTORNEY THARP SAID THIS FILING WAS NOT INCLUDED IN HIS LIST OF INSTRUCTIONS. THIS DOES GET COMPLICATED.

CLERK WILL MAIL THIS RESOLUTION TO THE POST STAR TODAY. AS WELL AS COUNTY CLERK AND NEW YORK STATE.

THERE IS A WORKSHOP SCHEDULED WITH THE FOOD PANTRY ON WEDNESDAY AT 1:00 PM.

MEETING ADJOURNED AT 2:45 UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, TOWN CLERK