

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
DECEMBER 3, 2009

MEETING CALLED TO ORDER AT 7:00 PM WITH THE FOLLOWING MEMBERS PRESENT: COUNCILMAN MCLAIN, COUNCILMAN SHIEL, COUNCILMAN DIEHL. ALSO PRESENT: ATTORNEY RUSSELL THARP, JR. ABSENT: COUNCILMAN WATERHOUSE, ZEO SAHEIM AND HIGHWAY SUPT CLUTE.

FLOOR OPEN TO PUBLIC:

JOE COTTOGIO – ASKED FOR AN UPDATE FROM THE BOARD REGARDING RESEARCH ON LAW PASSED IN COLONIE REQUIRING THE LOCAL LICENSING OF MOTEL AND HOTEL BUSINESSES THAT HOUSE SEX OFFENDERS PLACED BY A GOVERNMENT AUTHORITY. THE ATTORNEY FOR THE TOWN OF COLONIE ADVISED MR. COTTOGIO THAT MANY TOWNS HAVE CONTACTED HIM REGARDING THEIR ACTION.

ATTORNEY THARP ADVISED HE WAS NOT ABLE TO CONTACT THE ATTORNEY IN COLONIE BUT THAT HE REVIEWED CASE LAW IN OTHER CITIES THAT WERE CHALLENGED FOR VARIOUS REGULATING TACTICS.

MR. COTTOGIO – THIS IS THE REGULATION OF COMMERCE NOT INDIVIDUALS.

SUPERVISOR – SPOKE TO OWNERS OF THE DAVERN DR. PROPERTY WHO SAID THE TENANT IS PAID UNTIL DEC 11.

STAN GOLDBERG – THERE ARE 6 OR 7 REGISTERED SEX OFFENDERS IN TOWN. WOULD THERE BE A CONSTITUTIONAL AMOUNT OF TIME TO ADAPT TO A NEW LAW.

FLOOR CLOSED:

RESOLUTION #124 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO ACCEPT THE MINUTES OF MEETINGS HELD NOVEMBER 9TH AND NOVEMBER 16TH. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 125 of 2009 - RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN MCLAIN TO PAY THE MONTHLY BILLS AS PRESENTED IN ABSTRACT #12: ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

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ABSTRACT #12 of 2009 TOTALS FOR CLAIMS NOS. #9768-#9856 :

GENERAL FUND:	\$20,703.54
HIGHWAY FUND:	5,184.09
LK LUZERNE WATER	4,037.76
HUDSON GROVE WATER	8,454.75
STREET LIGHTS	2,874.67

RESOLUTION # 126 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN, TO AMEND THE SUMMARY PAGE OF THE 2010 BUDGET IN THE FIRE/EMS LINE BY AN ADDITIONAL \$16,083.90 WHICH WILL INCREASE THE BOTTOM LINE TO READ: \$1698267.90.

DISCUSSION : THIS ERROR OCCURRED IN THE PERCENTAGE FIGURES SUBMITTED BY THE FIRE DISTRICT FOR INCLUSION IN THE BUDGET.
ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

REPORTS:

ATTORNEY RUSSELL THARP, JR. :

- ADVISED OF AN ARTICLE IN THE ASSOCIATION OF TOWNS MAGAZINE, REGARDING THE ENFORCEMENT OF ZONING LAWS PROVIDING THAT THE ATTORNEY FOR THE TOWN PROSECUTING VIOLATIONS OF THE ZONING LAWS. HOWEVER, THIS AUTHORITY IS GRANTED BY DISTRICT ATTORNEY. HE IS SPEAKING TO THE DISTRICT ATTORNEY FOR FURTHER GUIDANCE . THE ARTICLE PUT TOWNS ON ALERT TO THE CHALLENGES TO THE ENFORCEMENT OF ZONING LAWS.
- ATTORNEY REVIEWED THE CEMETERY DEEDS AND SENT THEM TO COUNCILMAN DIEHL. HAS NOT YET FOUND OUT HOW THE ASSOCIATION IS ORGANIZED

TOWN CLERK: CYNTHIA SHERWOOD

- PER DIRECTION OF AUDIT AND CONTROL, CLERK NOTED FOR THE RECORD THAT THE NOVEMBER MONTHLY REPORT TO THE SUPERVISOR HAS BEEN FILED AND COPIED TO THE TOWN BOARD FOR THEIR REVIEW AT THIS MEETING.

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- NOTED RECEIPT OF A LETTER FROM DEPT OF TRANSPORTATION REGARDING THE RECONSTRUCTION OF THE BRIDGE OVER 9N DECLARING A NEGATIVE IMPACT ON THE LAND OR THE NEIGHBORS, ETC. .
- READ THANK YOU NOTE FROM MRS. EICHORN REGARDING “MAKING THE CONNECTION” SIDEWALK GRANT.
- READ NOTE FROM HISTORICAL SOCIETY ASKING THAT THE BOARD INSPECT THE TANNERY CHIMNEY.
- CLERK REVIEWED THE RESULTS OF A BID OPENING TODAY AT 1:00 PM: THERE WERE TWO BIDS FOR PURCHASE AND ONE FOR LEASE. JASON TRACKEY \$84,500 AND ELLEN STANOVITCH \$116,000 WITH CONDITIONS, THOSE HAVE BEEN GIVEN TO ATTORNEY THARP FOR REVIEW. MS. STANOVITCH ALSO BID AN OFFER TO LEASE AT \$875 PER MONTH PLUS UTILITIES ALSO GIVEN TO THE ATTORNEY FOR REVIEW.

SUPERVISOR REPORT: EUGENE MERLINO

- DISCUSSION REGARDING CONTRACTS FOR WORK IN THE SENIOR CENTER AS REQUIRED UNDER THE GRANT PROJECT TO BE ACCEPTED BY RESOLUTION OF THE BOARD.

RESOLUTION # 127 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL AWARDDING BID IN THE AMOUNT AND AUTHORIZING AGREEMENT BETWEEN THE TOWN OF LAKE LUZERNE AND NEW YORK FIRE AND SECURITY FOR PURCHASE, DELIVERY AND INSTALLATION OF FIRE ALARMS AT THE TOWN OF LAKE LUZERNE COMMUNITY CENTER IN THE AMOUNT OF \$9,500.00. (WC60-90) PLANNING & COMMUNITY DEVELOPMENT. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 128 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL AWARDDING BID AND AUTHORIZING AGREEMENT BETWEEN THE TOWN OF LAKE LUZERNE AND GLOBAL COMMUNICATION SYSTEMS, INC. FOR PURCHASE DELIVERY AND INSTALLATION OF PHONE SYSTEM AT THE TOWN OF LAKE

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LUZERNE COMMUNITY CENTER IN THE AMOUNT OF \$3,399.99(WC 60-09)
PLANNING & COMMUNITY DEVELOPMENT . ROLL CALL VOTE:
COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN
DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 129 OF 2009 – RESOLVED UPON A MOTION BY
COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO AWARD
BID AUTHORIZING AGREEMENT BETWEEN THE TOWN OF LAKE LUZERNE
AND NORTHEAST FIRE PROTECTION FOR PURCHASE DELIVERY AND
INSTALLATION OF A SPRINKLER SYSTEM AT THE TOWN OF LAKE LUZERNE
COMMUNITY CENTER IN THE AMOUNT OF \$16,600.00.(WC 60-09) PLANNING
& COMMUNITY DEVELOPMENT. ROLL CALL VOTE: COUNCILMAN
MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE,
SUPERVISOR MERLINO, AYE.

RESOLUTION # 130 OF 2009 – RESOLVED UPON A MOTION BY
COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL TO AWARD BID
AND AUTHORIZING AGREEMENT BETWEEN THE TOWN OF LAKE LUZERNE
AND HIGHLAND HEATING & COOLING, INC. FOR PURCHASE DELIVERY AND
INSTALLATION OF A HEATING & COOLING SYSTEM AT THE TOWN OF LAKE
LUZERNE COMMUNITY CENTER IN THE AMOUNT OF \$47,280.00. (WC 60-09)
PLANNING AND COMMUNITY DEVELOPMENT. ROLL CALL VOTE:
COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN
DIEHL, AYE, SUPERVISOR MERLINO, AYE.

SUPERVISOR ADVISED THAT A RECENT CHECK OF 2 FURNACES AT THE
HIGHWAY GARAGE FOUND THE FIRE BOXES ARE NOT GOOD . THEY ARE
BOTH IN NEED OF REPAIR IN THE AMOUNT OF \$1,700.00

RESOLUTION # 131 OF 2009 – RESOLVED UPON A MOTION BY
COUNCILMAN SHIEL, SECONDED BY COUNCILMAN MCLAIN TO REPAIR
BOTH FURNACES AT THE TOWNER ROAD HIGHWAY GARAGE. ROLL CALL
VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE,
COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 132 OF 2009 - RESOLVED UPON A MOTION BY
COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO
AUTHORIZE SUPERVISOR TO SIGN RENEWAL CONTRACT WITH STANDARD
MEDICAL SERVICES FOR DRUG AND ALCOHOL TESTING FOR 2010. ROLL

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

RESOLUTION # 133 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL TO ENTER INTO CONTRACT WITH WARREN COUNTY FOR THE YEAR 2010 FOR SNOW AND ICE REMOVAL AND MOWING OF CERTAIN COUNTY ROADS. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION #134 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL TO: REAPPOINT CAROLYN DINGMAN AS MEMBER OF THE BOARD OF ASSESSMENT REVIEW FOR A 5 YEAR TERM. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 135 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL

APPROVING AND AUTHORIZING THE IMPLEMENTATION OF A PROGRAM
ON WORKPLACE VIOLENCE PREVENTION FOR THE TOWN OF LAKE
LUZERNE:

WHEREAS, NEW YORK STATE LABOR LAW, SECTION 27(B) AS AMENDED BY THE 2006 NEW YORK STATE LEGISLATURE, NOW REQUIRED THAT PUBLIC EMPLOYERS ARE TO EVALUATE THE SAFETY OF THEIR WORKPLACE AND IMPLEMENT WORKPLACE SAFETY TRAINING FOR ALL EMPLOYEES, NOW THEREFORE,

BE IT RESOLVED THAT THE TOWN BOARD OF LAKE LUZERNE HEREBY APPROVES AND AUTHORIZES THE IMPLEMENTATION OF THE WORKPLACE VIOLENCE PREVENTION PROGRAM FOR THE TOWN OF LAKE LUZERNE PRESENTED AT THIS MEETING WITH A REVIEW OF SAID PROGRAM TO BE MADE ON AN ANNUAL BASIS BY THE TOWN BOARD AND VARIOUS DEPARTMENT HEADS, AND

BE IT FURTHER RESOLVED THAT THE SAID PROGRAM SHALL TAKE EFFECT IMMEDIATELY AND WILL BE DISTRIBUTED TO EVERY TOWN EMPLOYEE FOR THEIR REVIEW.

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

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RESOLUTION #136 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN TO SET A DATE FOR THE YEAR END MEETING IN ORDER TO PAY THE FINAL 2009 BILLS AND ANY OTHER BUSINESS THAT MAY COME BEFORE THE BOARD FOR DECEMBER 29TH AT 7:00 PM. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

FLOOR OPEN TO PUBLIC:

SHORT DISCUSSION REGARDING THE BIDS FOR THE COURTHOUSE.
THE APPRAISAL OF THE BUILDING WAS MUCH HIGHER THAN THE BIDS.

DISCUSSION ON REPAIR OF THE ROUTE 9N BRIDGE. BRIDGE WILL BE BUILT ALONGSIDE THE OTHER ONE.

PAM MORIN – ADVISED THE BOARD THAT SHE WROTE A GRANT APPLICATION TO LARAC FOR FUNDING OF THE SUMMER CONCERT SERIES AND WAS AWARDED \$400.00. THIS AWARD IS \$600 LESS THAN 2008.

THE FOOD PANTRY HAS MADE APPLICATION TO ADD ONTO THEIR CURRENT BUILDING LOCATION.

MEETING IS ADJOURNED AT 8:00 TO A CONTINUANCE ON DECEMBER 29 AT 7:00 PM FOR THE YEAR END MEETING.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, TOWN CLERK