

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
APRIL 13, 2015

SUPERVISOR MERLINO CALLED MEETING TO ORDER AT 7 PM WITH THE FOLLOWING PRESENT: COUNCILMAN TRACKEY, COUNCILMAN CIRILLO, COUNCILMAN MCLAIN, COUNCILMAN WATERHOUSE, ALSO PRESENT: HIGHWAY SUPT. RON DEUEL, ZEO SAHEIM AND ATTORNEY FOR THE TOWN ROBERT REGAN.

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GASTON SIOUI – HOWE RD. DISCUSSION WITH THE BOARD AS TO HIS CONCERN OVER THE POSSIBILITY THAT THE AGREEMENT REACHED WITH MR. RUGGERIO LAST FALL WILL NOT TAKE CARE OF THE ISSUE OF FLIES AND ODOR. ATTORNEY ASSURED HIM THAT THE AGREEMENT REACHED IS AN ENFORCEABLE ONE. MR. SIOUI STATED THAT HE WILL BRING SUIT AGAINST THE TOWN IN THIS MATTER IF HE IS NOT SATISFIED.

DOROTHY LARMON – ROSE AVE.-CONCERNS ABOUT DIRT BIKES AND ALL TERRAIN VEHICLES OPERATING ON THE ROADWAY AND ACROSS PRIVATE PROPERTY. SUPERVISOR WILL SPEAK TO THE SHERRIFF DEPT.

DAVE WOOD – OLD STAGE ROAD. – COMPLAINT REGARDING HOW TRASH AT KOA CAMPGROUND IS HANDLED.

RESOLUTION 50 OF 2015 – RESOLVED UPON A MOTION BY COUNCILMAN WATERHOUSE, SECONDED BY COUNCILMAN MCLAIN, TO ACCEPT WITH REGRETS THE RESIGNATION OF DOG CONTROL OFFICER CONNIE BOUTELLE AS OF APRIL 19TH. . ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

SUPERVISOR RECEIVED A LETTER OF INTEREST FOR THE DCO POSITION FROM A MAN WHO LIVES IN THURMAN WHO ALSO TAKES CARE OF ANOTHER TOWN.

SUPERVISOR SPOKE ABOUT USING THE QUEENSBURY DCO WHO ALSO WORKS WITH SPCA JIM FITZGERALD. HE PRESENTED A PLAN FOR SHARED SERVICES TO THE COUNTY. THERE ARE FOUR PEOPLE WHO WORK WITH HIM. BOARD AGREED WITH THE PLAN.

RESOLUTION 51 OF 2015 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE TO PARTICIPATE IN THE SHARED SERVICES PROGRAM WITH WARREN COUNTY USING JIM FITZGERALD AND HIS WORKERS TO DO THE JOB OF DOG CONTROL OFFICER ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
APRIL 13, 2015

RESOLUTION 52 OF 2015 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN TRACKEY TO PAY BILLS PRESENTED IN ABSTRACT VOUCHERS NUMBERED 17656-17748. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION 53 OF 2015 - RESOLVED UPON A MOTION BY COUNCILMAN CIRILLO, SECONDED BY COUNCILMAN WATERHOUSE TO ACCEPT MINUTES OF MEETINGS HELD MARCH 9 AND MARCH 26TH . ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION 54 OF 2015 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN TRACKEY TO SET THE WATER RATE FOR 2015 IN THE HUDSON GROVE WATER DISTRICT AT \$334.00 WHICH REFLECTS NO INCREASE OVER LAST YEAR. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION 55 OF 2015 - RESOLVED UPON A MOTION BY COUNCILMAN WATERHOUSE, SECONDED BY COUNCILMAN MCLAIN, TO AUTHORIZE SUPERVISOR MERLINO TO EXECUTE A REIMBURSEMENT AGREEMENT WITH WARREN COUNTY TO RECEIVE THE SUM OF \$1,126.00 FOR IMPLEMENTATION OF YOUTH SERVICES IN 2014 FROM THE WARREN COUNTY YOUTH BUREAU. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

REPORTS:

ZEO – ALLEN SAHEIM - DISCUSSED WITH THE BOARD THAT HE MEASURED WITH TAX MAPS AND HIGHWAY MAPS THE ROAD DISTANCE ON SECOND AVENUE AS IT PERTAINS TO A TREE THAT NEEDS TO BE TAKEN DOWN. THERE IS NO OFFICIAL SURVEY SHOWING OWNERSHIP AND THE COST OF GETTING A SURVEY TO PROVE IT COULD BE APPROX \$2,000.00 THE COST OF TAKING DOWN THE TREE IS APPROX \$1,800. SUPERVISOR SUGGESTS THAT THE TOWN PAY \$600 TO SHARE THE COST OF TAKING DOWN THE TREE WITH TWO PROPERTY OWNERS TO AVOID THE POTENTIAL OF FEES FOR SURVEYS AND TREE WORK THAT COULD BE IN THE THOUSANDS. THE BOARD AGREED.

RESOLUTION 56 OF 2015 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE TO PAY \$600 TOWARD REMOVAL OF A DANGEROUS TREE AT THE END OF THE ROAD ON SECOND AVENUE. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO,

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
APRIL 13, 2015

AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

ATTORNEY REPORT:

- LANGUAGE OF THE CEDARWOOD ENGINEERING CONTRACT IS STILL BEING WORKED OUT .
- REGARDING A SHARED SERVICES AGREEMENT WITH HADLEY, THERE IS NOTHING DEFINITIVE AS YET. THE INTENTION TO SHARE SERVICES IS PROMOTED BY NYS. IT IS ALSO ALREADY A PRACTICE OF BOTH TOWNS TO HELP OUT WHEN OR IF THEY CAN, THEREFORE, THE ATTORNEY SUGGESTED TO THE BOARD THAT THEY ADOPT A RESOLUTION THAT ALLOWS THE HIGHWAY SUPT TO LEND OR HELP WITH SERVICES AT HIS DISCRETION.

RESOLUTION 57 OF 2015 – RESOLVED UPON A MOTION BY COUNCILMAN WATERHOUSE, SECONDED BY COUNCILMAN MCLAIN TO ALLOW THE SHARING OF EQUIPMENT OR WORKERS WITH THE TOWN OF HADLEY AT THE DISCRETION OF THE HIGHWAY SUPERINTENDENT AS FOLLOWS:

A resolution authorizing the Highway Superintendent to engage in mutual assistance and the sharing of resources with the Highway Superintendent of the Town of Hadley.

WHEREAS, there is a growing recognition of the need for local governments to make the most efficient use of the resources available to them; and

WHEREAS, the State of New York has imposed a property-tax cap which compels municipalities to devise additional strategies by which to reduce the cost of local government; and WHEREAS, the sharing of services between and among neighboring municipalities can result in additional savings to their respective taxpayers; and

WHEREAS, mutual assistance and sharing of resources by local highway departments has been found to increase the efficiency by which the infrastructure of neighboring municipalities can be maintained.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Lake Luzerne hereby authorizes the Highway Superintendent to enter into any agreement with the Highway Superintendent of the Town of Hadley, Saratoga County, at any time and under any circumstances which he sees fit, to lend, borrow

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
APRIL 13, 2015

Or share any vehicle, machine, part, tool or other equipment utilized in the delivery of services their respective departments provide, in such a manner that the sharing of such resources between the two towns are equal over time, and to utilize such personnel as may in his best judgment be necessary to effectuate the same.

ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION 58 OF 2015 - RESOLVED UPON A MOTION BY COUNCILMAN WATERHOUSE, SECONDED BY COUNCILMAN MCLAIN TO AMEND THE TOWN ORDINANCE AND TO HOLD A PUBLIC HEARING ON SAID AMENDMENTS FOR MAY 11, 2015 AT 7 PM:

A resolution to amend the Ordinance for Regulation of Parks and Beaches in the
Town of Lake Luzerne, New York.

SECTION 1 Amendment

Section 5 of the Ordinance for Regulation of Parks and Beaches in the Town of Lake Luzerne, New York is amended by addition of the underlined words as follows:5. Performances Permitted Except by Permit

a. It shall be unlawful to conduct performances of any nature whatsoever, including but not limited to concerts, dramas, shows, parades, drills, reviews, speeches, playing of musical instruments, or the use of any device to broadcast music or any other audio or visual material within any park, beach or parking area except upon first obtaining a permit from the Town Clerk. In no instance shall such permit allow any of the aforementioned activities to be conducted at any time other than between the hours of 10:00 AM and 7:00 PM. The denial of such permit must be reasonable and to protect the public welfare.

SECTION 2 Amendment

Section 13 of the Ordinance for Regulation of Parks and Beaches in the Town of Lake Luzerne, New York is amended by deletion of the bracketed words as follows:

13. Alcoholic Beverages and Illegal Drugs

Alcoholic beverages are prohibited within Town parks, playgrounds, beaches and parking areas. [except when consumed with a meal in designated picnic areas. It shall be a violation of this ordinance to bring into use, or to contribute to the use of kegs of kegs or other liquid-dispensing devices for beer or other alcoholic beverages].

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
APRIL 13, 2015

SECTION 3 Effective Date

This amendment shall become effective upon its passage. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

TOWN CLERK ADVISED THAT KRISTIN ZEHNTNER HAS SUBMITTED A LETTER OF INTEREST TO FILL THE VACANCY LEFT BY THE RESIGNATION OF HELEN HEDGER FROM THE ZONING BOARD OF APPEALS. UPON REVIEW OF HER RESUME THE BOARD ACTED ON HER REQUEST.

RESOLUTION 59 OF 2015 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE, TO APPOINT KRISTIN ZEHNTNER TO FILL THE UNEXPIRED TERM OF HELEN HEDGER. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

COUNCILMAN MCLAIN – DISCUSSION REGARDING THE CEMETERY ASSOCIATION AND THEIR NEED FOR FUNDS TO MOW THE LAKE LUZERNE CEMETERY. MOWING WHICH HAS BEEN REDUCED TO THREE TIMES INSTEAD OF FIVE TIMES PER SUMMER. THE TOWN CANNOT PROVIDE OCCUPANCY TAX FUNDS FOR THAT PURPOSE.

TOWN CLERK REPORT: CYNTHIA SHERWOOD

- GAVE THE BOARD MONTHLY FINANCIAL REPORT FOR MARCH.
- ADVISED THAT THE 2015 TOWN AND COUNTY TAXES HAVE BEEN RECONCILED WITH THE TOWN BUDGET AND THE WARREN COUNTY TREASURER AND THE SETTLEMENT WAS PERFORMED AT THE COUNTY ON APRIL 9 WITH NO OUTSTANDING ISSUES.

SUPERVISOR REPORT – EUGENE MERLINO

- GAVE TREASURER'S REPORT. ALSO ADVISED THAT A LETTER HAS BEEN RECEIVED FROM FEMA NOTING THAT ALL EXPENSES OF THE POTASH BRIDGE REPAIR WILL BE REIMBURSED. THE DEBT SERVICE FOR THE TOWN IS IN GOOD SHAPE. THE DEBT ON THE LAKE VANARE DAM WILL BE PAID IN 2018; A STERLING TRUCK WILL BE PAID OFF THIS YEAR; A HIGHWAY TRUCK IN 2018; A HIGHWAY TRUCK IN 2015; THE 30 YEAR WATER BOND WILL BE PAID OFF IN 2017; THE HIGHWAY GARAGE IN 2030. POTASH BRIDGE LOAN WILL BE PAID OFF UPON FEMA REIMBURSEMENT.
- SUPERVISOR WILL ATTEND LOCAL GOVERNMENT DAY CONFERENCE.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
APRIL 13, 2015

- HOLE IN THE WOODS CAMP WANTS TO USE TOWN ROADS FOR BIKE RACES ON SEPTEMBER 12TH.

RESOLUTION 60 OF 2015 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN TRACKEY TO GIVE THE LAKE LUZERNE MUSIC CAMP \$3,000 FROM OCCUPANCY TAX FUNDS AS THEY GIVE A CONCERT IN THE PARK IN THE SUMMER AND ARE PART OF LAKE LUZERNE PROMOTION. ROLL CALL VOTE: COUNCILMAN TRACKEY, AYE, COUNCILMAN CIRILLO, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, SUPERVISOR MERLINO, AYE.

- SUPERVISOR ADVISED THAT HE IS WORKING WITH LISA NAGLE TO APPLY FOR GRANT FUNDING IN THE SUM OF \$150,000 TO GET WATER TO STEPHEN LANE, \$300,000 TO UPGRADE OLD WATER LINES IN THE LAKE LUZERNE WATER DISTRICT, AND AN ADDITIONAL \$100,000 FOR PAVING .

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FRED MAYO – CLARIFICATION REGARDING THE CEMETERY STATUS

DOUG WOOD – UPDATE ON GARNER LEATHERWORKS CHIMNEY REPAIR.

WITH NO FURTHER BUSINESS OF THE TOWN BOARD THE MEETING ADJOURNED AT 8:15 UPON A MOTION BY COUNCILMAN WATERHOUSE, SECONDED BY COUNCILMAN MCLAIN.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, RMC, TOWN CLERK