

TOWN OF LAKE LUZERNE  
REGULAR TOWN BOARD MEETING  
CONTINUATION FROM APRIL 5<sup>TH</sup>  
ON APRIL 26, 2010

MEETING RECONVENED AT 7:00 PM WITH THE FOLLOWING MEMBERS  
PRESENT: COUNCILMAN WATERHOUSE, COUNCILMAN MCLAIN,  
COUNCILMAN SHIEL, COUNCILMAN DIEHL, SUPERVISOR MERLINO. ALSO  
PRESENT: ATTORNEY RUSSELL THARP, JR. AND ZEO ALLEN SAHEIM.

SUPERVISOR MERLINO ADVISED THAT LAST MONTH THERE WAS A PUBLIC  
HEARING ON THE MONT LUZERNE PROJECT WITH WRITTEN COMMENT  
PERIOD LEFT OPEN FOR TWO WEEKS. THE SUPERVISOR WILL OPEN THE  
FLOOR TO THE PUBLIC FOR ADDITIONAL DISCUSSION.

(CLERK'S NOTE: DISCUSSIONS ARE NOT VERBATIM)

SUSAN HUNTER – GLENS FALLS MTN RD. - THE CURRENT DRAFT OF THE  
SCOPING STATEMENT SHOWS THAT THE BOARD IS LISTENING TO PUBLIC  
CONCERNS BUT A MAJOR CONCERN IS THAT THE REVISED SCOPING  
STATEMENT CONSIDERED IN MARCH DID NOT INCLUDE AN EXTENSIVE  
LOOK AT THE FULL PROJECT, RATHER FOCUSED MORE ON THE FIRST  
PHASE OF THE PROJECT. ADDITIONAL RESEARCH OF COMMENTS FROM  
THE TOWN'S ENGINEER FROM LAST YEAR REGARDING THE DEVELOPER'S  
FIRST SUBMISSION OF THE DRAFT EIS FOUND IT TO BE INCOMPLETE AND  
UNACCEPTABLE AND OFFERED 11 PAGES OF PROPOSED REVISIONS THAT  
THE DEVELOPER SHOULD UNDERTAKE. THIS WAS IN RESPONSE TO THE  
BOARD'S INITIAL SCOPING STATEMENT OF OCT 2007. THE DEVELOPER  
HAS ATTEMPTED TO REVISE THE SCOPING STATEMENT THAT BASICALLY  
ALLOWS THEM TO USE THE INCOMPLETE EIS AS THEIR FINAL IMPACT  
STATEMENT FOR THE PROJECT. THEY ASKED THE BOARD TO DUMB  
DOWN THE SCOPING STATEMENT ACCEPTED IN OCT 2007. A NUMBER OF  
RESIDENTS HAVE HIRED JOHN CAFFREY ESQ. EXPERIENCED IN  
ENVIRONMENTAL LAW . HE SUGGESTED AFTER REVIEWING THE MARCH 4  
2010 REVISION OF THE SCOPING DOCUMENT THAT REVISIONS FROM THE  
LATEST DRAFT OF THE SCOPE OF WORK FOR THE EIS BE INCLUDED IN  
THE OCT 2007 VERSION AND MAKE THE DEVELOPER TOW THE LINE. THE  
GROUP FEELS THE TOWN MADE THEIR INTENTIONS CLEAR IN 2007 AND  
THEY SHOULD STICK TO THAT. AS A CITIZENS GROUP THEY WILL PURSUE  
FURTHER EXPERTISE RELATIVE TO IMPACT ON THE WATER SITUATION ON  
THE MOUNTAIN. THE BACK OF THE MOUNTAIN IS A WATER CATCH AREA  
FOR MILES. SOME OF THE MOUNTAINS ABILITY TO DISTRIBUTE WATER IS  
IMPAIRED BY THE SKI CENTER AND NOW IT IS IMPORTANT TO EXAMINE  
THAT AREA OF WETLANDS .THE OCCUPANCY NUMBER OF 19% FOR FULL  
TIME YEAR ROUND -. DEVELOPER ADVERTISES A WINTER SKI TIME AREA.  
THE DRAFT EIS SHOWS FISCAL IMPACT ANALYSIS. THE MARKET

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POSITION ANALYSIS DOES NOT SHOW 19%. IT DOES SHOW THAT 50% WOULD BE FAMILIES IF MARKETED CORRECTLY. THAT COULD HAVE GREAT IMPACT ON THE SCHOOL SYSTEMS. THE NEW SCOPING DOCUMENT DOES ASK THE DEVELOPERS TO SHOW THE FULL BUILD OUT IMPACT OF THE PROJECT BASED ON 100% OCCUPANCY YEAR ROUND AND THE BOARD IS TO BE CONGRATULATED FOR TAKING THAT POSITION WITH THEM.

JOHN CAFFREY, ESQ. – GLENS FALLS – CONCERNED ABOUT THE CURRENT VERSION OF THE SCOPE OF THE EIS BECAUSE WHAT IT COULD DO THE WAY IT IS WRITTEN RIGHT NOW IS LEAD TO RE ZONING OF 2200 ACRES WHICH IS ESTIMATED TO BE 6% OF THE ENTIRE TOWN WITHOUT KNOWING WHAT THE IMPACTS OF THE PROJECT WILL BE .BEFORE DOING THE REZONING. SEQRA REQUIRES THAT ALL OF THE PHASES OF THE PROJECT HAVE TO BE ASSESSED BEFORE THE REZONING HAPPENS. COURTS HAVE SAID THAT MANY TIMES IT CAN BE DONE IN A DETAILED EIS OR IT CAN BE DONE IN A GENERIC EIS, BUT ONE WAY OR ANOTHER IT MUST BE DONE BEFORE REZONING. THEY ARE NOT ASKING TO REZONE ONE PHASE, THEY WANT YOU TO REZONE THE PROPERTY. SEQRA REGULATIONS DON'T SPECIFICALLY ALLOW FOR REVISING A SCOPE TO WATER IT DOWN. YOU CAN ALWAYS ASK FOR MORE WHEN THE DRAFT EIS COMES ,BUT REGULATIONS DON'T ALLOW YOU TO REVISE IT DOWN. IT WOULD SEEM PROPER TO LEAVE THE SCOPE AS IT IS IN OCT OF 2007, BACK IN THE 80'S MIKE BRANDT PROPOSED A SIMILAR PROJECT FOR THIS PROPERTY. A FULL EIS WAS DONE FOR THE ENTIRE PROJECT BASED ON A 20 YEAR BUILD OUT. THIS TIME AROUND IT LOOKS AS THOUGH THEY ARE TRYING TO WATER DOWN THE EIS PROCESS AND AVOID DOING THE FULL ANALYSIS . THE EARLIEST DRAFT SCOPE WAS FOR A FULL EIS SCOPE OF THE PROJECT THEN THAT GOT WATERED DOWN IN THE OCT 2007 FINAL SCOPE DIVIDED INTO PHASE ONE AND A FULL GENERIC EIS SCOPE FOR THE REST OF THE PROJECT. THAT IS OKAY THAT WOULD BE PROTECTIVE OF THE ENVIRONMENT AS SEQRA REGULATIONS REQUIRE AND IS A REASONABLE COMPROMISE FOR THE SIZE OF THE PROJECT. OVERALL THAT IS A LEGALLY CORRECT APPROACH. BUT THE APPLICANT VERSION OF THE DRAFT EIS AVOIDED WHAT THE SCOPE WAS REQUIRING OF IT AND ONLY ANALYZED PHASE ONE. AND THE TOWN CONSULTANT POINTED THAT OUT. INSTEAD OF FIXING THOSE PROBLEMS THE APPLICANT HAS COME BACK AND ASKED THAT YOU WATER DOWN THE SCOPE EVEN FURTHER WHICH WOULD CLEARLY BE A SEGMENTATION OF THE SEQRA REVIEW. SEQRA REQUIRES THAT BEFORE YOU REZONE LAND

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YOU HAVE TO KNOW WHAT THE POTENTIAL ADVERSE IMPACTS OF THAT REZONING WILL BE EVEN IF IT IS DONE ON A HYPOTHETICAL BASIS OF WHAT THE FULL BUILD OUT OF WHAT THAT REZONING CREATES. THIS WOULD NOT GIVE YOU THAT INFORMATION. THE OCT 2007 APPROACH WOULD HAVE DONE THAT. BUT HERE IF YOU REZONE IT, IT WILL BE TOO LATE TO MITIGATE IMPACTS BECAUSE THE REZONING IS ALREADY IN PLACE. (ATTORNEY CAFFREY) WROTE A LETTER BASED ON A MARCH 2 DRAFT SCOPING CHANGE AND WAS NOT AWARE OF REVISIONS MADE ON A MARCH 24 VERSION WHICH IS A LITTLE BIT BETTER, BUT DOESN'T REALLY CHANGE THE CONCERNS OUTLINED. THE YEAR ROUND FULL TIME OCCUPANCY IS IMPORTANT. ATTORNEY RECOMMENDS IS THAT IF YOU ARE GOING TO REVIEW THE SCOPE, THAT YOU ADD THE REVISIONS OF MARCH 24 VERSION TO OCT OF 2007 AND THE REVISIONS OUTLINED IN (MR. CAFFREY'S) LETTER OF LAST WEEK AND THAT YOU NOT ALLOW PUTTING OFF ANY ANALYSIS OF THE LATER PHASES, AND CONTINUE TO REQUIRE A GENERIC EIS OF ALL PHASES AFTER PHASE ONE; AND THAT BE THE REVISED SCOPE, AND NOT ALLOW THEM TO AVOID ASSESSING IMPACTS UNTIL IT IS TOO LATE. TRAFFIC IS A CLASSIC EXAMPLE. IF YOU REZONE AND DON'T DO A FULL TRAFFIC STUDY OF 2400 UNITS, ONCE YOU REZONE , IT IS TOO LATE. YOU ARE LEAD AGENCY BUT QUEENSBURY, CORINTH AND LAKE GEORGE WILL BE IMPACTED BY THIS PROJECT AS WELL. .

COUNCILMAN MCLAIN - DO YOU HAVE PROBLEMS WITH THE GENERIC STEPS?

ATTORNEY CAFFREY – NO. THE WAY IT WAS WRITTEN IN OCT 2007 THAT IS A LEGALLY ACCEPTABLE APPROACH. THE WAY IT WAS BROKEN UP INTO THE TWO PHASES ASSUMING THE GENERIC IS STRONG ENOUGH , IDEALLY, YOU WOULD GET THE WHOLE DETAILS FOR ALL PHASES UP FRONT. WHAT IS THE VISUAL IMPACT OF EACH POTENTIAL PHASE?. YOU CANT DO A TRAFFIC STUDY ON 200 UNITS WHEN ULTIMATELY YOU ARE PLANNING 2400 UNITS. THE WAY IT WAS WRITTEN IN 2007 WOULD BE OKAY, BUT WHAT THEY ARE ASKING YOU TO DO NOW I THINK IS CLEARLY SEGMENTATION AND CLEARLY VIOLATES SEQRA.

GENE PETTEYS = SPOKE AGAINST THE PROJECT CITING THE CURRENT PROPOSED 25% SCHOOL TAX INCREASE AS WELL AS THE LAST TWO YEARS COUNTY TAX INCREASES. WHEN THE PEOPLE COME THEY WONT BE LOCAL PEOPLE. IS IT SOMEONE'S DREAM OF THE MICROCHIP PLANT IN MALTA? THE TWO PEOPLE WHO JUST SPOKE MADE INTERESTING

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POINTS. ENVIRONMENTAL AND TRAFFIC IMPACTS OF 2400 HOMES EVENTUALLY. MOST OF THOSE PEOPLE WILL NOT SHOP IN LAKE LUZERNE THEY WILL GO TO EXIT 18 . . HOW WILL IT HELP THE TOWN?. IT COULD BE A COSTLY VENTURE FOR A SMALL TOWN.,

MAX TRAVER – SPOKE AGAINST THE PROJECT. AGREES WITH SUSAN HUNTER AND THE ATTORNEY ABOUT THE TRAFFIC. AN INCREASE IN STUDENTS. IT COSTS \$21,600 PR YEAR FOR ONE STUDENT TO BE EDUCATED IN THIS DISTRICT . IF YOU ADD STUDENTS FROM MONT LUZERNE THE TAXES WILL INCREASE . ADDING 300 TO 400 OR MORE STUDENTS. THE TAX ON A HOME IN THAT DEVELOPMENT WILL NOT COVER 21,600. WHERE IS THAT MONEY GOING TO COME FROM. FIRE DEPT, WHO COVERS THE MOUNTAIN,? ROAD MAINTENANCE WHO IS RESPONSIBLE.? IN 2007 IT WAS SAID THEY WOULD HAVE THEIR OWN FIRE DEPT AND OWN ROAD PLOWING. THEN LATER MEETINGS, IT WAS THE TOWN WHO WOULD BE RESPONSIBLE. EMT'S WHERE IS THAT COMING FROM?. LAW ENFORCEMENT ARE WE GOING TO ADD TO THE STATE POLICE OR WARREN COUNTY SHERIFFS DEPT? IT ALL ADDS UP TO TAXPAYER DOLLARS.

MICHAEL O'KEEFE – CORMUS RD. SPOKE AGAINST THE PROJECT. CONCERNED ABOUT THE SIZE OF THE PROJECT. AS A NEIGHBORING PROPERTY HE IS CONCERNED ABOUT HIS WATER WELL RUNNING DRY. AND TRAFFIC.. LUZERNE ROAD IS A TIGHT WINDING ROAD. .

LAURIE WHITE - HAS LIVED ON CALL ST FOR 56 YEARS. GREW UP WITH FOX AND RACCOONS, WHOOPING CRANES AND ALL KINDS OF WILDLIFE THAT WILL BE GONE. GREW UP PLAYING IN THE WOODS AS DID HER KIDS. FEARS HER GRANDKIDS WON'T BE ABLE TO DO THAT. IT WILL BE ANOTHER QUEENSBURY.

AMANDA RANDALL – A 28 YEAR OLD , SINGLE MOM WITH 3 KIDS , JUST STARTING OUT BUYING A HOME ON CALL ST., HER FATHER'S BUSINESS SUPPORTS SIX HOUSEHOLDS WITH INCOME. IN TEN YEARS WILL NOT BE ABLE TO AFFORD TO LIVE HERE, WILL HAVE TO MOVE DOWN SOUTH WHERE EVERYTHING IS CHEAPER. SAID SHE HAS EIGHT ACRES OF PROPERTY AND WHERE THEY ARE GOING TO BUILD WILL BE RIGHT IN HER BACK YARD. WORRIED ABOUT WHAT WILL HAPPEN TO HER WATER WELL. AND THAT AS A 28 YEAR OLD WITH THREE KIDS SHE IS NOT GOING TO BE ABLE TO AFFORD IT. SAID SHE WORKS FIFTY HOURS A WEEK AT HER DAD'S BUSINESS,. AND JUST LIKE EVERYONE ELSE SAID, THEY ARE

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GOING TO DRIVE FIVE MILES OVER TO THE JIFFY LUBE TO GET IT DONE FIVE DOLLARS CHEAPER RATHER THAN TAKE IT TO A SMALL BUSINESS AND SUPPORT OUR TOWN AND LOCAL COMPANIES.

KAREN COON - LIVED HERE ALL HER LIFE, HAVING FAMILY ON CALL ST AND BAY RD. CURRENTLY LIVES IN CLIFTON PARK, SAVING TO MOVE BACK TO LUZERNE, BUT DOESN'T WANT TO IF THERE IS GOING TO THIS KIND OF DEVELOPMENT. SAID CLIFTON PARK USED TO BE RURAL LIKE LAKE LUZERNE AND NOW IT IS A NIGHTMARE - TRAFFIC IS CRAZY, THE POLLUTION IS CRAZY THE CRIME IS CRAZY. IT IS NOT AS BAD AS ALBANY BUT IT IS GETTING THERE. AFRAID THIS WILL HAPPEN IF WE PUSH THROUGH WITH THIS PLAN.

CHRIS ROUND – ENGINEER WITH CHAZEN COMPANIES. OUTLINED DISCUSSIONS THAT THE APPROPRIATE MECHANISM FOR EVALUATING THE PROPERTY MAY, INDEED, BE A GENERIC ENVIRONMENTAL IMPACT STATEMENT AS WELL AS A PROJECT SPECIFIC EVALUATION OF PHASE ONE. THE ORIGINAL SCOPING DOCUMENT WAS SUBMITTED BY THE APPLICANT, A PUBLIC HEARING WAS CONDUCTED ON THAT, AND THIS HAS BEEN A CONTINUATION OF THAT PUBLIC SCOPING SESSION. WE RECEIVED WRITTEN COMMENTS AFTER OUR INITIAL DRAFT WAS ISSUED FROM U.S. ARMY CORPS OF ENGINEERS, AND NYS DEC, ALL PROVIDING SUGGESTIONS AND COMMENTS. WE ISSUED A DRAFT THAT WAS SHARED WITH TOWN ATTORNEY AND BOARD MEMBERS. WE HAVE SINCE MADE SOME ADDITIONAL REVISIONS THAT THIS BOARD DOES NOT HAVE YET. THEY ARE FOCUSED ON TRYING TO CLARIFY EXACTLY THE DIFFERENCE BETWEEN A GENERIC EIS AND A PROJECT SPECIFIC EIS. THE APPLICANT IS GOING TO ADDRESS SOME OF THOSE ISSUES. IN SOME INSTANCES IT IS VERY EASY TO EVALUATE FULL BUILD OUT OF A PROJECT WHEN YOU KNOW VERY LITTLE ABOUT SPECIFICS. POPULATION IS ONE OF THOSE THINGS. WE TALKED ABOUT HOW MANY PEOPLE WILL RESIDE IN A 2400 UNIT RESIDENTIAL DEVELOPMENT. POPULATION VARIES BY DEMOGRAPHICS, NUMBER OF SCHOOL AGE CHILDREN, NUMBER OF BEDROOMS ETC SO WE CAN MAKE PROJECTIONS ABOUT THOSE, WHEN THAT GROWTH WILL OCCUR CAN BE SUBJECTIVE. WHEN WILL WE HAVE 100 OR 200 HOMES OR 300 HOMES. WE LOOK AT TRAFFIC. YOU CAN PROJECT FULL BUILD OUT OF TRAFFIC WITHOUT KNOWING EXACTLY WHERE THE HOMES ARE GOING TO BE BECAUSE THE TRAFFIC NETWORK IS BASICALLY CONSTRAINED BY WHERE EXISTING ROADWAYS ARE AND WHERE NEW CONNECTIONS MIGHT BE MADE. OUR REVISIONS TO THE

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SCOPING DOCUMENT HAVE BEEN FOCUSED ON THAT. WHAT HAPPENS AFTER A SCOPING DOCUMENT IS ADOPTED IS THAT THE APPLICANT WILL GO ABOUT PREPARING AN ENVIRONMENTAL IMPACT STATEMENT. THE EIS WILL CONTAIN WHAT WE HAVE OUTLINED IN THE SCOPING DOCUMENT. WE WILL FIRST LOOK AT THAT FOR YOU ON BEHALF OF THE BOARD AND DETERMINE WHETHER IS DOES INCLUDE WHAT IS IDENTIFIED IN THE SCOPING DOCUMENT, IF IT DOES, IT WILL BE DETERMINED TO BE COMPLETE. THAT DETERMINATION IS TO START THE PUBLIC COMMENT PROCESS ALL OVER AGAIN. THE PUBLIC WILL HAVE A DRAFT DOCUMENT THAT WE WILL PUBLISH ON THE WEBSITE. THEN WILL START THE ANALYSIS, IS IT ROBUST ENOUGH?, IS IT BROAD ENOUGH,? DOES IT LOOK AT THE ISSUES WE THOUGHT IT WAS GOING TO LOOK AT? . THEN THERE IS SOME GIVE AND TAKE . IT IS THE JOB OF THE APPLICANT TO RESPOND TO COMMENTS DURING THAT PUBLIC PROCESS AND ADDITIONAL INFORMATION, CLARIFY INFORMATION. AND IT IS THE JOB AT THE END OF THE DAY, FOR THIS BOARD TO DECIDE IF THE PROJECT IS GOING TO HAVE SIGNIFICANT IMPACTS, CAN THE PROJECT BE MODIFIED, CAN THE IMPACTS BE MITIGATED SUCH THAT IT IS NOT GOING TO HAVE AN ADVERSE EFFECT ON THE COMMUNITY. THERE IS A LOT THAT GOES INTO THIS PROCESS.

DONALD ZEE, ESQ. – ATTORNEY FOR THE MONT LUZERNE PROJECT. DISPLAYED PORTIONS OF COMMENTS FROM NYS DEC AND EXPLAINED THAT THE APPLICANT DOES NOT DISAGREE WITH DEC OR CHAZEN AS TO WHAT IS NECESSARY BASED ON WHAT HAS BEEN SUBMITTED. HE EXPLAINED LETTER FROM CHAZEN OF JUNE 18, 2009 TALKING ABOUT A GENERIC DOCUMENT WITH A SITE SPECIFIC PHASE ONE. STATED THAT IS EXACTLY WHAT NYS DEC SAID IN MARCH 22, 2010. ATTORNEY CAFFREY IN HIS LETTER OF APRIL 16 2010 - EITHER A SITE SPECIFIC OR A GENERIC EIS BEFORE ANY PHASE INCLUDING A PHASE ONE CAN BE APPROVED. THE APPLICANT HAS NO OBJECTION TO THAT WHATSOEVER. WHAT HAS BEEN SUBMITTED AS PART OF THE APPLICANT'S REVISIONS TO THE SCOPING DOCUMENT IS ASKING FOR THE TOWN BOARD TO AGREE TO A GENERIC ENVIRONMENTAL IMPACT STATEMENT WITH A SITE SPECIFIC IN REGARD TO PHASE ONE., A MORE DETAILED ANALYSIS OF THAT. . WHAT WAS SAID BY THE EXPERTS: MR. CAFFREY, CHAZEN AND DEC, WE ARE AGREEABLE TO, AND THAT IS EXACTLY WHAT WE HAVE SUBMITTED. I DO NOT WANT ANY ONE TO THINK WE HAVE FAST TRACKED THIS. WE RECOGNIZE THAT WE PREPARED A VARIETY OF DOCUMENTS. THIS WAS SUBMITTED CLOSE TO A YEAR AGO, THE TOWN THOUGHT IT WAS INSUFFICIENT IN RESPONDING TO ALL THE CONCERNS RAISED IN THE

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SCOPING DOCUMENT. WE ACKNOWLEDGED, AND STARTED MODIFYING IT, CERTAIN ASPECTS OF IT WE BELIEVED NEEDED TO BE ADDRESSED IN THE FORM OF A GENERIC STUDY. CERTAIN COMMENTS TONIGHT I THINK WERE MADE BY PEOPLE NOT PRESENT AT OTHER MEETINGS. ONE OF THE CRITICAL ASPECTS IS THAT BECAUSE OF THE SIZE AND THE SCOPE OF THE PROJECT AND THE LENGTH OF TIME, AND BECAUSE THERE IS NO 100% CERTAINTY OF WHAT THE FUTURE WILL BEAR, WE AGREED, AS PART OF THE ULTIMATE DETERMINATION THE APPLICANT WOULD PUT IN STOP-GAP MEASURES IN THE ULTIMATE FINDINGS STATEMENT OF SEQRA. WE WENT INTO THE SCOPING DOCUMENT AND IN PREPARATION OF OUR DRAFT ENVIRONMENTAL IMPACT STATEMENT BASED ON A CERTAIN SET OF FACTS WE BELIEVE ARE ACCURATE. WE UNDERSTAND THAT WE CANNOT OVER THE NEXT 20 OR 30 YEARS GUARANTEE THAT ALL THOSE FACTS THAT WE HAVE TODAY, ARE GOING TO BE, THAT WE CAN BE HELD TO THAT. SO, AS WE COME FORWARD WITH EACH PHASE, EACH PHASE DOES A DETAILED ANALYSIS. ONCE PHASE ONE IS BUILT OUT AND BEFORE WE GO INTO PHASE 2, WE HAVE TO ANALYZE AND PRESENT TO THE TOWN WHETHER THE ASSUMPTIONS MADE IN PHASE 1 ARE IN FACT ACCURATE. FOR EXAMPLE, THE DISCUSSION OF THE 19% IS BASED ON THE ANALYSIS WE GOT FROM THE MARKET STUDY WHICH IS IN FACT THE ENTIRE BASIS OF WHAT WE ARE PROPOSING. THERE WAS ANALYSIS DONE BY A NATIONALLY KNOWN COMPANY WHO DID THE MARKET STUDY FOR DISNEY WHEN THEY DID THE CELEBRATION PROJECT. THEY ESTIMATED THAT 19% OF THE PEOPLE WHO WILL PURCHASE IN THIS DEVELOPMENT WILL BE DOING IT AS A FULL TIME RESIDENCY. IF THAT CALCULATION IS INCORRECT AFTER THE FIRST PHASE IS BUILT, WE AGREE THAT OBVIOUSLY WE WILL HAVE TO STOP AND THINGS WILL HAVE TO BE RE-EVALUATED AND WE WOULD HAVE TO SUBMIT TO THE BOARD WHY THAT 19% WAS CORRECT OR INCORRECT IN THE ANALYSIS. THAT IS SOMETHING WE AGREED TO AND WOULD INCORPORATE THAT IN ANY RE-ZONE AS WELL AS ANY OF THE SEQRA DETERMINATIONS OF THIS BOARD. THERE WAS ALWAYS DISCUSSIONS OF STOP-GAP MEASURES. OTHER COMMENTS RAISED TONIGHT ARE LEGITIMATE QUESTIONS. WE BELIEVE THEY WERE MADE PART OF THE SCOPING DOCUMENT. WE ALSO POINT OUT THAT NYS DEC IS A VERY IMPORTANT AGENCY WITH CERTAIN EXPERTISE REGARDING THE SEQRA DOCUMENT AND THE SCOPING DOCUMENT. I WANT TO POINT OUT THAT DEC WROTE TO ATTORNEY THARP ON JULY 5, 2007 AND INDICATED THAT THEY HAD RECEIVED THE DRAFT SCOPING DOCUMENT AND THEY REQUESTED A VARIETY OF MODIFICATIONS TO THE ORIGINAL SCOPING DOCUMENT. THE TOWN BOARD, TOWN ENGINEER AND ATTORNEY FOR THE TOWN INCLUDED

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EVERY ONE OF THE COMMENTS OR ISSUES RAISED BY DEC INTO THE SCOPING DOCUMENT. I BELIEVE THIS BOARD AND ENGINEER LISTENED TO THE PUBLIC AT THE PUBLIC SCOPING SESSION . WITH REGARD TO ECONOMIC IMPACTS, WE BELIEVE BASED ON OUR ANALYSIS, AND WE UNDERSTAND THAT WE MAY NEED TO SIT DOWN AND ADDRESS WITH A BIT MORE DETAIL AT A FUTURE MEETING WHAT THE FINAL DOCUMENT IS GOING TO LOOK LIKE FROM THE STANDPOINT OF A SCOPING DOCUMENT. BUT WE BELIEVE THAT AT THE END OF THE DAY ALL THE RESIDENTS QUESTIONS WILL BE ANSWERED. I HAVE TO SAY WITH REGARD TO \$21, 000 PR SCHOOL AGE CHILD, I KNOW OF NO SINGLE FAMILY HOME IN THIS AREA THAT PAYS 21,000 IN SCHOOL TAXES . IF THERE ARE OTHER FUNDING SOURCES THOSE ARE THINGS WE WILL DEMONSTRATE WHERE ADDITIONAL FUNDING IS POTENTIALLY AVAILABLE WITH REGARD TO THE SCHOOL DISTRICT ITSELF. BOTH DISTRICTS WERE FOILED FOR INFORMATION REGARDING THE CONSISTENT DECLINE IN THE NUMBER OF SCHOOL AGE CHILDREN IN THEIR SYSTEM. I DO NOT KNOW IF THERE HAS BEEN A COMPARABLE DECLINE IN THE STAFF AT THE SCHOOL. RIGHT NOW THE PROPERTY THAT OUR CLIENT OWNS IS VACANT, IT PAYS TAXES BASED ON VACANT LAND. OUR DEVELOPMENT IS NOT ONLY HOUSING UNITS, THERE ARE COMMERCIAL SPACES THAT ALSO GENERATE TAX REVENUES VIA SALES TAX REVENUES, PAYROLL TAXES, AND OTHER REVENUES NOT JUST FOR THIS COMMUNITY BUT FOR THE COUNTY AND STATE AS WELL. ALL THOSE ISSUES ARE GOING TO BE ADDRESSED.

ANDY BRICK ESQ. - WORKS WITH ATTORNEY ZEE. COMMENTED THAT HE HAS WORKED CLOSELY WITH ATTORNEY THARP AND CHRIS ROUND OF CHAZEN GOING THROUGH THE PROCESS OF REVISIONS TO THE SCOPING DOCUMENT . THE DEC COMMENTS RECOMMENDED IN THEIR LETTER OF MARCH 22 THAT THE ENTIRE PROJECT BE LOOKED AT IN A GENERIC FASHION, IS EXACTLY WHAT WE ARE PROPOSING IN THE REVISED SCOPING DOCUMENT. IN MR. CAFFREY'S LETTER AS WELL AS THE LETTER FROM CHRIS (ROUND) IN HIS COMMENTS BACK IN JUNE WHERE HE SAID CONSIDER A SITE SPECIFIC TO ACCOMPANY A GENERIC EIS. AGAIN , THAT IS EXACTLY WHAT WE HAVE PROPOSED. APOLOGIZED IF THERE IS MISUNDERSTANDING AND PEOPLE DID NOT UNDERSTAND WHAT WE ARE SEEKING WITH OUR REVISIONS TO THE SCOPING DOCUMENT, BUT LET ME CLARIFY FOR THE RECORD WHAT WE WERE REQUESTING IN OUR REVISIONS WAS TO BE AUTHORIZED BY THIS BOARD TO DO EXACTLY WHAT D.E.C IS RECOMMENDING, TO DO WHAT CHRIS ROUND, YOUR EXPERT IS SUGGESTING, AND EXACTLY WHAT MR. CAFFREY HAS STATED. WE ARE REQUESTING TO DO A GENERIC EIS FOR THE ENTIRE PROJECT

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ACCOMPANIED WITH A SITE SPECIFIC DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PHASE 1. THE THRESHOLDS TO BE INCLUDED IN THE GENERIC EIS WILL ADDRESS HOW EACH INDIVIDUAL PHASE AS IT TAKES PLACE IN THE FUTURE, AND WE DON'T KNOW WHEN THEY ARE GOING TO HAPPEN. AND AS THEY GO THROUGH THE SITE PLAN PROCESS, WHAT REQUIREMENTS AND WHAT HURDLES WE NEED TO JUMP THROUGH IN TERMS OF THE ENVIRONMENTAL PROCESS. SO IF THERE WAS MISCOMMUNICATION OUT THERE IN THE TOWN, I APOLOGIZE.. BUT WHAT WE ARE SEEKING AND WHAT CHRIS UNDERSTOOD WHEN WE WORKED TOGETHER TO CRAFT SOME LANGUAGE TO PRESENT TO YOU IS THAT WE ARE ASKING FOR A GENERIC ENVIRONMENTAL IMPACT STATEMENT TO BE ACCOMPANIED BY A SITE SPECIFIC FOR PHASE 1. I JUST WANTED TO CLARIFY THAT AND THANK YOU FOR HAVING US UP HERE.

ATTORNEY THARP - I THINK IT WOULD BE BENEFICIAL IF WE OUTLINE THE PROCEDURE TO FOLLOW FROM HERE. THE BOARD IS NOT GOING TO TAKE ANY VOTE TONIGHT BECAUSE IT HAS NOT YET BEEN PRESENTED WITH A FINAL SUGGESTED REVISIONS. CHRIS AND MYSELF WILL TAKE THE INFORMATION WE HAVE TONIGHT AND REVIEW WHAT HE HAS. THEN THE BOARD WILL HAVE A WORKSHOP TO DISCUSS IT SO THE BOARD UNDERSTANDS WHAT CHRIS AND I ARE PRESENTING.

SUPERVISOR – WE ARE PLANNING TO HOLD A WORKSHOP A WEEK FROM FRIDAY AT 1:00. THE PUBLIC IS WELCOME . THEN WE WILL BRING THE DOCUMENT BACK TO THE PUBLIC TO MAKE SURE EVERYONE UNDERSTANDS IT.

SUSAN HUNTER - THERE IS A MORE RECENT LETTER FROM DEC. COMMENTS TO RUSSELL THARP. POINTED OUT THAT IN ORDER TO AVOID THE POTENTIAL FOR SEGMENTATION, DEC RECOMMENDS THAT THE ENTIRE PROJECT BE REVIEWED TO A GENERIC EIS WHICH THEY CLAIM, THAT IS NOT IN THE MOST RECENT SCOPING DOCUMENT. THAT IS WHAT A NUMBER OF EXPERTS HAVE RECOMMENDED BE INCLUDED. ALSO STATED THAT NOWHERE IN THE MARKET STUDY DO YOU (THE APPLICANT) DOCUMENT THE 19% OCCUPANCY. I WOULD APPRECIATE SEEING WHERE THE 19% IS .

SUPERVISOR - THE REMARKS THAT SUSAN HAS BROUGHT UP, WE WILL GET THAT INFORMATION.

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ATTORNEY THARP - ARE YOU GOING TO ISSUE ANOTHER DRAFT OF THE SCOPING DOCUMENT AND RECEIVE PUBLIC COMMENT AT THE NEXT MEETING?

SUPERVISOR - I THINK THAT IS WHAT WE SHOULD DO. THERE ARE SOME CHANGES AND I THINK WE SHOULD LOOK AT THOSE CHANGES, INCORPORATE WHAT PEOPLE ARE SAYING , COME UP WITH A FINAL DOCUMENT, . WE HAVE BEEN WORKING ON THIS FOR 4 YEARS, A COUPLE OF WEEKS OR A MONTH WILL NOT HURT.. I WOULD LIKE TO BE ABLE TO MAKE THE BEST POSSIBLE DECISION FOR THE WHOLE TOWN. IF THE BOARD DOES NOT WANT TO DO IT THAT WAY, I WILL RESPECT THEIR DECISION. I THINK WE WILL HAVE THAT WORKSHOP, THE PUBLIC CAN COME, WE WILL HAVE CHAZEN COME UP WITH A FINAL DOCUMENT ON WHAT WE ARE GOING TO DO AND BRING IT BACK FOR MORE COMMENT.

JADE BALL – COMMENTED ON THE DIFFICULTY OF ATTENDING WORKSHOP MEETINGS DURING THE DAY, AND NOT ENOUGH PUBLICITY ON THE WORKSHOPS ALSO THAT AT THESE MEETINGS, THE NUMBERS THEY ARE SHOWING PEOPLE E AT THE MEETINGS ARE DIFFERENT THAN WHAT THEY SAY ON THEIR WEBSITE. ALSO FEARS THAT IF THE POPULATION IS DOUBLED IN LAKE LUZERNE WITH HALF MILLION DOLLAR HOMES, OUR STATE AID WILL GO DOWN AND TAXES WILL GO UP. PEOPLE NEED TO KNOW ABOUT THIS. AS A 25 YEAR OLD TAXPAYER AND HOME OWNER AND CONCERNED CITIZEN, SHE DOES NOT THINK THESE THINGS ARE BEING PROPERLY ADDRESSED. THE BOARD IS HERE TO PROTECT THE CITIZENS. THE BOARD SHOULD BE DOING RESEARCH NOT JUST SAYING OK OK WHEN THESE PEOPLE COME IN AND TELL YOU SOMETHING.

JUNE WOODARD - OWNS JUST SOUTH OF WHERE SOME OF THE PROJECT IS GOING TO BE. SAID THAT ACTUAL PHYSICAL PROPERTY HAS A HUGE PORTION OF THE AREA THAT IS SOLID ROCK AND THERE IS NO WAY HOMES CAN BE PUT ON THAT. SHE WALKED SOME OF THE PROJECT BEHIND HER PROPERTY. THERE IS WETLAND DELINEATION RIBBONS, SO OBVIOUSLY THAT IS BEING TAKEN INTO CONSIDERATION . THE ROAD OUT ONTO CORINTH ROAD, THERE IS A HUGE AREA OF WETLANDS. IT ALMOST LOOKS LIKE A SEPARATED COMMUNITY SEPARATED BY WETLANDS. SHE IS NOT THAT CONCERNED, WHEN SHE WALKED IT. IT IS QUITE A WAYS FROM THE MAIN ROAD

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AMANDA RANDALL - DISCUSSED THE INFORMATION FROM THE SCHOOL DISTRICTS THAT THE POPULATION HAS DROPPED AND ASKED WHERE THAT INFORMATION CAME FROM? .

MR. ZEE - FROM THE TWO SCHOOL DISTRICTS. MR. ZEE WENT ON THE STATE EDUCATION WEBSITE AND COUNTED BY GRADES THE TOTAL NUMBER OF CHILDREN. EACH YEAR THE NUMBERS HAVE DECLINED.

AMANDA RANDALL - FEELS THAT THE DECLINE IS BECAUSE OF THE PROPERTY TAX RATE, NOBODY CAN AFFORD TO LIVE HERE ANYMORE IF YOU KEEP BRINGING IN \$500,000 HOUSES, THE POPULATION IS GOING TO GO UP FROM YOUR FIGURES BUT THOSE WHO WERE HERE ORIGINALLY, WONT BE ABLE TO AFFORD TO LIVE HERE. SHE ALSO ASKED THE SUPERVISOR TO WALK THE 9 MILE SWAMP AND SEE ILLEGAL BEAVER TRAPPING, SKIDDER TRAILS. ENCON SAYS THERE IS NO PERMIT TO SHOOT LIVE BEAVER. 9 MILE SWAMP IS NATIONAL WETLANDS, THERE IS SUPPOSED TO BE NO TRAPPING OF ANIMALS, NO SKIDDERS, YOU CAN SEE WHERE THERE ARE SKIDDER TRAILS WHERE THEY ARE DOING WORK WITH NO PERMITS FOR ANY OF IT YET.

ARNOLD ALBERT – AS TO MILLION DOLLAR HOMES RAISING EVERYONE TAXES IS INCORRECT. THOSE ARE THE PEOPLE WHO WILL PAY MORE TAXES.

ROBERT BALL - COMING TO MEETINGS SINCE JULY 2007. HE HAS TALKED TO THE SCHOOLS AND FEELS THE BIGGEST IMPACT FROM THIS PROJECT WILL BE WITH THE SCHOOLS AND THE TRAFFIC , ONE OF THE SCHOOL OFFICIALS ASKED WHY THEY HAVEN'T BEEN CONTACTED. HALF OF THAT IS IN THE CORINTH DISTRICT AND HALF IN THE LUZERNE SCHOOL DISTRICT. THE 19% IS CRAZY. WE ALL AGREE WITH THAT EXCEPT YOU. YOU NEED TO CONTACT THE SCHOOLS.

ATTORNEY ZEE - REITERATED THE PROCESS: ONCE THE SCOPING DOCUMENT IS PREPARED, THEN WE HAVE TO THEN PREPARE OUR RESPONSES TO ALL OF THE ISSUES RAISED IN THE SCOPING DOCUMENTS. THEN THAT GETS DISSEMINATED TO ALL THE INVOLVED AGENCIES. THAT IS WHEN THE PUBLIC HAS AN OPPORTUNITY ONCE AGAIN TO COMMENT ON THE RESPONSES TO THE ISSUES.. WE HAD PREPARED THE DOCUMENT, THE TOWN, UNDER THE GUIDANCE OF THEIR ENGINEER,

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SAID IT WAS INSUFFICIENT AND WE HAD TO GO THROUGH THE PROCESS AGAIN.

SUPERVISOR CLOSED THE PUBLIC HEARING ON MONT LUZERNE AND MOVE TO THE REGULAR TOWN BOARD MEETING.

MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR, AYE.

JOHN COTE – NOTIFIED THE BOARD THAT HE WOULD COME TO THE CLERK FOR A PEDDLERS PERMIT FOR A MR. DING A LING ICE CREAM TRUCK ONE DAY PER WEEK . CURRENTLY HAS A PERMIT FOR THE STATE CAMPGROUND IN FOURTH LAKE. BY LAW HE SAID HE WILL NOT BE ON ROUTE 9N BECAUSE THE SPEED LIMIT IS OVER 30 MPH. PEDDLER PERMIT IS PART OF THE TOWN ORDINANCE.

RESOLUTION# 55 of 2010 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN SECONDED BY COUNCILMAN DIEHL TO ACCEPT MINUTES OF MARCH 8<sup>TH</sup> TOWN BOARD MEETING. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, ABSTAIN (ABSENT, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, ABSTAIN, (ABSENT) COUNCILMAN DIEHL, AYE,, SUPERVISOR MERLINO, AYE.

REPORTS:

ATTORNEY RUSSELL THARP

THE EMERGENCY COMMUNICATION TOWER - SARATOGA COUNTY AND THE TOWN OF LAKE LUZERNE NEGOTIATED AN AGREEMENT FOR THE USE OF THE PROPERTY GAINED BY EMINENT DOMAIN FOR THE CREATION OF AN EMERGENCY COMMUNICATION TOWER. ATTORNEY APPROVED THE AGREEMENT . ALSO GAVE THE BOARD WORDING OF THE EASEMENT THAT WILL GRANT SARATOGA COUNTY AN EASEMENT OVER THE PROPERTY WHICH IS THE SUBJECT OF THE CONDEMNATION. ATTORNEY REQUESTS A RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN BOTH THE AGREEMENT AND THE EASEMENT.

RESOLUTION #56 of 2010 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE, TO AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH SARATOGA COUNTY TO

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CONSTRUCT AN EMERGENCY TOWER TOGETHER WITH THE BARGAIN AND SALE EASEMENT OVER TOWN PROPERTY TO SARATOGA COUNTY . ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

TOWN CLERK CORRESPONDENCE:

NOTED FOR THE RECORD THAT THE MARCH FINANCIAL REPORT TO THE SUPERVISOR HAS BEEN GIVEN TO THE TOWN BOARD.

GAVE THE BOARD THE RECONCILIATION FOR THE 2010 TOWN AND COUNTY TAX COLLECTION PROCESS.

DEC HAS A BAN ON RESIDENTIAL BRUSH BURNING UNTIL MAY 15<sup>TH</sup>.

ADVISED THE BOARD THAT THE WATER BOARD NEEDS TO SET A NEW RATE IN HUDSON GROVE WATER DISTRICT AT \$290.00 PER UNIT. A LETTER WAS RECEIVED FROM THE VILLAGE OF CORINTH ADVISING OF THE NEW RATE.

THE NEW BILLING SOFTWARE FOR THE LAKE LUZERNE METERED WATER DISTRICT REQUIRES THAT THE LANGUAGE FOR CHARGES OVER 60,000 GALLONS OF WATER BE CHANGED TO .00275 PR GAL OVER 60,000 RATHER THAN 2.75 PER THOUSAND GALLONS OVER 60,000 USED.

ALSO THE WATER OPERATOR SPOKE WITH TI SALES AND UPDATED THE FEES FOR METERS AND PARTS. THE BOARD NEEDS TO ACCEPT THAT LIST OF FEES.

LETTER FROM CHRIS GEARWAR OF LAKE GEORGE FORESTRY REGARDING TIMBER COMPARTMENTS ON TOWN LANDS.

BOARD NEEDS TO SET A WORKSHOP WITH ELAN PLANNING AND DESIGN.

RECEIVED BY CERTIFIED MAIL A NOTICE OF RENEWAL OF LIQUOR LICENSE FOR THE PAINED PONY CHAMPIONSHIP RODEO.

CLERK GAVE ATTORNEY THARP A DRAFT LICENSE APPLICATION FORM FOR HIS REVIEW REGARDING HOTELS/MOTELS FOR SEX OFFENDER OCCUPANCY.

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THE TOWN INVESTMENT POLICY NEEDS TO BE AMENDED FROM THE 1990 LANGUAGE TO REMOVE NORSTAR BANK OF LAKE LUZERNE AND FIRST NATIONAL BANK OF GLENS FALLS

NYS IS PLANNING TO TURN OVER DOG LICENSING AND ALL THE COSTS AND RULES ASSOCIATED WITH IT ENTIRELY TO THE TOWN CLERKS. THE BOARD WILL HAVE TO LOOK AT THE BUDGET TO INCLUDE THE PURCHASE OF TAGS, ADDITIONAL POSTAGE FOR RENEWAL NOTICES ETC.

COUNCILMAN DIEHL – LIST OF REVISED FEES FROM THE ZONING OFFICER SHOULD ALSO BE RATIFIED AS PRESENTED.

RESOLUTION #57 OF 2010 – RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN WATERHOUSE, TO ACCEPT THE FEES OF THE ZONING OFFICE AS PRESENTED TO THE BOARD AND NOTE THAT THE FEES HAVE NOT CHANGED. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

ZONING FEES OUTLINED AS FOLLOWS:

**LAND USE AND DEVELOPMENT WITH SEPTIC PERMIT \$75**

New home - \$50

Mobile Home - 50

**OTHER PERMITS, \$25**

Addition/ septic/ deck / pools / roadside retailing/ Exterior Furnace/ porch

Roadside Retailing renewal is \$5

NO FEE for accessory building if 100 sq ft or less

NO FEE for demolition permit

**ALL PERMITS VALID FOR 1 YEAR, RENEWAL FEE IS THE SAME AS ORIGINAL FEE**

CONDITIONAL USE / VARIANCE APPLICATION, \$ 75.

(IF APPROVED BUILDING PERMIT FEES – WILL BE DUE IF REQUIRED)

SEPTIC VARIANCE, \$75 TOWN BOARD APPROVAL / PUBLIC NOTICE

**SUBDIVISION FEES:**

MINOR : SKETCH PLAN - NO FEE

PRELIMINARY PLAT - \$100 pr lot (due before plat review)

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FINAL PLAT - \$50  
LOT LINE ADJUSTMENT, - 25

**MAJOR: SKETCH PLAN - NO FEE**  
PRELIMINARY PLAT \$350 PR LOT  
FINAL PLAT - \$500

NO SUBDIVISION FEE IF TRANSFER OR SALE OF PROPERTY BETWEEN  
FAMILY MEMBERS, PUBLIC NOTICE FEES IF REQUIRED.  
(CONTRACT OR DEED REQUIRED AS PROOF).

**PARK PERMITS RUN OUT AUGUST 31<sup>ST</sup> CAMPGROUND \$50**  
**YEARLY RENEWAL MOBILE HOME PARKS, \$20 pr trailer.**

RESOLUTION # 58 OF 2010 – RESOLVED UPON A MOTION BY COUNCILMAN  
DIEHL, SECONDED BY COUNCILMAN MCLAIN: TO REMOVE NORSTAR  
BANK AND FIRST NATIONAL BANK OF GLENS FALLS FROM THE TOWN  
INVESTMENT POLICY AND ADD TD BANK INSTEAD. ROLL CALL VOTE:  
COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE,  
COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR  
MERLINO, AYE.

SUPERVISOR MENTIONED THAT THE COUNTRY CORNER HAS BEEN  
PURCHASED FROM THE COUNTY AND WILL BE TAKEN DOWN AND  
CLEANED UP HOPEFULLY BY MEMORIAL DAY .

INCORPORATION NOTICE WAS RECEIVED BY THE ADIRONDACK FOLK  
SCHOOL.

ATTORNEY THARP ADVISED THAT THE ATTORNEY FOR THE FOLK SCHOOL  
REQUESTED ADDITIONAL INFORMATION AND IS REVIEWING THE LEASE  
AGREEMENT.

RESOLUTION # 59 OF 2010 – RESOLVED UPON A MOTION BY SUPERVISOR  
MERLINO, SECONDED BY COUNCILMAN MCLAIN THAT GARBAGE PICKUP  
CONTINUE AT ONCE PER WEEK.AND FURTHER THAT RECYCLING BE  
PICKED UP THE FIRST AND THIRD WEEK OF EACH MONTH EXCEPT FOR  
JULY AND AUGUST WHICH WILL BE EVERY WEEK AND FURTHER, . THIS  
SCHEDULE WILL TAKE IN SEPT – JUNE THAT THE TRANSFER STATION  
WHICH IS CURRENTLY OPENED TUES – SATURDAY BE KEPT THE SAME  
EXCEPT FOR JULY AND AUGUST FOR THOSE TWO MONTHS THE TRANSFER

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STATION WILL BE OPEN WED – SUNDAY. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

BOARD DISCUSSED SETTING A WORKSHOP WITH LAKE GEORGE FORESTRY TO REVIEW THE TIMBER CUTTING POSSIBILITIES ON TOWN PROPERTY , PRIOR TO THE NEXT MONDAY MEETING ON THE 10<sup>TH</sup>, AT 6 PM. SUPERVISOR WILL CALL CHRIS GEARWAR SEE IF HE IS AVAILABLE AT THAT TIME.

BOARD SET WORKSHOP MEETING WITH ELAN PLANNING AND DESIGN FOR MAY 7<sup>TH</sup> AT NOON. SUPERVISOR TO ADVISE EITHER THE 6<sup>TH</sup> OR 7<sup>TH</sup>. TO DISCUSS MASTER PLAN UPDATE.

SUPERVISOR NEEDS TO AMEND RESOLUTION 54 of 2010 TO REFLECT A PRICE OF \$205,000.00 INSTEAD OF 190,000.00

RESOLUTION #60 of 2010 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO AMEND RESOLUTION 54 OF 2010 TO READ 205,000 INSTEAD OF 190,000. FOR THE PURCHASE OF NEW GARBAGE AND RECYCLING TRUCKS . ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

ATTORNEY THARP PREPARED A BOND RESOLUTION IN THE FORM USED BY THE BOARD IN THE PAST AUTHORIZING THE FUNDS FOR THE PURCHASE OF THE TRUCKS BASED UPON THE AMENDED VALUES. WE NEED A RESOLUTION FOR THE SUPERVISOR TO SIGN THE STATUTORY INSTALLMENT BOND

RESOLUTION # 61 OF 2010: RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE THAT THE SUPERVISOR BE AUTHORIZED TO EXECUTE STATUTORY INSTALLMENT BOND DOCUMENTS AS FOLLOWS:

**STATUTORY INSTALLMENT BOND RESOLUTION  
DATED APRIL 26, 2010**

*WHEREAS*, the Town Board of the Town of Lake Luzerne, New York by a Resolution duly adopted on the 26<sup>th</sup> day of April, 2010, authorized the Town Supervisor to purchase an International 2011 Garbage Truck and International 2011 Recycling Truck (the trucks) at a total cost of \$209,372.61

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provided that \$205,000.00 of such cost was to be paid from the proceeds of obligations issued pursuant to the Local Finance Law.

***NOW, THEREFORE, BE IT RESOLVED:***

1. The specific object or purpose for which obligations are to be issued pursuant to this Resolution is to finance the cost of such trucks.
2. The maximum cost of such motor vehicles is \$209,372.61. Such cost is provided by the issuance of a Statutory Installment Bond in the amount of \$205,000.00 and the payment of cash in the amount of \$4,372.61.
3. The following determinations are hereby made:
  - (a) The period of probable usefulness of such motor vehicles is five years.
  - (b) The subdivision of paragraph a of section 11.00 of the Local Finance Law which is applicable in the circumstances is subdivision "29".
  - (c) The proposed maturity of the obligation authorized by this Resolution will not be in excess of five years.
4. The Town of Lake Luzerne issue its Statutory Installment Bond in the amount of \$205,000.00 to finance such cost in accordance with the financial plan set forth above. Such Bond shall be dated approximately as of the date of the purchase of the truck by the Town of Lake Luzerne and the power to fix and determine the exact date of such Bond is hereby delegated to the Supervisor.
5. Such Bond shall be in the amount of \$205,000.00, and shall mature the \_\_\_\_\_ day of May, 2015 and shall be paid in equal annual installments of Forty-one thousand dollars (\$41,000.00) on the \_\_\_\_\_ day of May in the years, 2011 to 2015 in five (5) equal annual installments.

The power to determine the date upon which such installments of principal and of interest shall become due and payable is hereby delegated to the Supervisor. The Bond shall be issued in bearer form without coupons and shall not contain a power to convert to registered form. The Bond shall bear interest at a rate not exceeding six per centum per annum payable semi-annually. Interest will not be paid on any installment of principal, or of interest, after the due date thereof. Both the installments of principal of and the interest on this Bond will be evidenced by notation on the Bond at the time of the payment. The Bond shall be in substantially the following form:

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**STATUTORY INSTALLMENT BOND**  
**UNITED STATES OF AMERICA**  
**TOWN OF LAKE LUZERNE**  
**\$205,000.00**  
**INTERNATIONAL 2011 GARBAGE TRUCK**  
**INTERNATIONAL 2011 RECYCLING TRUCK**

The Town of Lake Luzerne, in the County of Warren, a municipality of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to Glens Falls National Bank, the principal sum of TWO HUNDRED FIVE THOUSAND DOLLARS (\$205,000.00) in five (5) equal annual installments of FORTY-ONE THOUSAND DOLLARS (\$41,000.00) on the \_\_\_\_\_ day of May in the years 2011 to 2015 and to pay interest on the unpaid balance of each principal sum at the rate of 3.85% per annum, annually on the \_\_\_\_\_ day of May of each year from the date of this bond until it matures. Interest will not be paid on any installment of principal, or of interest, after the due date thereof. Both the installments of principal of and the interest on this bond will be paid to Glens Falls National Bank in lawful money of the United States at the office of the Clerk of the Town of Lake Luzerne, 51 Main Street, Lake Luzerne, New York 12846.

This bond is a statutory installment bond, the principal sum of which cannot exceed One Million Dollars (\$1,000,000) unless it is issued and sold to the United States of America or any agency thereof, and is issued pursuant to Section 62.10 of the Local Finance Law and pursuant to a bond resolution entitled "Resolution authorizing the issuance of Trucks Statutory Installment Bond" in the amount of \$205,000.00 duly adopted by the Town Board of such Town of Lake Luzerne on the 26<sup>th</sup> day of April, 2010. This bond may not be converted into a coupon bond.

The faith and credit of such Town of Lake Luzerne are hereby irrevocably pledged for the punctual payment of the installments of principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this bond, exist, have happened

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and have been performed, and that this bond, together with all other indebtedness of such Town of Lake Luzerne is within every debt and other limit prescribed by the Constitution and laws of such State.

In Witness whereof, the Town of Lake Luzerne has caused this bond to be signed by the Town Supervisor and its Chief Fiscal Officer, and its corporate seal to be hereunto affixed and attested by its Town Clerk and to be dated as of the \_\_\_\_\_ day of May, 2010.

6. The Supervisor is hereby delegated the power to prepare such Bond and to sell such Bond at private sale at not less than par and accrued interest, and at such sale to fix the interest rate to be borne by such Bond within the limitations as set forth in this resolution. The Supervisor shall deliver such Bond to the purchaser thereof only against cash or a certified check. The proceeds of sale of the Bond shall be deposited in a special bank account as required by Section 165.00 of the Local Finance Law. The powers delegated to the Supervisor by this Resolution shall be exercised in conformity with the provision of the Local Finance Law.

7. This Resolution shall take effect immediately.

The Resolution, having received at least a two-thirds vote of the members of the Town Board, was declared by the Supervisor to be duly adopted.  
ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE, TO CONVENE THE WATER BOARD, ALL IN FAVOR, AYE.

WATER BOARD

COUNCILMAN MCLAIN - WATER SUPT CLUTE WOULD LIKE TO DO AWAY WITH BLEEDER ON THE HEIGHTS BY RUNNING A LINE ON PINE STREET. IT WOULD TAKE THREE DAYS WORK, MATERIALS ESTIMATE IS 3,082.00. TOWN BOARD AGREED THAT IT WOULD BE GOOD TO ELIMINATE THE TWO BLEEDERS.

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RESOLUTION # 62 OF 2010 RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN SECONDED BY COUNCILMAN DIEHL TO AUTHORIZE WATER SUPT TO PURCHASE MATERIALS NECESSARY TO RUN A WATER LINE ON PINE STREET THAT WILL ELIMINATE TWO WINTER BLEEDERS. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 63 OF 2010 – RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL, TO SET THE WATER RATE IN THE HUDSON GROVE WATER DISTRICT FOR THE 2010 -2011 COLLECTION YEAR AT \$290 PER UNIT AND TO AUTHORIZE THE SUPERVISOR TO EXECUTE THE WATER SUPPLY AGREEMENT WITH THE VILLAGE OF CORINTH. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 64 of 2010 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL: TO AMEND LANGUAGE ON THE WATER BILLS FOR THE LAKE LUZERNE METERED WATER DISTRICT TO READ .00275 PR GALLON OVER 60,000 GALLONS USED. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

BRUSH IS TAKEN AT THE TRANSFER STATION AT .03 PR LB. THE TOWN CAN NO LONGER BURN THE BRUSH AT THE TRANSFER STATION. RESIDENTIAL BRUSH BURNING IS STILL PERMITTED BY DEC WITH A BURNING PERMIT AFTER MAY 15<sup>TH</sup>. TOWN HAS QUOTES TO CONTRACT BIG CHIPPER.

FLOOR OPEN :

BILL EDDY – LAKE AVE. – WONDERS IF SOME PEOPLE DON'T REALIZE THERE ARE A LOT OF SEASONAL RESIDENTS IN THE TOWN OF LAKE LUZERNE WHO PAY A LOT OF SCHOOL TAXES. THEY DON'T LIVE HERE AND THEY HAVE NO KIDS IN SCHOOL.

TOM CONDEN – ASKED IF IT WOULD BE A HELP TO ASK THE COUNTY TO INTERVENE WITH THE STATE DEC REGARDING THE TOWN PERMIT TO BURN AT THE TRANSFER STATION?.

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ARNOLD ALBERT – EMT AGREEMENT HAS BEEN APPROVED BETWEEN THE TOWN OF HADLEY AND LUZERNE? . IS THAT AGREEMENT READY TO GO OR ARE THERE MORE STEPS THAT HAVE TO BE TAKEN? .

ATTORNEY THARP – AN EMAIL FROM FEB 5 2010 IN WHICH HADLEY ATTORNEY ASKED TO SEE A COPY OF THE LEASE AGREEMENT BETWEEN THE AMBULANCE SERVICE AND THE FIRE DISTRICT. I HAVEN'T SEEN IT AND SHE HASN'T SEEN IT TO MY KNOWLEDGE. JUST AN EXAMPLE OF NOT KNOWING WHAT IS GOING ON.

ARNOLD ALBERT - THE CERTIFICATE HAS BEEN OBTAINED BY THE EMS HOWEVER..

SUPERVISOR MERLINO – MR. FREEMAN HAS GIVEN THE BOARD SAMPLES OF INFORMATION FROM OTHER TOWNS AS TO HOW THEY HANDLE CERTAIN PROBLEMS FOR THE BOARD TO REVIEW. SUPERVISOR SAID THE BOARD APPRECIATES HIM BRINGING IN THIS INFORMATION.

MOTION BY COUNCILMAN MCLAIN SECONDED BY COUNCILMAN SHIEL TO ADJOURN THE MEETING. ALL IN FAVOR, AYE.

RESPECTFULLY SUBMITTED,

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CYNTHIA SHERWOOD, TOWN CLERK