

TOWN OF LAKE LUZERNE
SPECIAL TOWN BOARD MEETING
JUNE 5, 2009

MEETING WAS CALLED TO ORDER BY SUPERVISOR MERLINO AT 11:00 AM WITH THE FOLLOWING PRESENT: .COUNCILMAN MCLAIN, COUNCILMAN SHIEL, COUNCILMAN DIEHL : ALSO PRESENT ATTORNEY RUSSELL THARP AND ZEO SAHEIM..

ALSO PRESENT: HADLEY SUPERVISOR WRIGHT, FIRE COMMISSIONERS HANLON AND BOSFORD

THE BOARD MET TO CONSIDER WHETHER OR NOT THEY CAN GRANT A WAIVER FOR SEPTIC SYSTEM FOR MR. BURKE OF EAST RIVER DRIVE. THE ISSUES OF NON CONFORMING SEPTIC ARE AS FOLLOWS:

HOLDING TANK TO RIVER NEEDS STANDARD SETBACK OF 50 FT. IN THIS CASE 32.5 FT ARE PROPOSED.

HOLDING TANK TO SUCTION LINE NEEDS STANDARD 50 FT AND THIS CASE 10 FT IS PROPOSED. ..

THE BOARD DISCUSSED THAT THE PROPERTY WAS PURCHASED YEARS AGO . THERE WAS NEVER A C.O. ISSUED IN THE 1980'S THIS WAS A STORAGE SHED . THE ENGINEER IS WORKING WITH WARREN COUNTY BUILDING DEPT AND THE ADIRONDACK PARK HAS SIGNED OFF ANY JURISDICTION OVER THE PROJECT.

A WAIVER RELEASING THE TOWN OF ANY LIABILITY IN THE EVENT OF SEPTIC FAILURE HAS BEEN SIGNED BY THE OWNER.

THE TOWN BOARD FEELS THAT THE PROPOSED SYSTEM EQUIPPED WITH HIGH WATER ALARMS WITH LIGHTS AND A WATER SHUTOFF IS THE BEST THAT CAN BE GAINED IN THE SITUATION.

RESOLUTION #56 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY SUPERVISOR MERLINO, TO GRANT THE SEPTIC WAIVER REQUEST OF MR. BURKE FOR 871 EAST RIVER DRIVE.

DISCUSSION: COUNCILMAN SHIEL ADVISED THAT AT ONE TIME THE ZBA SAID THAT PROPERTY COULD ONLY BE USED AS A STORAGE SHED, BUT SINCE THEN APPARENTLY ANOTHER BOARD ACTED DIFFERENTLY AND HE AGREED THAT THIS IS THE BEST THEY CAN DO FOR THE SEPTIC.

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

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AMBULANCE DISTRICT :

THE TOWN BOARD WANTED TO CLEAR UP SOME QUESTIONS AND RUMORS PRIOR TO THE UPCOMING PUBLIC HEARING ON MONDAY.

TO FINALIZE WITH THE FIRE DISTRICT, AS FAR AS THE EMERGENCY APPARATUS, THE TOWN BOARD WOULD LIKE TO SEE SOMETHING IN WRITING THAT THE EQUIPMENT WILL STAY WITH THE EMS WHEN THE TWO SEPARATE.

MR. BOSFORD: SAID FROM THE BEGINNING THAT ONCE THE AMBULANCE DISTRICT IS SEPARATED THE EQUIPMENT WILL REMAIN WITH THE AMBULANCE AND LEASE SPACE IN THE CURRENT FIRE HOUSE.

JOE HANLON – YOU HAVE NOT REACHED THAT STAGE YET. FIRST YOU MUST SEPARATE THE DISTRICTS.

SUPERVISOR MERLINO – A MONTH OR SO AGO, WE TALKED ABOUT HAVING A COMMISSION WITH MEMBERS FROM HADLEY AND LAKE LUZERNE . WILL WE NEED TWO SEPARATE DISTRICTS WITH TWO SEPARATE BOARDS?

SUPERVISOR WRIGHT – THAT IS THE LAW.

ATTORNEY THARP – THE LAW IS NOT THAT CLEAR. YOUR FIRE COMPANY’S OWN ATTORNEY SAID THAT.

SUPERVISOR WRIGHT – THERE IS NO STATUTE FOR THE AMBULANCE TO HAVE A CONSOLIDATED DISTRICT. THERE IS NOTHING IN THE LAW THAT SAYS THERE HAS TO BE COMMISSIONERS. COULD BE GOVERNED BY THE TOWN BOARD. BUT IF WE ARE GOING TO OPERATE WITH COMMISSIONERS, EACH DISTRICT WILL HAVE COMMISSIONERS.

THE ONLY DIFFERENCE BETWEEN THE FIRE COMMISSIONERS AND THE AMBULANCE COMMISSIONERS IS THAT THE AMBULANCE BUDGET WILL HAVE TO BE APPROVED BY THE TOWN BOARD.

ATTORNEY THARP – BUT THE AMBULANCE DIST IS NOT GOING TO RUN THE AMBULANCE SERVICE OR OWN THE PROPERTY.

SUPERVISOR WRIGHT – YOU DON’T EVEN CALL IT AN AMBULANCE

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DISTRICT. THE ROCKWELL FALLS AMBULANCE CORPS. IT IS NOT A DISTRICT. THE DISTRICTS ARE IN THE TWO TOWNS. THEY WILL HAVE TO CONTRACT WITH THE AMBULANCE CORPS WITH A BINDING CONTRACT THROUGH MUNICIPAL AGREEMENT. BOTH TOWN COMMISSIONERS WILL HAVE TO WORK TOGETHER. THE BOARDS WILL HAVE TO APPROVE THE BUDGET. WE CAN'T HAVE A CONTINGENCY FOR EVERYTHING THAT IS POSSIBLE IN THE FUTURE. WE GOT ELECTED TO MAKE THESE DECISIONS.

THERE WILL BE TWO DISTRICTS EACH WITH A SET OF COMMISSIONERS TO WORK ON THE BUDGETS. AMBULANCE BUDGET WILL BE APPROVED BY THE TWO TOWN BOARDS.

SUPERVISOR WRIGHT – THE COMMISSIONERS WILL HAVE TO WORK ON THE NEGOTIATIONS OF THE AMBULANCE BUDGET.

ATTORNEY THARP – IS CONCERNED THAT NOT FOR PROFIT WILL CONTRACT WITH TWO DISTRICTS AND SAY WHAT IT WANTS IN CONSIDERATION FOR PROVIDING SERVICES.

SUPERVISOR WRIGHT - THEY CAN WANT WHATEVER THEY WANT BUT THE COMMISSIONERS WILL HAVE THE SAY IN WHAT THE BUDGET WILL BE.

JOE HANLON – IF WE LISTENED TO YOU RUSS, THE FIRE DISTRICT WOULDN'T WORK. THE AMBULANCE WILL BE THE SAME,.

ATTORNEY THARP – NO IT WILL NOT.

BOSFORD: YOU KEEP SAYING COMMISSIONERS. YOU DON'T HAVE TO HAVE COMMISSIONERS. THE TOWN BOARD COULD RUN IT.

SUPERVISOR WRIGHT - I THINK WE AS SUPERVISORS HAVE A LOT ON OUR PLATE AS IT IS. I HAVE NO PROBLEM WITH 3 PEOPLE FROM HADLEY AND 3 FROM LUZERNE SITTING DOWN AND NEGOTIATING IN GOOD FAITH.

ATTORNEY JOHNSON - EACH TOWN BOARD HAS THE OPTION OF ESTABLISHING THE DISTRICT. A BOARD OF COMMISSIONERS WOULD BE ESTABLISHED BY LOCAL LAW.

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HADLEY COULD HAVE A SET OF COMMISSIONERS AND LAKE LUZERNE COULD HAVE THE TOWN BOARD IN THEIR DISTRICT.

SUPERVISOR MERLINO – WE SHOULD BOTH DO THE SAME THING.

JOE HANLON – RESEARCHED THIS WITH A DOWNSTATE OUTFIT WHO HAS GONE THROUGH IT. TONY SAID THE BEST DEAL IS TO NOT PAY YOUR AMBULANCE COMMISSIONERS AND THAT WAY YOU KEEP A CONTINUUM. APPOINTMENTS NON PAID. ELECTED COMMISSIONERS ARE MORE DIFFICULT.

SUPERVISOR WRIGHT - WE ARE NOT IN THAT POINT IN THE PROCESS. THE OPTIONS ARE LEFT OPEN EITHER WAY.

MR. BOSFORD - GET YOUR TWO DISTRICTS AND THEN GO FROM THERE. THERE'S A LOT OF WORK TO DO AFTER THAT.

JOE HANLON – IF YOU CAN FIND SAY 3 COMMISSIONERS, AND THEY DO THE HIRING AND FIRING AND THE LIST OF CHORES TO CHECK ON THE OPERATION AND RUN THE PAID STAFF. YOU HAVE TO HAVE CONTROL OVER THE PAID STAFF.
VOLUNTEERS ARE A THING OF THE PAST.

COUNCILMAN SHIEL – WHAT HAS KILLED THE EMERGENCY SERVICE IN THE STATE OF NEW YORK IS THE STATE OF NEW YORK BY REQUIRING SO MUCH OF THE VOLUNTEERS.
HE IS ALSO BOTHERED BY AN ARTICLE IN THE ASSOCIATION OF TOWNS MAGAZINE NOTING THIS DIRECTION FOR SMALL TOWNS COULD BE FINANCIAL DISASTER.

CORINTH AMBULANCE HAS BEEN SEPARATED FOR YEARS. WE ARE ANSWERING MANY OF THEIR CALLS AND WE CANNOT BILL FOR THAT SERVICE.

SUPERVISOR MERLINO – SO THE EQUIPMENT WILL BE SOLD TO THE AMBULANCE SERVICE FOR \$1 AND LEASE THE SPACE IN THE FIREHOUSE BUILDING FOR A \$1 EVEN IF IT'S A TEN YEAR PROGRAM.

JOE HANLON – CORINTH EMS AND EMPIRE HAS NO MORE SOFT BILLING. RIGHT NOW WE CAN'T RECOVER OUR EXPENSES.

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COUNCILMAN SHIEL – WE WILL NEED BETTER ANSWERS AS TO THE COST OF THIS THING.

JOE HANLON – AT OUR FIRST MEETING WE HANDED OUT INFORMATION. YOU CAN'T TELL ME WHAT YOUR BUDGET WILL BE TWO YEARS DOWN THE ROAD.

FOR THE FIRST YEAR YOU WILL HAVE TO USE THE PRESENT BUDGET AS A GUIDE. THERE ARE 26 PEOPLE ON PAYROLL, MANY OF WHICH ARE PER DIEM. HOPEFULLY YOU CAN WORK BACK TO SOME LEVEL OF VOLUNTEERS.

GENERAL DISCUSSION OF RATES IN DIFFERENT AREAS OF THE STATE AND DIFFERENT SCENARIOS OF BILLING FOR LOCAL TAXPAYERS.

SUPERVISOR WRIGHT – CANNOT SEE GOING WITH EMPIRE OR ANY OTHER SERVICE.

RESOLUTION #57 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL, TO SUPPORT THE CONTINUED OPERATION OF THE WARREN COUNTY FISH HATCHERY IN THAT:

WHEREAS, WARREN COUNTY FISH HATCHERY, OPERATED BY WARREN COUNTY AND ESTABLISHED BY THE STATE OF NEW YORK IN 1914, IS A SOURCE OF SIGNIFICANT REVENUE TO THE COUNTY OF WARREN THROUGH PEOPLE FISHING, EATING IN LOCAL RESTAURANTS, STAYING AT LOCAL LODGING FACILITIES AND BUYING BAIT AND EQUIPMENT THROUGH THE MULTIPLE TOWNS WITHIN THE COUNTY, AND WHEREAS, THE WARREN COUNTY FISH HATCHERY PROVIDES STOCK TO ALL LOCAL STREAMS RIVERS PONDS AND LAKES FOR ALL MUNICIPALITIES THROUGHOUT WARREN COUNTY, KEEPING OUR LOCAL WATERS FROM THE GROWTH OF NEGATIVE ORGANISM AND CREATION OF POLLUTED SITES THROUGHOUT THE COUNTY WITH WARREN COUNTY SOIL AND WATER CONSERVATION HOLDING AN "ENVIRONTION" EVENT EACH YEAR AT THE WARRENSBURG FISH HATCHERY WHICH TEACHES SCHOOL STUDENTS THROUGHOUT THE COUNTY ABOUT ENVIRONMENTAL ISSUES, AND

WHEREAS, ANOTHER MAJOR USE OF THE WARREN COUNTY FISH HATCHERY FACILITIES IS FOR SPORTS ACTIVITIES, COMPANY, ORGANIZATION AND FAMILY EVENTS WHICH TAKE PLACE ANNUALLY, NOW THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF LAKE

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LUZERNE URGES THE WARREN COUNTY BOARD OF SUPERVISORS TO CONTINUE TO FUND OPERATIONS TO THE WARREN COUNTY FISH HATCHERY, AND BE IT FURTHER RESOLVED THAT COPIES OF THIS RESOLUTION BE SENT TO THE WARREN COUNTY BOARD OF SUPERVISORS, WARREN COUNTY TOWNS, SENATOR ELIZABETH LITTLE AND ASSEMBLY WOMAN TERESA SAYWARD.

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

VANARE DAM:

DISCUSSION THAT THE SPECIFICATIONS FOR THE REPAIR MIGHT NOT HAVE CALLED FOR THE REPAIR ON BOTH SIDES OF THE DAM. CT MALE SIGNED OFF ON THE PROJECT AND THEN LATER WROTE A LETTER TO THE CONTRACTOR THAT THEY WERE NOT SATISFIED WITH THE FINAL WORK. THE CEMENT CAPS ON THE TOP OF THE DAM STILL SHOW EXPOSED ROCKS DOWN ONE SIDE UNDER CAPS THAT THE BOARD FEARS WILL ALLOW FOR CONTINUED EROSION. THE CONTRACT GIVES CT MALE APPROVAL WHICH THEY DID AND LATER DECIDED MORE NEEDED TO BE DONE. SUPERVISOR TO ASK DEC, WHO INITIALLY OUTLINED THE WORK THAT NEEDED TO BE DONE, TO COME AND INSPECT THE DAM TO SEE IF IT MEETS THE CRITERIA CALLED FOR IN THE PERMIT.

FLOOR OPEN – NO COMMENT

RESOLUTION # 58 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY SUPERVISOR MERLINO TO SURPLUS THE OLD GENERATOR AT THE HIGHWAY GARAGE . ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

MEETING ADJOURNED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN. ALL IN FAVOR AYE.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, TOWN CLERK RMC