

REGULAR TOWN BOARD MEETING
TOWN OF LAKE LUZERNE
AUGUST 10, 2009
7:00 PM

SUPERVISOR MERLINO CALLED MEETING TO ORDER AT 7:00 PM WITH THE FOLLOWING MEMBERS PRESENT: COUNCILMAN MCLAIN, COUNCILMAN DIEHL. ALSO PRESENT: ATTORNEY RUSSELL THARP JR.

FLOOR OPEN TO PUBLIC

JOHN DUNCAN – HAD TWO REQUESTS OF THE BOARD:

1. HE IS WRITING A GRANT APPLICATION FOR FUNDING OF A WHITEWATER PROJECT, ON THE SACANDAGA FOR PLACEMENT OF ROCKS IN THE RIVER BED THAT CREATE MORE WHITEWATER ACTION FOR KAYAKS AND RAFTERS. HE IS ASKING FOR MUNICIPAL SUPPORT FOR THIS APPLICATION.
2. HE ALSO REQUESTED THAT THE TOWN ALLOW A SIGN ON MAIN STREET DIRECTING TOURISTS OVER THE BRIDGE TO THE RAFTING LOCATION.

THE BOARD ADVISED THAT OUR ZONING ORDINANCE PROHIBITS PLACING OFF SITE BUSINESS SIGNS. THE ATTORNEY FOR THE TOWN WILL REVIEW THE SIGN ORDINANCE AND GIVE HIS OPINION AT THE NEXT TOWN BOARD MEETING.

ROBERT SHERMAN – UPDATED BOARD REGARDING A MEETING WITH APA AND DEC OFFICIALS THAT VISITED THE SITE ON THE SOUTH END OF THE LAKE WHERE HERBICIDE TREATMENT OF MILFOIL IS BEING STUDIED AND REQUESTED. POSSIBLE OUTCOMES OF THE APPLICATION ARE: DENIAL, APPROVED, APPROVED WITH CONDITIONS AND/OR PUBLIC HEARING ON THE ISSUE. HE COMMENDED MIKE SCHAFFER FOR HIS EFFORTS AND PRESENTATION OF THE PROBLEMS.

RESOLUTION # 75 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL, TO ACCEPT MINUTES OF TOWN BOARD MEETING HELD JULY 13TH. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 76 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL: TO PAY MONTHLY VOUCHERS AS PRESENTED. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

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ABSTRACT TOTALS – AUGUST	
GENERAL FUND	\$27,742.23
HIGHWAY FUND	\$12,571.29
JOINT YOUTH	6,092.75
LAKE LUZERNE WATER DIST.	1,868.63
TRUST AND AGENCY	19,542.13

REPORTS:

ATTORNEY RUSSELL THARP, JR.

ADVISED THE BOARD THAT THE FINAL ORDER ESTABLISHING THE AMBULANCE DISTRICT IS PREPARED FOR THE BOARD'S CONSIDERATION AND ADOPTION. ATTORNEY ALSO NOTED THAT HADLEY IS ADVERTISING FOR 3 COMMISSIONERS .

RESOLUTION # 77 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

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WHEREAS, THE PUBLIC HEARING WAS DULY HELD BY THE TOWN BOARD ON JUNE 8, 2009 AND WAS COMPLETED ON SAID DATE AND;
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, SUPERVISOR MERLINO, AYE.

TOWN CLERK: CYNTHIA SHERWOOD

READ CERTIFIED MAIL NOTICE OF RENEWAL OF LIQUOR LICENSE FROM AMERICAN LEGION;

READ THANK YOU LETTER TO THE SUPERVISOR FROM FOURTH LAKE ASSOCIATION FOR RECENT TOUR OF THE NEW TOWN COMPLEX;

READ LETTER FROM CHANDLER ATKINS OUTLINING WATER DRAINAGE PROBLEMS AT THE ELMS COTTAGES PROPERTY;

READ E-MAILS FROM VARIOUS TOWN CLERKS ADVISING OF NEW LAW MANDATING ADOPTION OF A VIOLENCE IN THE WORKPLACE CODE. BOARD WILL REVIEW THE WARREN COUNTY CODE FOR NEXT MEETING.

BOARD DISCUSSION REGARDING APPLICATION FORM NECESSARY TO RESERVE THE GAZEBO AND PAVILION PARKS.

RESOLUTION # 78 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO TRANSFER \$13,867.47 FROM CONTINGENCY A1990.4 TO A3650.1 \$2,274.29, AND TO A3650.4 \$11,493.18 TO PAY FOR BILLS OF THE RAMSEY PLACE HOUSE DEMOLITION. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

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RESOLUTION # 79 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL, TO TRANSFER \$500 FROM THE COURT EQUIPMENT LINE TO THE COURT CONTRACTUAL LINE. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 80 OF 2009 - RESOLVED UPON A MOTION BY SUPERVISOR MERLINO, SECONDED BY COUNCILMAN DIEHL:

TO ADOPT LANGUAGE IN SUPPORT A GRANT APPLICATION FOR THE CONSTRUCTION OF A WHITEWATER PARK INCLUDING PLACEMENT OF ROCK IN THE SACANDAGA RIVERBED TO CREATE A MORE ACTIVE WHITEWATER EXPERIENCE ON THE SACANDAGA RIVER AS FOLLOWS:

WHEREAS, THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION IS MAKING AVAILABLE FUNDING FOR THE PARKS PROGRAM, AND

WHEREAS, THE SACANDAGA HUDSON ADVISORY COUNCIL WILL BE SUBMITTING THE APPLICATION, AND

WHEREAS, THE FUNDING WILL ASSIST IN THE CONSTRUCTION OF A WHITEWATER PARK, AND

WHEREAS, THE TOWN OF LAKE LUZERNE IS IN SUPPORT OF THE PROPOSED PROJECTS TO BE INCLUDED IN THE FUNDING APPLICATION, THEREFORE.

BE IT

RESOLVED, THAT THE TOWN OF LAKE LUZERNE SUPPORTS THE GRANT APPLICATION TO PROCURE FUNDING THROUGH THE NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION APPLICATION FOR THE PARKS PROGRAM.

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

RESOLUTION # 81 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO ADVERTISE THE NOTICE FOR BIDS FOR THE COURTHOUSE PROPERTY TO BE RECEIVED IN THE OFFICE OF THE TOWN CLERK, 539 LAKE AVE, UNTIL 3:00 PM ON FRIDAY SEPTEMBER 11TH AND TO OPEN SAID BIDS AT THE REGULAR MEETING OF THE TOWN BOARD ON SEPTEMBER 14TH AT 7:00 PM. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 82 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO ACCEPT WITH REGRET THE RESIGNATION OF DOG CONTROL OFFICER TINA BOYCE

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

RESOLUTION # 83 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN TO APPOINT CONNIE BOUTELLE AS DOG CONTROL OFFICER FOR THE REMAINDER OF THE YEAR DUE TO THE RESIGNATION OF TINA BOYCE. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION # 84 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL, TO SIGN INDEPENDENT CONTRACTOR AGREEMENT WITH PAM MORIN WITH TERMS OUTLINED IN WARREN COUNTY GRANT APPLICATION SO AS TO SEEK

POSSIBLE REIMBURSEMENT FOR HER SERVICES THROUGH WARREN COUNTY GRANT FUNDS. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

SUPERVISOR REPORT: EUGENE MERLINO

DISCUSSION REGARDING THE GEESE PROBLEMS AT THE BEACH, PARKS, AND AROUND THE LAKE. SUPERVISOR ADVISED THAT A PERMIT CAN BE OBTAINED THROUGH FISH AND WILDLIFE SERVICES THAT WOULD ALLOW SHOOTING THE GEESE. THOSE ATTENDING THE MEETING DID NOT FAVOR SHOOTING THE GEESE. OTHER METHODS OF DETERRING THEM WERE DISCUSSED, INCLUDING DECOYS AND WOODEN DOGS. THE TOWN WILL PURCHASE THE WOODEN DOGS TO SEE IF IT WILL HELP.

SUPERVISOR ADVISED THE TOWN DID NOT RECEIVE FUNDING FOR THE SHARED SERVICES WITH STONY CREEK ROLL OFF TRUCK GRANT. OF THE 11.5 MILLION IN FUNDING, NO TOWN IN THIS AREA RECEIVED FUNDS. THE TOWN ALSO DID NOT RECEIVE FUNDING FOR THE DOWNTOWN RENOVATION GRANT, NOT DID THE TOWN RECEIVE THE \$255,000 GRANT FOR SIDEWALKS AND LIGHTS FROM THE MIDDLE SCHOOL DOWN TO THE LEGION.

CEMETERY ASSOCIATION – HAS SPOKEN OF THE POSSIBLE NECESSITY OF HAVING THE TOWN TAKE OVER THE LAKE LUZERNE CEMETERY .

LIONS CLUB HAS OFFERED TO FUND A PRE-FAB BUILDING FOR A FOOD PANTRY IF A SUITABLE LOCATION IS AGREED UPON.

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WILLIAM EDDY – SPOKE ON BEHALF OF THE ROD AND GUN CLUB ASKING THAT THE COUNTY NOT CLOSE THE FISH HATCHERY. ALSO THE CLUB IS AGAINST GASLIGHT VILLAGE CONSTRUCTION THAT WOULD CHANGE THE STREAM AND DISRUPT THE SMELT RUN IN THE SPRING.

BEVERLY DAFFNER – VOICED CONCERNS ABOUT THE COMMERCIAL USE OF KAYAKS ON THE LAKE. THERE ALSO SEEMS TO BE MORE LITTERING AS A RESULT OF THIS USE IN THE CANAL.

DOUG WOOD – ASKED ABOUT SIDEWALK REPAIR IN FRONT OF THE POST OFFICE AND ALONG PORTIONS OF LAKE AVE.

AN AD WILL BE PUT IN THE PENNYSAVER FOR 3 VOLUNTEER AMBULANCE COMMISSIONERS.

MEETING ADJOURNED 8:15 PM UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN SHIEL, ALL IN FAVOR, AYES.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, RMC
TOWN OF LAKE LUZERNE