

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

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

IT WAS NOTED THAT THERE WERE NO BIDS RECEIVED FOR THE COURTHOUSE BUILDING.

FLOOR OPEN TO PUBLIC:

ROBERT SHERMAN : NOTED THAT ROBERT FORTE WILL BE MOVING LEAVING A VACANCY ON THE ACT MILFOIL COMMITTEE. THE COMMITTEE WILL FILL THAT VACANCY WITH MARK MAYHEW.

MILFOIL COMMITTEE REPORT: APA APPLICATION FOR A PERMIT TO USE CHEMICALS IN THE LAKE TO FIGHT MILFOIL IS STILL PENDING. THE TOWN BOARD WILL REVIEW THE APPLICATION. 1.5 ACRES HAVE BEEN MATTED SUCCESSFULLY. PERMIT STATUS: RICHARD KING CONDUCTED A SURVEY. A REPORT WAS RECEIVED THAT WAS DEEMED UNSATISFACTORY; HE PRESENTED TWO SHORT PAGES OF VERBIAGE COPIED FROM A REPORT IN 2007. IMPORTANT CONCLUSIONS WERE MISSING AND THERE WERE NO MAPS. LARRY EICHLER, ECOLOGIST AT DARRIN FRESHWATER INSTITUTE WILL CONDUCT ANOTHER SURVEY. MR SHERMAN ALSO SUGGESTED THAT MOTORS BE BANNED FROM THE LAKE DURING 2010 AND 2011 IN ORDER TO NOT CHOP UP AND REDISTRIBUTE MILFOIL PLANTS DURING THE CHEMICAL PROCESS.

PAM MORIN - SHOWED THE UPPER HUDSON RIVER MAP. SHE HAS FUNDING FOR 40,000 COPIES AND HOPING FOR 70,000. SHE REVIEWED HER STATUS AS EVENT COORDINATOR, WEBSITE MANAGER, ETC. SHE IS WRITING THE LARAC GRANT FOR SUMMER CONCERT SERIES FUNDING. PAM MADE PRESENTATION TO THE BOARD OF MANY IDEAS FOR USING THE FORMER TOWN HALL BUILDING AND ITS PARKING LOT FOR PUBLIC EVENTS AND PROGRAMS, IN KEEPING WITH DOWNTOWN REVITALIZATION AND HISTORIC PRESERVATION.

BOARD WILL HOLD A WORKSHOP TO GO OVER THESE ITEMS.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

COUNCILMAN MCLAIN ASKED IF THERE WAS ANYONE LINED UP TO PAY THE LIGHTS AND HEAT FOR THE BUILDING AND WAS TOLD BY MRS. MORIN THAT SHE HAD NOT ASKED FOR THAT AS YET. SHE IS RESEARCHING THE POSSIBILITIES AND ASKING FOR TIME TO DO THAT AS A FIRST STEP. THERE IS MONEY THAT CAN BE ASKED FOR UNDER THE FIRST WILDERNESS CORRIDOR AND THE FEDERAL COASTAL WATERS FUND.

HER IDEAS WILL BE FURTHER DISCUSSED AT A WORKSHOP NEXT WEEK.

NYS DEFERRED COMPENSATION PLAN WAS OUTLINED TO THE BOARD. IT IS THE STATE'S VERSION OF A 401K. (ACTUALLY A 457b) BUT THIS PLAN MONEY CAN BE WITHDRAWN EARLIER WITHOUT PENALTY. ALL WARREN COUNTY EMPLOYEES HAVE THIS PLAN AVAILABLE AT THIS TIME. THE TOWN WOULD PAY NOTHING. THE ONLY EFFORT IS THE TIME NEEDED FOR PAYROLL DEDUCTION TO THE TRUST. TOWN HAS NO FIDUCIARY RESPONSIBILITY.. EMPLOYEES DEAL DIRECTLY WITH THE PLAN, NOT THE TOWN. TOWN DOES NOT ADMINSTRATE THE PLAN. THE STIPULATION FOR EARLY WITHDRAWAL IN THE PROGRAM IS THAT YOU HAVE TO BE SEPARATED FROM SERVICE. OTHERWISE AT RETIREMENT, MONEY CAN BE WITHDRAWN AND AT THAT TIME, IT IS TAXED AS INCOME. CANNOT WITHDRAW MONEY WHILE EMPLOYED UNLESS IT IS BY A LOAN OR UNFORESEEN FINANCIAL HARDSHIP WITHDRAWAL AS DEFINED BY THE IRS. WHETHER RETIRED AT 55 OR QUIT AT 40, YOU WOULD HAVE ACCESS TO YOUR MONEY. IT IS A VERY LOW COST PLAN FOR EMPLOYEES TO PARTICIPATE IN BECAUSE IT IS STATE RUN, NON PROFIT, NO SALES CHARGES, NO COMMISSIONS. THE LARGEST DEFERRED COMP PLAN IN THE COUNTRY. EMPLOYEE CAN MANAGE THE INVESTMENT OR THERE IS AN AUTO MANAGEMENT OPTION. NO CHARGE TO CHANGE INVESTMENTS. UNLIMITED CHANGES DURING THE YEAR ARE ALLOWED. ACCOUNT EXECUTIVE WOULD COME TO SPEAK WITH THE EMPLOYEES AND DEAL DIRECTLY WITH THEM AND THEIR ACCOUNTS. A MONTHLY REPORT IS SENT TO THE TOWN. TOWN CAN CHOOSE A % OR FLAT DOLLAR AMOUNT TO BE DEFERRED. TO ADOPT THE PLAN, A RESOLUTION OF THE BOARD IS NEEDED.

RESOLUTION #85 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN: TO ACCEPT MINUTES OF JULY 22 AND AUGUST 10TH AND FURTHER, TO ACCEPT A CORRECTION IN THE JULY 13TH MINUTES TO REFLECT PROPANE GAS PRICE AT \$1.55 NOT 1.50. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE RE: JULY 22 AND THE

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

CORRECTION, BUT ABSTAIN ON AUGUST 10TH MINUTES, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

RESOLUTION #86 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE: TO PAY THE MONTHLY BILLS AS PRESENTED. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, , AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

ABSTRACT TOTALS:

GENERAL FUND	\$20,059.24
	5,783.50
HIGHWAY FUND	15,114.89
YOUTH FUND	30.89
SW1	3933.98
	69.00
SW2	8454.75
	23.00

REPORTS:

ATTORNEY RUSSELL THARP JR:

- ASKED FOR EXECUTIVE SESSION REGARDING OUTSTANDING ISSUES OF WORK, PAYMENT AND POSSIBLE LITIGATION OF SAME ON THE VANARE DAM PROJECT.
- HE ALSO PRESENTED A RESOLUTION REGARDING THE CONDEMNATION ACTION PREVIOUSLY AUTHORIZED. IT IS NECESSARY THAT A FINANCIAL SETTLEMENT BE OFFERED TO THE OWNERS OF THE PROPERTY BEFORE LITIGATION ACTUALLY COMMENCES IN THE EVENT THEY WOULD TAKE THE MONEY AND NO LITIGATION WOULD COMMENCE.

ATTORNEY THARP READ THE PROPOSED RESOLUTION THAT AUTHORIZES THE SUPERVISOR TO ACCEPT AN APPRAISAL OF THE PROPERTY WHICH IN TURN AUTHORIZES NEGOTIATIONS TO COMMENCE. IT WAS REQUESTED BY ATTORNEYS HANDLING THE LITIGATION THAT THE BOARD ADOPT THE RESOLUTION READ BY ATTORNEY THARP.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

HE NOTED THAT THE WORDING OF THE RESOLUTION WAS APPROVED BY ATTORNEY THARP AS THERE IS NOT COST TO THE TOWN OF LAKE LUZERNE, BUT WILL BE PAID ENTIRELY BY SARATOGA COUNTY.

RESOLUTION #87 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL TO AUTHORIZE SUPERVISOR TO APPROVE APPRAISAL IN CONNECTION WITH THE PROPOSAL TO CONSTRUCT A RADIO/TELECOMMUNICATIONS TOWER ON THE TOWN'S WATER TANK PROPERTY AS READ.

DISCUSSION ON THE MOTION: SUPERVISOR MERLINO ADVISED THAT THE APPRAISAL HAS NOT BEEN RECEIVED BY THE TOWN AS YET AND WOULD ASK THAT THE LANGUAGE OF THE RESOLUTION BE ACCEPTED CONTINGENT ON THE APPROVAL OF THE PENDING APPRAISAL BY THE TOWN ASSESSOR AND ATTORNEY THARP.

COUNCILMAN SHIEL AMENDED HIS MOTION TO INCORPORATE THE ABOVE CONTINGENCY:

WHEREAS, THE TOWN BOARD OF THE TOWN OF LAKE LUZERNE PREVIOUSLY HELD A PUBLIC HEARING TO DISCUSS THE PROPOSED PUBLIC PROJECT TO CONSTRUCT A RADIO/TELECOMMUNICATIONS TOWER ON THE SITE OF THE TOWNS WATER TANK PROPERTY, AND

WHEREAS, THE TOWN BOARD AUTHORIZED COMMENCEMENT OF AN EMINENT DOMAIN PROCEEDING TO ACQUIRE PROPERTY INTERESTS NECESSARY FOR THIS PROJECT , AND

WHEREAS, IN ACCORDANCE WITH NEW YORK STATE'S EMINENT DOMAIN PROCEDURE LAW, THE TOWN IS REQUIRED TO MAKE OFFERS OF COMPENSATION TO THE AFFECTED PROPERTY OWNERS FOR THE NECESSARY PROPERTY INTERESTS, AND

WHEREAS, ANY SUCH OFFERS MUST BE BASED UPON AN APPROVED APPRAISAL, AND

WHEREAS, THE NECESSARY APPRAISAL IS BEING PREPARED FOR THE TOWN'S REVIEW AND APPROVAL,

NOW, THEREFORE, BE IT
RESOLVED, THAT THE LAKE LUZERNE TOWN BOARD HEREBY AUTHORIZES THE TOWN SUPERVISOR TO REVIEW AND APPROVE SUCH APPRAISAL, UPON WHICH THE NECESSARY OFFER(S) WILL BE MADE, AND BE IT FURTHER RESOLVED THAT UPON RECEIPT OF CONFIRMATION THAT SARATOGA COUNTY WILL PAY THE ENTIRE AMOUNT(S) OF ANY OFFER (S) TO BE MADE TO THE AFFECTED PROPERTY OWNERS FOR THE REQUIRED

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

PROPERTY INTERESTS, THE TOWN BOARD AUTHORIZES TOWN SPECIAL COUNSEL TO MAKE SUCH OFFER(S) BASED UPON THE APPROVED APPRAISAL REPORT, AND BE IT FURTHER RESOLVED, THAT THE TOWN BOARD AUTHORIZES THE TOWN SUPERVISOR TO PARTICIPATE IN ANY NEGOTIATIONS WHICH MAY FOLLOW THE MAKING OF THE FORMAL OFFER(S) AND TO ACCEPT REASONABLE COUNTEROFFER RECEIVED, SUBJECT TO PRIOR ACCEPTANCE AND APPROVAL BY SARATOGA COUNTY, AND BE IT FURTHER RESOLVED THAT THIS RESOLUTION IS MADE AND APPROVED CONTINGENT UPON SATISFACTORY REVIEW OF THE APPRAISAL BY THE TOWN'S ASSESSOR AND THE ATTORNEY FOR THE TOWN.

DULY ADOPTED THIS 14TH DAY OF SEPTEMBER, 2009 BY THE FOLLOWING ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

TOWN CLERK CORRESPONDENCE AND REPORT: CYNTHIA SHERWOOD

TOWN CLERK RECEIVED TENTATIVE BUDGET FROM BUDGET OFFICER TODAY IN ACCORDANCE WITH THE BUDGET CALENDAR TIMELINE PROVIDED BY THE COMPTROLLER. BUDGET WAS DISTRIBUTED TO THE TOWN BOARD MEMBERS AT THIS MEETING.

A WORKSHOP MEETING WAS SCHEDULED FOR WEDNESDAY AT 11: 00 AM FOR THE BOARD TO GO OVER THE TENTATIVE BUDGET FIGURES. CLERK PROVIDED THE BOARD WITH HER MONTHLY REPORT OF FEES COLLECTED FOR THE MONTH OF AUGUST.

CLERK RECEIVED A RESIGNATION FROM THE ZONING BOARD OF APPEALS FROM ROBERT FORTE EFFECTIVE 9/30.

CLERK READ LETTER FROM NANCY AND PAUL GALVIN PRAISING THE WORK OF THE PARKS AND RECREATION DEPARTMENT AND HOW BEAUTIFUL THE FLOWERS, THE PARKS, THE GARDENS AND THE ROADSIDES HAVE BEEN KEPT. SHE NOTED HER TRAVELS ALL AROUND THE STATE THIS SUMMER FINDING NO PLACE MORE NICELY KEPT.

CLERK REQUEST THE WATER BOARD DEAL WITH TWO BILLING ISSUES DURING THIS MEETING.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

CLERK READ LETTER FROM WARREN COUNTY NOTING AN INCREASE IN FEES FOR LICENSING NECESSARY FOR TOWNS TO USE THE NEW YORK STATE SOFTWARE SYSTEM IN MAINTAINING ASSESSMENT ROLLS. THE FEES WILL INCREASE 25% AND BE CHARGED TO THE TOWNS RESULTING IN A \$300 INCREASE IN THE ASSESSOR'S BUDGET LINE.

CLERK RECEIVED 3 LETTERS OF INTEREST FOR THE EMS COMMISSIONER BOARD AND GAVE THEM TO THE TOWN BOARD. THE BOARD WILL REVIEW THEM AT THE WORKSHOP AS WELL.

CLERK READ SHORT ARTICLE ON THE FRONT PAGE OF THE FOURTH JUDICIAL DISTRICT NEWSLETTER "THE FIRST AMENDMENT" COMPLETE WITH PICTURES AND TALKING ABOUT THE NEW COMPLEX. . THE NEW BUILDING AND COURTHOUSE WAS DESCRIBED AS " PHENOMENAL"

CLERK RECEIVED NOTICE OF LIQUOR LICENSE RENEWAL FROM WATERHOUSE RESTAURANT, WHICH WAS 10 DAYS LATE IN FILING. IT IS REQUESTED BY THE APPLICANT THAT THE TOWN WAIVE THE 30 DAY WAITING PERIOD IN A LETTER TO THE NYS LIQUOR AUTHORITY.

RESOLUTION #88 2009 – RESOLVED UPON A MOTION BY SUPERVISOR MERLINO , SECONDED COUNCILMAN MCLAIN, TO WAIVE THE 30 DAY WAITING PERIOD FOR WATERHOUSE RESTAURANT AND PROVIDE LETTER TO THE NYS LIQUOR AUTHORITY TO THAT EFFECT. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, ABSTAIN, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

ZONING ENFORCEMENT OFFICER REPORT: ALLEN SAHEIM
ZEO INSPECTED CAMPGROUNDS AND MOBILE HOME PARKS AND FOUND THEM ALL TO BE IN GOOD TO EXCELLENT CONDITION. HE RECOMMENDS THE BOARD ACCEPT HIS REPORT .

RESOLUTION #89 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN WATERHOUSE, TO ACCEPT THE INSPECTION OF CAMPGROUND AND MOBILE HOME PARKS AND AUTHORIZE THE RENEWAL OF PERMITS FOR SAME. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE,

COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE..

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

COUNCILMAN MCLAIN REPORT:

HIGHWAY DEPARTMENT WILL BE PAVING ON GAILEY HILL ON TUESDAY AND GLENS FALLS MTN ROAD ON WEDNESDAY.

RESOLUTION #90 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL THAT THE ELECTRICITY BE TURNED OFF AT THE FORMER COURTHOUSE BUILDING AND THE FORMER TOWN HALL BUILDING, DUE TO THE CARRYING CHARGES IN THE NATIONAL GRID BILLS IN THE UNUSED BUILDINGS AND FURTHER THAT THE WATER BE TURNED OFF AT BOTH LOCATIONS.

DISCUSSION ON THE MOTION:

COUNCILMAN DIEHL FEELS IT IS NECESSARY IN THAT THERE ARE THOSE WHO FEEL THE TOWN IS SUPPORTING TOO MANY BUILDINGS. HE ALSO SAID THAT IT WAS HIS ORIGINAL UNDERSTANDING WHEN THE RENOVATION OF THE NEW TOWN HALL WAS COMPLETE THAT THE COURTHOUSE WOULD BE SOLD AND SO WOULD THE OLD TOWN HALL. HE IS IN FAVOR OF CUTTING THE POWER, TURNING THE HEAT OFF, THE WATER AND WINTERIZING BOTH BUILDINGS UNTIL THEY CAN BE SOLD. IF SOMEONE BUYS IT THEN CAN TURN THE POWER BACK ON IN THEIR NAME, NOT THE TOWNS.

COUNCILMAN SHIEL, - WITH THE BUILDINGS UNOCCUPIED, SHOULD THERE BE A WATER BREAK WITH NOBODY THERE TO SEE IT, THERE COULD BE CONSIDERABLE DAMAGE. DURING THE WINTER, WITHOUT HEAT, THERE WILL NOT BE THE ICE BUILD UP ON THE EAVES AND WATER DAMAGE ON THE INSIDE LIKE WE HAVE HAD IN THE PAST. IF THE TOWN DECIDES TO DO SOMETHING IN THE BUILDINGS, THE POWER CAN BE PUT BACK ON.

SUPERVISOR MERLINO – WOULD LIKE TO WAIT ANOTHER MONTH IN ORDER TO PUT THE COURTHOUSE BACK UP FOR SALE WITH ANOTHER MONTH UNTIL THE NEXT MEETING, AND THE FACT THAT THERE IS A WORKSHOP SCHEDULED TO DISCUSS POSSIBLE USES OF THE OLD TOWN HALL BUILDING.

COUNCILMEN DIEHL, SHIEL AND MCLAIN FEEL THAT THE DELIVERY CHARGE FOR POWER TO THOSE BUILDINGS (\$100 +) DOES NOT WARRANT KEEPING IT ON AND THAT IF ANOTHER ORGANIZATION USES THE OLD TOWN HALL, THEY CAN TURN THE POWER ON IN THEIR NAME.

ROLL CALL ON THE MOTION – COUNCILMAN WATERHOUSE, NO, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, NO.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

COUNCILMAN SHIEL - WITH ROBERT FORTE'S RESIGNATION THERE SHOULD BE AN APPOINTMENT TO THE ZBA AS SOON AS POSSIBLE AS WELL AS AN ALTERNATE.
THE BOARD WILL ADVERTISE FOR INTERESTED VOLUNTEERS.

SUPERVISOR REPORT: EUGENE MERLINO

SUPERVISOR ACCEPTED ROBERT FORTE'S RESIGNATION WITH MUCH REGRET AND PRAISED THE JOB HE DID FOR THE TOWN FOR MANY YEARS.

SUPERVISOR AND TOWN CLERK ARE STILL WORKING ON A PERMIT FORM FOR THE USE OF THE PAVILION AND GAZEBO IN THE PARKS.

FOOD PANTRY ISSUES ARE STILL BEING DISCUSSED. SUPERVISOR ADVISED HE GETS MANY PEOPLE ASKING WHY THE TOWN IS NOT DOING IT. THE LIONS CLUB HAS DISCUSSED THE FOOD PANTRY AS WELL.

COUNCILMAN MCLAIN WAS ASKED TO FURTHER REPORT ON THAT: HE ADVISED THERE IS A VOTE ON WEDNESDAY AS TO WHETHER THE CLUB WOULD FUND A BUILDING FOR FOOD PANTRY. COUNCILMAN MCLAIN WILL BE LOOKING AT THE PROPOSED BUILDING TOMORROW. THESE ARE SHIPPING CONTAINERS CONVERTED TO BUILDINGS, THEY COME WITH A HEATING UNIT.

SUPERVISOR ADVISED THAT A SPOT THAT MIGHT BE ACCESSIBLE TO SUCH A BUILDING IS ACROSS FROM THE PHARMACY BEHIND THE TOWN PARKING LOT. IT WOULD REQUIRE A SMALL SEPTIC SYSTEM AND ELECTRIC.

SUPERVISOR EXPLAINED THE CURRENT RECYCLING HAULING PLAN WHICH REQUIRES AN AMENDMENT TO OUR 1997 WASTE HAULING AND DISPOSAL AGREEMENT WITH WARREN COUNTY.
AMENDMENT AGREEMENT WAS REVIEWED BY ATTORNEY THARP AND COUNCILMAN SHIEL.

RESOLUTION # 91 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO AUTHORIZE SUPERVISOR TO SIGN AMENDMENT AGREEMENTS WITH WARREN COUNTY FOR WASTE HAULING AND DISPOSAL PER WARREN COUNTY RESOLUTION 169 OF 2009.
ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN WATERHOUSE, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

SUPERVISOR WOULD LIKE TO RE-BID THE COURTHOUSE AND REMOVE THE MINIMUM BID REQUIREMENT RESERVING THE RIGHT OF REJECTION. COUNCILMAN DIEHL WOULD ALSO LIKE A DISPLAY AD IN THE PENNY SAVER. SUPERVISOR WOULD LIKE TWO PUBLICATIONS.

RESOLUTION #92 of 2009 – RESOLVED UPON A MOTION BY COUNCILMAN WATERHOUSE, SECONDED BY COUNCILMAN MCLAIN, TO ADVERTISE THE COURTHOUSE PROPERTY FOR BID IN THE POST STAR AND THE PENNY SAVER, WITH NO MINIMUM BID REQUIREMENT, BUT RESERVING THE RIGHT OF REJECTION OF ANY OR ALL BIDS, WITH BIDS DUE IN THE OFFICE OF THE TOWN CLERK ON OCTOBER 8TH AT 12:00 NOON TO BE OPENED AT A SPECIAL MEETING OF THE BOARD ON THE SAME DAY AT 1:00 PM.. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

DUE TO THE COLUMBUS DAY HOLIDAY, THE BOARD WILL RESCHEDULE THE NEXT REGULAR TOWN BOARD MEETING.

RESOLUTION #93 OF 2009 - RESOLVED UPON A MOTION BY COUNCILMAN SHIEL, SECONDED BY COUNCILMAN DIEHL TO RESCHEDULE THE TOWN BOARD MEETING TO OCTOBER 13TH AT 7:00 PM DUE TO THE MONDAY HOLIDAY. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

SUPERVISOR ADVISED THAT THE CEMETERY ASSOCIATION WOULD LIKE THE TOWN TO TAKE OVER THE LAKE LUZERNE CEMETERY DUE TO FINANCIAL HARDSHIP. THE NYS DEPT OF STATE (CEMETERIES) HAS DISCUSSED THE ISSUE WITH SUPERVISOR MERLINO AND ADVISED THAT TOWNS HAVE NO CHOICE BUT TO TAKE OVER A CEMETERY UNDER CERTAIN CIRCUMSTANCES. IT IS HOPED THAT THIS WOULD NOT HAPPEN FOR ANOTHER YEAR. ONLY THE INTEREST ON THE TRUST FUND MONEY CAN BE USED FOR MAINTENANCE OF THE CEMETERY.

ATTORNEY THARP WOULD LIKE TO SEE ALL DOCUMENTS PERTAINING TO WHO OWNS THE LAND, THE ORGANIZATION ITSELF, THE BOARD, WHO OWNS THE MONEY AND WHO HAS THE RIGHTS TO IT. NOTHING HAS BEEN PRESENTED YET. ATTORNEY WOULD BE CONCERNED ABOUT ANY AGREEMENT WHERE THE TOWN WOULD GIVE THE CEMETERY ASSN MONEY, RECALLING THE EMS LOCAL LAW REQUIREMENTS. ATTORNEY READ THE REGULATIONS THUS FAR.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

SUPERVISOR ADVISED THAT A GRANT APPLICATION IS BEING PREPARED FOR POSSIBLE FUNDING OF UP TO \$200,000 FOR 1.5 MILES OF SIDEWALKS FROM THE MIDDLE SCHOOL TO THE HIGH SCHOOL. IT IS A 20% MATCH OF EQUIPMENT AND MANPOWER, DUE ON WEDNESDAY.

THE OTHER GRANT WE DID RECEIVE IN THE AMOUNT OF \$56,000 FOR DOWNTOWN PROJECTS INCLUDES MOSTLY A STUDY WITH A \$28,000 MATCH. THE BOARD FEELS WE DO NOT NEED YET ANOTHER SEWER STUDY AT THIS TIME.

RESOLUTION # 94 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN DIEHL, SECONDED BY COUNCILMAN MCLAIN, TO REJECT THE \$56,000 GRANT AWARD THAT REQUIRES A \$28,000 MATCH. ROLL CALL VOTE: COUNCILMAN MCLAIN, AYE, COUNCILMAN WATERHOUSE, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

TIME WARNER BUSINESS DID AN INVENTORY OF OUR TELEPHONES AND SERVICE AND A 30% SAVINGS CAN BE REALIZED BY SWITCHING OVER TO THE DIGITAL SERVICE.

RESOLUTION #95 OF 2009 – RESOLVED UPON A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO CONTRACT WITH TIME WARNER FOR DIGITAL TELEPHONE SERVICE. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN SHIEL, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

ASSESSOR ADVISED THAT THE SIGN AT “PIERPONT” RD SHOULD BE REVIEWED BECAUSE THE WARREN COUNTY MAPS, THE WARREN COUNTY 911 EMERGENCY NUMBERING SYSTEM, THE TOWN AND COUNTY TAX BILLS ETC, ALL USE THE ORIGINAL SPELLING “PIERREPONT” RD; THE TOWN BOARD SHOULD DIRECT EITHER THE CORRECTION OF THAT SIGN OR THE ACCEPTANCE OF PIERPONT AS OFFICIAL.

THE EASIEST WOULD BE TO KEEP THE COUNTY DESIGNATION AS PIERREPONT

THE BOARD WILL TABLE THE ISSUE.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

JAMES MANDLE ASKED FOR CLARIFICATION - WHEN THE TOWN TALKED ABOUT COMING TO THE NEW LOCATION, IT WAS TALKED ABOUT RENTING THE OLD TOWN HALL, NOT SELLING IT, ORIGINALLY. IF YOU GO LOOK AT THE MINUTES, AT THE TIME YOU THOUGHT MAYBE YOU COULDN'T SELL IT. MR. MANDLE ASKED THE BOARD TO RECONSIDER THEIR VOTES TO TURN OFF THE POWER AT THE OLD TOWN HALL AND OFFERED TO PAY FOR THE POWER. MANDLE ADVISED THAT HE HAD WORKED ON TRYING TO GET THE AMERICAN CANOE ASSOCIATION IN THERE AND THEN THE ADIRONDACK MUSEUM, AND RIGHT NOW HE IS WORKING TO TRY AND GET ADIRONDACK COMMUNITY COLLEGE AS A SATELLITE USE OF THE BUILDING FOR THEIR ADVENTURE SPORTS ENTREPRENEURIAL PROGRAMS. IT IS JUST IN THE EARLY STAGES. IT WOULD BE BETTER TO SHOW THE BUILDING WITH THE POWER ON RATHER THAN OFF. IF VOLUNTEERS WOULD PAY FOR THE LIGHTS FOR 3 MONTHS HE ASKED THE BOARD TO RECONSIDER .

ATTORNEY SUGGESTED SUCH PAYMENT BE IN ADVANCE AS A CHARITABLE CONTRIBUTION.

AFTER MUCH DISCUSSION, THE BOARD WOULD NOT RESCIND THE VOTE TO TURN OFF THE POWER, CITING THE SAVINGS TO THE TAXPAYERS IN NATIONAL GRID CARRYING CHARGES OF \$100+ PER MONTH.

COUNCILMAN MCLAIN ADVISED THAT FLU SHOTS WILL BE GIVEN AT THE FIREHOUSE ON SEPT 23RD.

MIKE BERLINER - ASKED IF THE TOWN WOULD HAVE ANY INTEREST IN OLYMPIC BIKE TRIALS IN 2012 AS WAS DONE IN 1972 . THE BOARD SAID YES.

A MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO ADJOURN REGULAR MEETING AND CONVENE AS THE WATER BOARD. ALL IN FAVOR, AYE.

TOWN OF LAKE LUZERNE
REGULAR TOWN BOARD MEETING
SEPTEMBER 14, 2009

WATER BOARD

CLERK DISTRIBUTED LETTER FROM CAPLAN NOTING EXTRAORDINARY WATER BILL DUE TO A LEAK IN THEIR SYSTEM WHICH HAS BEEN REPAIRED. WATER BILLING WAS ADJUSTED TO THE 3 YEAR AVERAGE OF \$314.00.

ACCOUNT 4605 WAS ADJUSTED TO \$125.00 PER BILLING ADDRESS ERROR.

MOTION BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN SHIEL TO ADJOURN WATER BOARD AND MOVE TO EXECUTIVE SESSION WHERE THERE WILL BE NO BUSINESS CONDUCTED UPON RETURN FROM EXECUTIVE SESSION EXCEPT TO ADJOURN THE MEETING. ALL IN FAVOR, AYES.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, RMC