

**ORGANIZATIONAL MEETING
TOWN OF LAKE LUZERNE
January 1, 2010**

Meeting was called to order by Supervisor Merlino at 12: 00 noon with the following members present: Councilman Waterhouse, Councilman McLain, Councilman Diehl. Also present: Attorney for the Town Russell Tharp, Jr.. Absent: Councilman Shiel

Judge Rodney Johnson performed the ceremonial administering oath of office for newly elected or re-elected officials for Cynthia Sherwood, Town Clerk, Eugene Merlino, Town Supervisor, Daniel Waterhouse, Councilman and Mark McLain, Councilman.

Floor Open to Public: No Comments

RESOLUTION # 1 OF 2010 - RESOLVED Upon Motion by Councilman McLain, seconded by Councilman Diehl that:

The Regular Town Board Meeting(s) will be held on the second Monday of each month at 7:00 pm;

The Official Newspaper will be The Post Star;

The Designated Depository(s) For Town Funds Will Be TD Bank and Glens Falls National Bank;

The Designated Polling Place For Districts, 1,2 and 3 is the Lake Luzerne Town Complex, 539 Lake Avenue. Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

RESOLUTION #2 OF 2010 - RESOLVED Upon Motion by Councilman Diehl, seconded by Councilman McLain, that the following appointments and salaries be set per the 2010 adopted Budget: Daniel Clute, Water Superintendent, all Districts at \$13,081.00; Cynthia Sherwood, Water Collector, all Districts at \$12,551.00; Glenn Shiel, Water Purification, at \$12,001.00; and Allen Saheim, Weekend Water Purification at \$13.70 pr. Hr. Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

RESOLUTION # 3 OF 2010 - RESOLVED Upon Motion by Councilman Waterhouse, seconded by Councilman McLain that the following appointments and salaries be set:

Cynthia Sherwood, Registrar at a salary of \$1,545.00 (same as 2009),

Cynthia Sherwood, Records Management Officer at 0 salary,

Cynthia Sherwood, Freedom of Information Officer at 0 salary,

Eugene Merlino, Freedom of Information Appeals Officer at 0 salary,

Bea Evens as Town Historian at a salary of \$1,030.00

Allen Saheim as Health Officer at a salary of \$1,600.00,

Allen Saheim as Zoning Enforcement Officer at a salary of \$21,918.00.

Connie Boutelle as Dog Control Officer at a salary of \$5,500.00

Deanne Rehm as sole Assessor at a salary of \$27,089.00,

Eugene Merlino as Budget Officer at a salary of \$3,300.00.

Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

There was discussion and agreement by the board regarding the Dog Control Officer in that, if called by the Warren County Public Health office to investigate cat or ferret bites for current rabies

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vaccination or quarantine as required by NYS Ag and Markets law, the Dog Control Officer will respond.

RESOLUTION #4 OF 2010 – RESOLVED Upon Motion by Councilman Diehl, seconded by Councilman McLain, that the following appointments and salaries be set:

Thomas Diehl as Deputy Town Supervisor at a salary of \$1,360.00,

Lorri Holcomb as Deputy Town Clerk/Collector and Deputy Registrar at \$13.41 pr. Hr,

James Tubbs as Deputy Highway Superintendent at a salary of \$1,750.00;

Russell Tharp Jr., as Attorney for the Town of Lake Luzerne with an annual retainer of \$ 26,780.00 with provision for billing at an hourly rate of \$ 90.00 for work outside scope of retainer. This salary includes services to the Zoning and Planning Board.

At this time there is not a Delegate to the Association of Towns or an Alternate. Roll Call Vote:

Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

RESOLUTION # 5 OF 2010-RESOLVED Upon Motion by Councilman McLain, Seconded by Councilman Waterhouse, that the following appointments and salaries be set:

Melissa Genier as Court Clerk/Court Officer at \$14.58 pr hr; Edith Tubbs as Senior Van Driver at

\$12.73 pr hr; Jeremy Dunn as Crossing Guard at \$11.33 pr hr. Roll Call Vote: Councilman

Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

There is no appointed Constable at this time at \$ 12.00 pr hr.

RESOLUTION # 6 OF 2010 – RESOLVED Upon Motion by Councilman Diehl, seconded by Councilman McLain that the following published Salaries for Elected Officials be Paid on a Bi-

Weekly Basis on Wednesdays as follows: Supervisor at \$21,630.00; Town Clerk/Tax Collector at

\$27,583.00, Highway Superintendent at \$41,600.00, Justice (2) at \$10,779.00 each, Councilmen (4) at

\$5,212.00 each. Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman

Diehl, aye, Supervisor Merlino, aye.

RESOLUTION # 7 OF 2010 – RESOLVED Upon Motion by Councilman Waterhouse, seconded by Councilman McLain, that the following appointments be set:

Donald Burnham to Zoning Board of Appeals to fill unexpired term of Robert Forte Exp. 2013.

Kathleen McFarlane, Planning Board for 7 year term , exp. 2016,

Tina Croke to Planning Board to fill unexpired term of William Eddy –exp. 2014.

Appointment of Chairman for Zoning Board of Appeals shall be Stanley Goldberg

Appointment to the Board of Assessment Review shall be Carolyn Dingman, term exp. 2013

Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye,

Supervisor Merlino, aye.

RESOLUTION #8 OF 2010 - RESOLVED Upon Motion by Councilman McLain, seconded by Councilman Diehl that the Supervisor approve BAN Renewals as they come due;

The Town Clerk is authorized to maintain a \$100.00 Bank throughout the year; The Collector is

authorized to maintain a \$100.00 Bank for collection of taxes and water rents throughout the year;

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The Supervisor maintain a \$25.00 bank for the purpose of meter replacement parts; The Transfer Station Attendant maintain a \$ 130.00 bank throughout the year.

The Town Board amend the procurement policy to increase the bidding threshold for public work contracts from \$20,000 to \$35,000 pursuant to match NYS guidelines.

The Town Board Adopt the present code of ethics for the year 2010

Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

**RESOLUTION #9 OF 2010 – RESOLVED UPON MOTION BY COUNCILMAN MCLAIN,
SECONDED BY COUNCILMAN DIEHL:**

To State Official Mileage For Reimbursement At .45 cents per mile

The Town Board Adopt a CERTIFICATE OF DEPOSIT investment policy for the year 2010;

The Lake Luzerne Town Supervisor is authorized to use a facsimile stamp.

The Town of Lake Luzerne Adopt the present drug policy for the year 2010.

Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

RESOLUTION # 10 OF 2009 Resolved upon a motion by Councilman McLain, Seconded by Councilman Diehl that the State Mandated audit of financial record keeping of officials of the Town Court, Town Clerk/Collector and Supervisor be set for February 10 at 1:00 pm .

FURTHER, THAT THE Town Board set a meeting for July 14th at 1:00 to review logs kept by elected and appointed workers in order to set a standard workday for NYS Retirement.

Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

Board discussion of Resolutions needed going forward with the separation of EMS services from the Fire Department Service. Attorney submitted the following resolutions and advised the board to adopt same.

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RESOLUTION #11 OF 2009 – Resolved upon a motion introduced by Councilman McLain, Seconded by Councilman Waterhouse, to Provide for the Waiver of Insurance Co-Payments and Deductibles For Ambulance Service Provided to Residents of Ambulance Districts within The Town of Lake Luzerne

WHEREAS, the Town of Lake Luzerne (hereinafter “Town”) has duly established an ambulance district known as the “Town of Lake Luzerne Ambulance District” (hereinafter “District”); and

WHEREAS, on an annual basis, the Town on behalf of the District will/has enter(ed) into a contract with Rockwell Falls Volunteer Ambulance Service, Inc doing business as Luzerne-Hadley Emergency Medical Services (hereinafter “Ambulance Service”) for the provision of emergency medical and ambulance services within the District for the benefit of residents of the District; and

WHEREAS, the aforesaid residents of the District, through the payment of property taxes to the District, help subsidize the provision of emergency medical and ambulance services within the District pursuant to the aforesaid contract; and

WHEREAS, commencing in 2010, the Ambulance Service is to begin revenue recovery from persons utilizing their services through the billing of patients and/or their insurers; and

WHEREAS, various insurance and third-party payer programs that provide for the payment of fees for emergency medical and ambulance services for plan participants and subscribers impose a co-payment or deductible for said participants and subscribers, and

WHEREAS, the Town intends that a portion of the annual payments made by the Town to the Ambulance Service pursuant to the aforesaid contract constitute an amount reasonably calculated to reimburse the Ambulance Service for waiver of collection on insurance co-payments and deductibles of the District residents utilizing the ambulance service which might otherwise become obligations or liabilities of such District residents; and

WHEREAS, various opinions of the Office of the Inspector General of the United States of America have opined that a municipality may contract for ambulance services and direct that collection of co-payments and insurance deductibles of residents of that municipality be waived by the ambulance provider if the municipality reimburses the ambulance provider in an amount reasonably calculated to reimburse the ambulance provider for the amount that the municipality directed the ambulance provider not to collect constituting insurance co-payments and deductibles from the residents of the municipality; and

WHEREAS, the Town of Lake Luzerne intends that the District residents not be charges insurance cop-payments and deductibles for ambulance service provided by the Ambulance Service pursuant to the aforesaid contract;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Lake Luzerne, on behalf of the District directs that the Rockwell Falls Volunteer Ambulance Service, Inc. as the ambulance service provider for the aforesaid District WAIVE any obligation or right to seek recovery of insurance co-payments and deductibles from residents of the District in consideration of an annual payment by the Town in an amount reasonably calculated to reimburse the Ambulance Service for insurance co-payments and deductibles from residents of the District; and

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NOW, BE IT FURTHER RESOLVED, that commencing in 2010 said reimbursement amount shall be deemed included in the amount of the annual contract between the town and the Ambulance Service and that in subsequent years, the amount reasonably calculated to reimburse the Ambulance service will be determined on an annual basis and stated in the budget of the Ambulance Service and the amount of reimbursement included within the sum total of the contract amount paid in each succeeding year by the Town to the Ambulance Service. Roll Call Vote: Councilman Waterhouse, aye, Councilman McLain, aye, Councilman Diehl, aye, Supervisor Merlino, aye.

Dated: January 1, 2010
Lake Luzerne Town Board

A second Resolution was given to the Board by Attorney Tharp constituting a temporary agreement between the Town of Hadley and Lake Luzerne for Emergency Ambulance Services.

RESOLUTION #12 OF 2010 – RESOLVED UPON A MOTION INTRODUCED BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL TO ENTER INTO AN INTERIM AGREEMENT WITH THE TOWN OF HADLEY AND THE ROCKWELL FALLS AMBULANCE SERVICE, INC. FOR EMERGENCY AMBULANCE SERVICE IN THE TOWN OF LAKE LUZERNE AMBULANCE DISTRICT. ROLL CALL VOTE: COUNCILMAN WATERHOUSE, AYE, COUNCILMAN MCLAIN, AYE, COUNCILMAN DIEHL, AYE, SUPERVISOR MERLINO, AYE.

INTERIM AGREEMENT BETWEEN THE TOWNS OF
LAKE LUZERNE AND HADLEY AND THE ROCKWELL FALLS AMBULANCE SERVICE INC.
FOR EMERGENCY AMBULANCE SERVICE IN THE TOWN OF LAKE LUZERNE
AMBULANCE DISTRICT AND THE TOWN OF HADLEY AMBULANCE DISTRICT.

THIS AGREEMENT, MADE THE __ DAY OF JANUARY 2010, BETWEEN THE TOWN BOARDS OF THE TOWN OF HADLEY AND THE TOWN OF LAKE LUZERNE, IN THE STATE OF NEW YORK (HEREINAFTER “TOWNS”) AND THE ROCKWELL FALLS AMBULANCE SERVICE, INC., DOING BUSINESS AS LUZERNE-HADLEY EMERGENCY MEDICAL SERVICES (HEREINAFTER ROCKWELL FALLS”) A NOT FOR PROFIT CORPORATION ORGANIZED AND EXISTING UNDER THE LAW OF THE STATE OF NEW YORK, WITH ITS OFFICE AND PRINCIPAL PLACE OF BUSINESS IN THE TOWN OF LAKE LUZERNE, STATE OF NEW YORK;

WITNESSETH:

WHEREAS, THE TOWNS DESIRE TO ENTER INTO A CONTRACT FOR EMERGENCY MEDICAL AND AMBULANCE SERVICES FOR THE AMBULANCE DISTRICTS IN THE RESPECTIVE TOWNS; AND

WHEREAS, ROCKWELL FALLS HAS ENTERED INTO AN AGREEMENT WITH THE LUZERNE-HADLEY CONSOLIDATED FIRE DISTRICT (LHCFD) TO OPERATE AN AMBULANCE SERVICE WITHIN THE AMBULANCE DISTRICT OF SAID TOWNS AND THE TOWNS TO THE AMBULANCE DISTRICTS HAVE DULY LEVIED TAXES UPON THE

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RESIDENTS OF THE DISTRICTS TO PAY FOR THE PROVISION OF AMBULANCE SERVICES WITHIN THE DISTRICTS WITHIN THE TOWNS, NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES RECITED HEREIN AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE TOWNS DO CONTRACT WITH ROCKWELL FALLS TO FURNISH AMBULANCE SERVICE TO SAID TOWNS AND ROCKWELL FALLS AGREES TO FURNISH AMBULANCE SERVICE, SUBJECT TO THE FOLLOWING PROVISIONS:

1. TERM: THIS AGREEMENT SHALL BE STYLED AN "INTERIM AGREEMENT: EFFECTIVE UNTIL January 31, 2010 OR UPON THE EXECUTION OF A FURTHER AGREEMENT SUPERCEDING THIS AGREEMENT.
2. TOWN'S OBLIGATIONS: THE TOWNS WILL PROVIDE ROCKWELL FALLS WITH FINANCIAL RESOURCES TO OPERATE THE AMBULANCE SERVICE COMMENCING JANUARY 1, 2010 IN SUCH AMOUNTS AS SHALL BE DETERMINED REASONABLE.
3. VENDOR STATUS: ROCKWELL FALLS IS A VENDOR TO THE TOWNS. NOTHING HEREIN SHALL DEEM ROCKWELL FALLS TO BE AN EMPLOYEE, AGENT OR DEPARTMENT OF EITHER TOWN.
4. DUPLICATE ORIGINALS: THIS DOCUMENT IS BEING EXECUTED WITH DUPLICATE ORIGINALS SIGNED BY ROCKWELL FALLS AND TO BE EXECUTED BY THE APPROPRIATE REPRESENTATIVE OF EACH TOWN. THIS AGREEMENT WILL BE IN FULL FORCE AND EFFECT UPON THE EXECUTION BY THE APPROPRIATE REPRESENTATIVE OF EACH TOWN ON ONE OR BOTH DUPLICATE ORIGINALS AND SHALL BE DEEMED EFFECTIVE FOR PURPOSES OF EACH RESPECTIVE TOWN UPON EXECUTION BY THAT TOWNS REPRESENTATIVE.

SUPERVISOR DISTRIBUTED TO THE BOARD AN ENERGY ANALYSIS REPORT FOR TOWN PROPERTIES.

SUPERVISOR ADVISED THE BOARD OF A CONVERSATION WITH TOWN OF COLONIE ATTORNEY REGARDING THE COLONIE LOCAL LAW #8 OF 2009. A COPY OF THE LAW WAS PRINTED AND DISTRIBUTED TO THE BOARD FOR CONSIDERATION AT NEXT MEETING OF THE BOARD ON JANUARY 11TH. THEIR LOCAL LAW AMENDS THE ZONING ORDINANCE TO PROVIDE FOR A LICENSE FEE ON MOTELS AND HOTELS HOUSING REGISTERED SEX OFFENDERS. ATTORNEY THARP REITERATED CONCERNS BASED UPON HIS RESEARCH OF CITY ALBANY LAW THAT WAS THROWN OUT AND THAT THE STATE FEELS THEY HAVE PUT ENOUGH CONTROLS ON SEX OFFENDERS THAT WOULD SUPERCEDE ANY LOCAL CONTROLS.

SUPERVISOR SUGGESTED THAT THE BOARD READ OVER THE LOCAL LAW AND PERHAPS A PUBLIC HEARING ON SAME COULD BE SET AT THE NEXT MEETING.

ATTORNEY REVIEWED INFORMATION OBTAINED BY COUNCILMAN MCLAIN REGARDING MUNICIPALITIES HOLDING MORTGAGES. ATTORNEY DISAGREED WITH THE INFORMATION PROVIDED. COMPTROLLER'S OFFICE OFTEN GIVES CONTRADICTORY OPINIONS. ATTORNEY WILL DO MORE RESEARCH.

SUPERVISOR WOULD LIKE THE BOARD TO RETHINK GOING OUT TO BID ON THE COURTHOUSE EVEN THOUGH A RESOLUTION WAS MADE AT THE YEAR END MEETING TO REJECT THE BIDS AND WAIT FOR REBID. THERE ARE PEOPLE STILL INTERESTED IN PURCHASING THE PROPERTY.

COUNCILMAN DIEHL – HAS NO PROBLEM DOING IT NOW. . BOARD DISCUSSION OF THE REJECTION OF BIDS ON THE COURTHOUSE AT THE DEC 29TH MEETING.

DISCUSSION THAT A MINIMUM PRICE SHOULD BE PUT IN THE BID. COUNCILMAN MCLAIN THOUGHT \$100,000 SHOULD BE THE MINIMUM. WITH BIDS DUE ON THE 11TH OF JANUARY. NO RENT, NO LEASE, NO TOWN HOLDING THE MORTGAGE. THE BOARD MEMBERS WERE IN AGREEMENT. TERMS TO BE AMENDED TO INCLUDE 30 DAYS CLOSING.

CLERK ADVISED THAT JAN 11TH IS NOT ENOUGH TIME TO GET THIS IN THE PAPER AND RETURN BIDS.

SUPERVISOR AGREED AND THE BOARD THEN AGREED ON FEBRUARY 8TH. AT NOON TO RECEIVE THE BIDS AND TO OPEN THEM AT THE BOARD MEETING THAT EVENING WITH A CLOSING REQUIRED IN 30 DAYS CASH.

ATTORNEY THARP BROUGHT UP TWO CONCERNS REGARDING THE SEX OFFENDER LOCAL LAW IN COLONIE. THERE IS A DECISION IN THE CITY OF ALBANY AND SUPREME COURT OF SCHENECTADY COUNTY WHICH KNOCKED OUT SIMILAR STATUTES BECAUSE IF YOU READ THEM, EVEN THOUGH THE DECISION DOES NOT SPECIFICALLY DEAL WITH THE TERMS OF THAT STATUTE, IF THE MEANING OF THE DECISION IS BROAD ENOUGH TO ENCOMPASS THAT STATUTE THEN IT IS A PRECEDENT AGAINST THAT STATUTE THAT SAID.. THE STATE HAD ENOUGH CONTROLS SO THAT THE LOCAL GOVERNMENT HAD NO RIGHT TO PUT ON MORE CONTROLS. A JUDGE IN NEW JERSEY WIPED OUT 14 OR 15 OF THOSE LOCAL LAWS. THE OTHER QUESTION RAISED IS WHO IS GOING TO ENFORCE IT?

SUPERVISOR MERLINO – PROBABLY THE ZONING ENFORCEMENT OFFICER. AT LEAST WE WILL HAVE SOMETHING IN PLACE, IF IT GETS STRUCK DOWN IT GETS STRUCK DOWN. AT LEAST WE WILL TRY TO DO SOMETHING. COUNCILMAN MCLAIN – WHAT WE ARE HOPING FOR IS THAT MOTEL OWNERS WILL NOT ACCEPT THEM ANYMORE IF THEY HAVE TO PAY.

THE SCHOOL WANTS TO MEET WITH SUPERVISOR MERLINO TO DISCUSS INTERMUNICIPAL AGREEMENTS THAT MIGHT SAVE MONEY.

MOTION TO ADJOURN AT 1:00 PM BY COUNCILMAN MCLAIN, SECONDED BY COUNCILMAN DIEHL. AL LIN FAVORS, AYE.

RESPECTFULLY SUBMITTED,

CYNTHIA SHERWOOD, RMC, TOWN CLERK