

Minutes of the Regular Meeting and Public Hearing of the Board of Trustees of the Village of Lake George, NY, held on Monday, January 11, 2021 at 4:30 p.m. This meeting was held during the COVID-19 virus outbreak, and public attendance was prohibited. Members of the Village Board physically attended at the Village Hall. The public was allowed access via Zoom teleconferencing.

MEMBERS PRESENT: Robert M. Blais, Mayor
John Earl, Deputy Mayor
Joseph Mastrodomenico, Trustee
John Root, Trustee
Ray Perry, Trustee

Also Present: Clerk Debra McKinney, Superintendent Keith Lanfear, WWTP Operator Tim Shudt, and via Zoom Dan Barusch (Planning & Zoning Administrator) and others.

At 4:30 p.m. Mayor Blais opened the Regular Meeting and asked Trustee Root to lead the Pledge of Allegiance.

Mayor Blais announced that the boardroom audio and visual upgrade has been completed. He thanked Trustee Perry for overseeing the technology upgrades and is very pleased that our meetings which have been available via Zoom now can be video as well as audio.

This local law imposes a moratorium on any construction, repair, or replacement of any amusement devices, parks or rides in the Village for a period of six months.

At 4:31 p.m. Mayor Blais opened a Public Hearing for Proposed Local Law No. 1, 2021 imposing a moratorium on placement of amusements in the Village. The purpose of this proposed law is to impose a moratorium on any construction, repair, or replacement of any amusement devices, parks or rides in the Village for a period of six months allowing Village officials to take steps to consider the impact of such amusements. Mayor Blais commented that we became aware of the fact that an application may be pending to erect a Ferris wheel type device and realized that there was nothing in our code addressing such amusements. Mayor Blais noted that he would like to appoint a committee including Dan Barusch and some citizens to take part and work on analyzing the impact and then make a recommendation to the Board. He then opened the floor to public comment.

Mayor Blais presented the minutes from a Regular Meeting held on December 21, 2020. Trustee Root made a motion, seconded by Trustee Earl, unanimously carried, to approve the December 21, 2020 Meeting minutes.

VOTING **Ayes: 5** **Blais, Earl, Mastrodomenico, Perry, Root**
 Nays: 0

MOTION PASSED.

Monthly reports from the Sanitation Department and Caldwell Sewer District, Superintendent of Public Works, Fire Department, Planning & Zoning Office, Teen Center, and Historian's annual were presented and made available to the public.

Mayor Blais recognized a letter that was received from the Dow family of Pine Point commending Superintendent Lanfear and the staff for their work cleaning up the leaves, coming to their area four times to pick them up.

Mayor Blais wanted to remind residents that the DPW is still picking up Christmas trees if left curbside.

Mayor Blais brought up the topic of a Dissolution Study again noting that he had been contacted by one of our largest tax payers requesting that a study again be considered. He went on to say that there have been studies done three times since he has served as Mayor. Funds were spent and at the end of each study, it was decided that it would not be put to a vote. Trustee Earl commented that there has never much support for it. Mayor Blais estimated the cost to be \$50,000. for another study, with 50% coming from a grant and maybe the balance could be split with the Town. Mayor Blais commented that he doesn't really want to spend the money again and would not be in favor unless the Board is in agreement to put it to a vote this time. He noted that he feels now is the time to consider it while he is in office; it doesn't seem fair to ask a new mayor to consider. The first step would be to pass a resolution to approve an application for grant funding.

The discussion continued, and he polled the Board for their thoughts. Trustee Root asked if any of the old information used could be used again. Mayor Blais thought probably not. Trustee Earl commented that it has been studied to death, numbers change, but info is similar. He noted that Village staff goes above and beyond to provide services to the residents, and he can't see the Town providing these. Trustee Earl is not in favor of a study. Trustee Mastrodomenico commented that another option might be shared services which we have found to be costly as well. The outcome of the Village's assets and debt were also discussed. Dan Barusch noted that probably 25% of the prior data could maybe be reused, but would mostly need new documents, but might be able to save some money by using the same firm. He noted that the goal of New York State is to preserve services offered. Dan discussed briefly the options of dissolution versus consolidation and how assets, debt, and taxes would be affected. He also pointed out that the biggest change from the study done ten years ago is that there is a Community Empowerment Tax Credit which may be \$500,000. every year forever which would help to offset costs. Trustee Root remarked that the key point is the Mayor will be retiring, and in all fairness to any new mayor, he would like to put this to bed. Trustee Perry asked about the option of coterminous. Mayor Blais remarked that that option is rather complicated. He suggested that if we chose to move forward, we zero in on one scenario. Mayor Blais asked that the Board members give it some further thought and encouraged them to talk to members of the community and get their opinions. He commented that during these difficult times, it doesn't seem practical to do a study right now, but noted that we will discuss it again at the February board meeting.

Mayor Blais reported that we received a \$3,000. contribution from Reuben and Dana Ellsworth to be used towards the Teen Center. This could be used to expand the programming next year. Mayor Blais stated that the new Director and her Assistant are doing a great job.

Mayor Blais updated the Board on the status of the proposed local law for solar regulations. Attorney Fuller made several recommendations about the draft, and is working on combining the prior work done with the one that Dan Barusch recently drafted.

Mayor Blais presented a Handbook Update in regards to the return of employees' uniforms upon employee termination, voluntary or involuntary. Trustee Earl suggested that maybe we could consider issuing a Village baseball cap for employees. Mayor Blais agreed that we can consider other additional attire at budget time.

Mayor Blais, seconded by Trustee Perry, offered the following resolution:

RESOLUTION NO. 170, 2021

BE IT RESOLVED, that the Village Board hereby approves an amendment to the Village Employee Handbook as follows:

**Employee Handbook
Section VI – Rules and Regulations**

C. Dress Code

...

- 7. Upon leaving employment all non-office employees will be required to return all uniforms issued to their Department Head. Prior to receiving any final wage payments or benefits due, any shortage of equipment will be deducted at the suppliers cost to the Village.**

...

**VOTING Ayes: 5 Blais, Earl, Mastrodomenico, Perry, Root
 Nays: 0**

RESOLUTION NO. 170, 2021 ADOPTED.

January 11, 2021

Mayor Blais reported that he attended a meeting held by a group of citizens and business owners in regards to putting a skating rink at the Wood Park. Some cost figures were gathered and it was discussed how labor intensive an undertaking such as this would be. It was also, suggested that maybe a rink could be created out on the lake in front of Shepard Park. If, and when it comes to fruition, Mayor Blais suggested that the Village could provide a porta john and possible lighting from MacDonald Pier. Trustee Root inquired as to who would be responsible for insurance, and Mayor Blais confirmed that it would not be the Village.

The following resolutions were considered:

- The IRS has set the 2021 Standard Mileage Rate.

Trustee Earl, seconded by Trustee Perry, offered the following resolution.

RESOLUTION NO. 171, 2021

WHEREAS the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties;

WHEREAS the IRS has set the Standard Mileage Rate for 2021 as .56 cents per mile for business uses;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees will approve reimbursement to such officers and employees at the rate of \$.56 per mile effective January 1, 2021.

**VOTING Ayes: 5 Blais, Earl, Mastrodomenico, Perry, Root
 Nays: 0**

RESOLUTION NO. 171, 2021 ADOPTED January 11, 2021

- Election Polling Place & Time

Trustee Earl, seconded by Trustee Perry, offered the following resolution:

RESOLUTION NO. 172, 2021

WHEREAS, the next general Village election will be held on Tuesday, March 16, 2021, and

WHEREAS, no person shall be entitled to vote at any village election whose name does not appear on the register of the election district in which he claims to be entitled to vote, and

WHEREAS, the Village of Lake George has abolished registration days in the Village of Lake George pursuant to Chapter 217 of the Laws of the State of New York.

NOW, THEREFORE, BE IT RESOLVED, that the Village will use only the names from the Warren County registration list for the Village of Lake George general election, and

Voting for the forthcoming Village election shall be conducted upstairs at the Town Office Center, 20 Old Post Road, Village of Lake George, NY from 12 noon to 9 p.m.

This Resolution shall take effect immediately.

**VOTING Ayes: 5 Blais, Earl, Mastrodomenico, Perry, Root
 Nays: 0**

RESOLUTION NO. 172, 2021

January 11, 2021

- Election Inspectors

Trustee Earl, seconded by Trustee Perry, offered the following resolution:

RESOLUTION NO. 173, 2021

WHEREAS, the General Village Election will be held on Tuesday, March 16, 2021,

BE IT RESOLVED, that Christine Molella and Darlene Gunther be appointed election inspectors, with Christine Molella serving as the Chairwoman, and

BE IT RESOLVED, that Margaret Mannix be appointed as an alternate election inspector,

BE IT FURTHER RESOLVED, that the compensation for the election inspectors will be \$13.00 per hour worked at the polls or preparing the roll.

**VOTING Ayes: 5 Blais, Earl, Mastrodomenico, Perry, Root
 Nays: 0**

RESOLUTION NO. 173, 2021

January 11, 2021

- Washington County Sewer District Exhibit A

Trustee Earl, seconded by Trustee Perry, offered the following resolution:

RESOLUTION NO. 174, 2021

1-11-21 regular & PH

BE IT RESOLVED, that the Village Board of Trustees hereby authorizes Mayor Blais to sign an updated Exhibit A for the Composting agreement for the 2020/2021 fiscal year with Washington County Sewer District II for 2019 tipping fees for the Compost Facility. The tipping fees amount changes yearly based on the percentage of sludge hauled to the facility. The Village's 68% share of the fees for 2019 is \$153,864.90

VOTING **Ayes: 5** **Blais, Earl, Mastrodomenico, Perry, Root**
 Nays: 0

RESOLUTION NO. 174, 2021 ADOPTED. **January 11, 2021**

- WWTP Capital Payments

Trustee Earl, seconded by Trustee Perry, offered the following resolution:

RESOLUTION NO. 175, 2021

BE IT RESOLVED, that the Village Board authorizes payment to be processed for the WWTP capital project for EFC Payment Request #28, which currently includes , Blue Heron, Family Danz, Hach for lab equipment, and any other request that comes in prior to the next Village Board meeting. Upon receipt of the transfer of funds from EFC, checks will be issued at the next available payroll/audit.

VOTING **Ayes: 5** **Blais, Earl, Mastrodomenico, Perry, Root**
 Nays: 0

RESOLUTION NO. 175, 2021 ADOPTED. **January 11, 2021**

- Snowmobile and ATV's on Village Streets – The proposed resolution would allow snowmobiles & ATV's on certain Village streets, but not Canada Street or Beach Road.

The Village Board further discussed this proposal to allow snowmobiles and ATV's on the streets during the wintertime events, like has been done in the past. Trustee Root suggested that this may be a good year to go "pedestrian friendly", and said that he is not in favor of allowing snowmobiles and ATV's on the streets. Further discussion ensued as to the pros and cons. Mayor Blais noted that we will consider this proposed resolution dormant and possibly discuss further at the February meeting.

Trustee Root, seconded by Trustee Mastrodomenico, offered the following resolution for the Water Changes:

RESOLUTION NO. 176, 2021

JANUARY 2021 WATER CHANGES

JANUARY PENALTIES	\$ 827.55
FINAL READS	
S Depold	\$ 43.94
J Hladik	\$ 88.08

The above resulted in the following Journal Entries:

DR	F0350 WATER RECEIVABLE	\$959.57
CR	F2148 WATER PENALTIES	\$827.55
CR	F2140 WATER METERED	\$132.02

VOTING **Ayes: 5** **Blais, Earl, Mastrodomenico, Perry, Root**
 Nays: 0

RESOLUTION NO. 176, 2021 ADOPTED. **January 11, 2021**

Trustee Root, seconded by Trustee Mastrodomenico, offered the following resolution for Transfers and Audits:

RESOLUTION NO. 177, 2021

TRANSFERS:

From:		To:		Amount:
A1990.4	Contingency	A1950.4	Property Tax	\$245.00
A1990.4	Contingency	A1110.4	Justice Contr.	\$500.00
A1640.4	Central Garage	A1490.43	Public Works phone	\$500.00
12/30/2020	General	\$80,397.00		
	Water	\$23,670.37	211095-211126	34737-
	Sewer Plt Improv (HK)	\$49,395.66		34746
		<u>\$153,463.03</u>		
	General			
	Water			
	Sewer Plt Improv (HK)	<u>\$0.00</u>		
1/11/2021	General	\$80,772.27		
	Water	\$10,007.82	211127-211206	
	LG Watershed			
	Mgmt(HA)	\$1,155.00		
	EPG (HT)	\$4,648.00		
		<u>\$96,583.09</u>		

VOTING **Ayes: 5** **Blais, Earl, Mastrodomenico, Perry, Root**
 Nays: 0

RESOLUTION NO. 177, 2021 ADOPTED. **January 11, 2021**

Mayor Blais reported that on Saturday he had Dan Elkins, acting as Code Enforcement Officer, go out and check on ten of our licensed businesses for COVID compliance. All of the businesses were in compliance.

Mayor Blais informed the Board that he has been in contact with New York State and Warren County in regards to changing the name of West Brook Road to honor Betty Little's 34 years of public service.

1-11-21 regular & PH

Mayor Blais asked for another other business.

Superintendent Lanfear reported that he and Operator Tim Shudt have been exploring options to replace the Vac truck, possibly with a lease purchase. Trustee Perry suggested we research whether any grant funding might be available, and Mayor Blais agreed to follow up with Dan Barusch on possible grant funding and with the Fund for Lake George and the Lake George Association as well. It was noted that this truck has become unreliable and repairs have cost quite a bit in the past three years, but is a critical piece of equipment used by the Village and on behalf of the Town, too.

Trustee Root asked about the status of the sewer rate study. Mayor Blais noted that he recently spoke with the vendor and was reminded that before the study can continue, we will need operating costs of the new plant.

Trustee Earl noted that there have been two cars parked on Helen Street, south of West Street for an extended period of time. After some discussion detailing the vehicles and the location, Superintendent Lanfear agreed to follow up.

Trustee Perry inquired as to how the employee reviews were going. It was noted that the form has been finalized, but with the short and varied staffing for COVID, the reviews has been delayed. Mayor Blais reported that he intends to bring all staff back in on their regular work schedule effective January 19, 2021.

Mayor Blais asked for any other comment on Proposed Local Law No. 1 of 2021 adopting a moratorium on amusements in the Village of Lake George. There were none. At 5:52 p.m. he closed the Public Hearing. Mayor Blais advised that this is a Type II action under SEQRA and not subject to further review.

Trustee Earl, seconded by Mayor Blais, offered the following resolution:

RESOLUTION NO. 178, 2021

RESOLUTION ADOPTING PROPOSED LOCAL LAW IMPOSING A MORATORIUM ON THE AMUSEMENTS IN THE VILLAGE OF LAKE GEORGE

WHEREAS, pursuant to Section 10 of Municipal Home Rule Law and the Village Law of the State of New York, the Village Board of Trustees (the “Board”) of the Village of Lake George (the “Village”) has the authority to adopt local laws to protect the health, safety and welfare of its citizens; and

WHEREAS, the Board finds and determines that it is necessary and proper for the health, safety and welfare of the citizens of the Village to regulate the construction of amusement devices, amusement parks or amusement rides in the Village; and

WHEREAS, it has been brought to the attention of the Village Board that certain amusement devices, amusement parks or amusement rides might be constructed in the Village that are not the intent of the Board, and that may have the potential to negatively affect the Village and the welfare of the citizens of the Village; and

WHEREAS, in an effort to protect the health and safety of the residents and visitors of the Village and to preserve the character of the Village, the Board has determined that amendments may need to be made to the Village’s Zoning Law after the Board has had

an opportunity to investigate, study and evaluate the impacts of amusement devices, amusement parks or amusement rides in the Village; and

WHEREAS, in order to provide the Village with sufficient time to conduct the aforementioned investigation and evaluation and to review, study, analyze and revise, as may be necessary, various portions of Zoning Law of the Village, it is in the best interests of the residents of the Village to impose a moratorium on the application for, review of and construction of any amusement devices, amusement parks or amusement rides in the Village; and

WHEREAS, a proposed Local Law imposing a moratorium on the application for, review of and construction of any amusements in the Village has previously been presented to the Board; and

WHEREAS, the adoption of a moratorium constitutes a Type II Action under the State Environmental Quality Review Act pursuant to 6 NYCRR section 617.5(c)(30), and as such, this action is not subject to further review under the State Environmental Quality Review Act; and

WHEREAS, notice of the public hearing for said local law was duly published in the Post Star, and notice thereof sent to adjoining municipalities as required by law; and

WHEREAS, the Board of Trustees referred the proposed local law to the Warren County Planning Board as required by law; and

WHEREAS, the Board held a public hearing on the proposed local law whereat persons wishing to be heard on said local law were permitted to speak regarding said proposed local law.

NOW, THEREFORE BE IT RESOLVED, that the Board finds that the proposed local law imposing a moratorium on the application for, review of and construction of any amusement devices, amusement parks or amusement rides in the Village is in the best interests of the residents, inhabitants and visitors of the Village; and be it further

RESOLVED, that the Board hereby adopts the proposed moratorium by local law; and be it further

RESOLVED, that pursuant to and in accordance with the Municipal Home Rule Law the Village Clerk is hereby directed to enter the local law into the minutes of this meeting and file the same with the Office of the Secretary of State of the State of New York; and be it further

RESOLVED, that this resolution shall take effect immediately.

VOTING Ayes: 5 Blais, Earl, Mastrodomenico, Perry, Root
 Nays: 0

RESOLUTION NO. 178, 2021 ADOPTED. January 11, 2021

Motion by Trustee Earl, seconded by Mayor Blais, the Village of Lake George Board of Trustees hereby adopts and enacts proposed Local Law No 1, 2021 as follows imposing a six-month moratorium on the amusements in the Village of Lake George.

**LOCAL LAW NO. 1 of 2021
ADOPTING A MORATORIUM
ON AMUSEMENTS IN THE VILLAGE OF LAKE GEORGE**

Be it enacted by the Board of Trustees of the Village of Lake George, as follows:

Section 1. Legislative Intent.

The Board of Trustees of the Village of Lake George has been advised that certain amusement devices, amusement parks or amusement rides may be proposed for construction in the Village that may not meet with the character of the Village, its residents or visitors. The Board of Trustees finds that the construction of such amusement devices, amusement parks or amusement rides might be a detriment to the community and the health, safety and welfare of the inhabitants and visitors of the Village such that these amusement devices, amusement parks or amusement rides warrant further review by the Board of Trustees and, if necessary, revisions to the Village of Lake George's Zoning law.

Section 2. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Village Law of the State of New York, the laws of the Village of Lake George and the general police power vested with the Board of Trustees of the Village of Lake George to promote the health, safety and welfare of all residents and property owners in the Village of Lake George. As a moratorium this local law is a Type II Action under the State Environmental Quality Review Act regulations and is not subject to further environmental review.

Section 3. Affected Area.

The areas affected by this legislation are all properties in the Village of Lake George, Warren County, New York.

Section 4. Enactment of a Temporary Moratorium.

No new land use applications for construction, repair, or replacement of any amusement devices, amusement parks or amusement rides as defined in the Village of Lake George's Zoning Law shall be accepted, reviewed and/or granted approval by the body, board or public official vested with jurisdiction over such applications for a six (6) month period beginning on the effective date of this local law. Land use applications include, but are not limited to, those applications for building permits, demolition permits, destruction permits, site plan review, special use permits, and any other related permits. This shall include any of the foregoing permits which are applied for or currently pending before any duly designated code enforcement officer and/or zoning administrator, planning board or zoning board of appeals, of the Village of Lake George.

Section 5. Exceptions.

The prohibition on land use applications shall not be applied with respect to the following:

- a. Any structure or building deemed unsafe by the Board of Trustees of the Village of Lake George; or
- b. Any structure or building owned by the Village of Lake George as of the date of this moratorium; or
- c. Any hardship granted pursuant to Section 6 of this Local Law.

Section 6. Hardship.

- a. Should any owner of property affected by this moratorium suffer an unnecessary hardship in the way of carrying out the strict letter of this moratorium, then the owner of said property may apply to the Board of Trustees in writing for relief from strict compliance with this moratorium upon submission of proof of such unnecessary hardship. For the purposes of this moratorium,

unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a building permit, demolition permit, subdivision map, land division, variance, site plan approval, special permit, change of zone, or other approval during the period of the moratorium.

b. Substantive requirements. No relief shall be granted hereunder unless the Board of Trustees shall specifically find and determine and shall set forth in its resolution granting such exemption that:

1. Failure to grant an exemption to the petitioner will cause the petitioner unnecessary hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the granting of the exemption; and

2. The grant of the hardship, even if the project or activity for which exemption is sought is approved, will clearly have no adverse effects upon any of the Village's goals or objectives in undertaking the community planning effort or in adopting this moratorium, including but not limited to effects resulting from uses detrimental to the community's resources or character; and

3. The project or activity for which the petitioner seeks an exemption is in harmony and consistent with any interim data or recommendations or conclusions may be drawn from the Village or community-planning effort then in progress and the project or activity will not have an adverse impact on the character of the Village.

c. Procedure. Upon submission of a written application to the Village Clerk by the property owner seeking relief from this moratorium, the Board of Trustees shall, within 30 days of determining that said application is complete, schedule a public hearing on said application upon five days' written notice in the official newspaper of the Village. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Board of Trustees shall, within 30 days of the close of said public hearing, render its decision either granting or denying the application for relief from the strict requirements of this moratorium. If the Board of Trustees determines that a property owner will suffer an unnecessary hardship if this moratorium is strictly applied to a particular property, then the Board of Trustees may grant relief from the moratorium to the minimum extent necessary to provide the property owner relief from strict compliance with this moratorium. The Board of Trustees may impose any conditions on any such grant that is deemed necessary.

Section 7. Permits Issued in Violation of this Local Law.

The Board of Trustees reserves the right to direct the building inspector, code enforcement officer and/or zoning administrator, to revoke or rescind any permits, approvals or relief issued in violation of this local law.

Section 8. Conflict with State Statutes and Authority to Supersede.

To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of any local law of the Village of Lake George, or any laws of the State of New York, this local law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law.

Section 9. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section 10. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State.

Explanation: New Material is underlined. Deleted Material is in [brackets.]

VOTING **Ayes: 5** **Blais, Earl, Mastrodomenico, Perry, Root**
 Nays: 0

LOCAL LAW NO. 1, 2021 ADOPTED **January 11, 2021**

There was a motion by Trustee Perry to adjourn at 5:54 p.m.

Respectfully submitted,

Debra J. McKinney
Village Clerk