

Minutes of the Regular Meeting and Public Hearing of the Board of Trustees of the Village of Lake George, NY, held on Monday, April 17, 2023 at 4:30pm Zoom teleconferencing was also available.

**MEMBERS PRESENT:** Raymond Perry, Mayor  
Joseph Mastrodomenico, Deputy Mayor  
Jose Filomeno, Trustee  
Alyson Miller, Trustee  
John Root, Trustee

Also Present: Clerk Julie Allen, Superintendent Keith Lanfear, Vincent Cianciolo, Ed Pontacoloni, Yerbol Kenzhebekov, Randy Powell, Mary Lussier, Rene Lussier, Nancy Hawley, and Douglas Frost.

At 4:30pm, Mayor Perry opened the Regular Meeting and asked Trustee Miller to lead the Pledge of Allegiance.

Mayor Perry invited the public to speak.

Ed Pontacoloni stood to speak and said that he is and always has been a huge advocate for the Village of Lake George. He explained that he was recognized by the previous Mayor in 2016 with the Mayor Award. He went on to say that last year there was a petition for a Dissolution, that was ultimately rejected by the Village voters. Mr. Pontacoloni said that the day after the petition was rejected, the Post Star published that the Village Board had agreed to have a study done on consolidation with the Town of Lake George. He said that both the Town and the Village had created resolutions and said that the study would be done. Mr. Pontacoloni said that six months had gone by and that no study had been done. He said it is a very important issue and needs to be addressed. He asked why the Village Board had not moved forward with the consolidation study. Mr. Pontacoloni said he felt time was of the essence on this study as the Village could use the work from LaBerge and build on it, much more economically than starting from scratch.

Mayor Perry said that he had only been Mayor for two weeks. The Mayor said that the Village is currently in the process of two other studies, and they had agreed that they would handle one study at a time. Mayor Perry said that he had just spoken with Dan Barusch that morning regarding a consolidation study. Mayor Perry said he would address it with the Board to see how they would like to proceed. Mayor Perry asked Mr. Pontacoloni to contact him at the office and they could set up a time to meet. Mr. Pontacoloni agreed to set up a time to meet with Mayor Perry.

Mayor Perry asked for the next person to speak and said that he was setting a three-minute time limit for each speaker.

Mary Lussier of Muddy Trail Jerky stood to speak. She said that in her fifteen years as a store manager, she had zero tolerance for any inappropriate behavior by co-workers or employees. She said that being a rude person is not illegal but when it comes to being a person in authority it can turn illegal. She went on to say that she received an email from a fellow vendor that felt she was being discriminated against by the Manager of the Farmers Market. She felt it was because they had called out the Manager of the farmers market on sexual harassment. Mrs. Lussier said that they had been a part of the Farmers Market for eight years and had never been rejected. Mrs. Lussier said she feels that she is being discriminated against because the manager thinks that her company was involved in the claim. She doesn't feel that anyone should have to go through this.

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Mayor Perry stated that these conflicts are the reason that the Village of Lake George does not run the events themselves. Mayor Perry said that he is sorry, but she will have to address the problem with the person who runs the event. He said that the Village hosts the event but does not run it.

Rene Lussier stood to speak saying he has not slept well since December, since this matter came into play. Mr. Lussier said he was concerned about the fact that the Manager of the Farmers Market handed out applications to people last year before they had even had the award to run it this year. Mr. Lussier said that he also had a problem with the fact that the minimum bid required had increased dramatically. He said he felt it was odd that he was always outbid by \$2K. He said that there was an instance when he called the Mayor, and that night received a text message from the Manager of the Farmers Market asking why he had called the Mayor. Mr. Lussier said someone in the office must inform the manager of the Farmers Market of his calls.

Trustee Root asked to weigh in on the matter. Mayor Perry said no, that it was not on the agenda. Trustee Root asked that the Village Board have a Special Meeting to further discuss the Farmers Market. Mayor Perry agreed that they could do that.

Mayor Perry introduced Nancy Hauley of LGA. He asked her to please present the information that she had regarding the changes to the displays at the Lake George Visitor Center.

Nancy Hauley of LGA held up and gave copies of the drawings of the changes to each Board Member. She said that there is currently a room that shows the Past of Lake George and said they are looking to present the Future of Lake George. She said it is meant to be educational. There is a silhouette of the lake along with facts.

At 4:45pm it was discovered that the video to the zoom meeting was not on, so it was turned on.

Nancy Hauley resumed her presentation on the proposed changes to the displays in the Visitor Center. She said they would be using QR codes that people could scan that go along with the presentation. She said that there would be a monitor on the large wall that would present, "Our Lake, Our Future" on a five minute loop. She continued to say there would be an exhibit for the Jefferson Project that would talk about how the Jefferson Project that had helped them find solutions to problems for the lake. She went on to explain that it had helped them with road salt, invasive species issues, and is now working on harmful algal blooms. Nancy Hauley said the final thing they would be promoting was the Floating Classroom.

Trustee Root asked if they would be taking the interactive stormwater display down to which Nancy Hauley responded yes. She explained that it was not currently working and did not have the funds to fix it. Trustee Mastrodomenico asked how many monitors and Ms. Hauley said one.

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

**RESOLUTION NO. 17, 2023,**

**BE IT RESOLVED, that the Board of the Village of Lake George, approves the changes submitted by the Lake George Association, to the Lake George Visitors Center.**

**VOTING            Ayes: 5                            Perry, Filomeno, Mastrodomenico, Miller, Root**  
**Nays: 0**

**RESOLUTION NO. 17, 2023 ADOPTED.****April 17, 2023**

Trustee Root made a motion, seconded by Trustee Mastrodomenico, carried by a majority, to approve the minutes of the Regular Board Meeting held on March 20, 2023, and the Special Budget Public Hearing on March 27, 2023. Only Mayor Perry, Trustee Mastrodomenico, and Trustee Root were able to vote as they were members of the Board and present at the time of the meetings.

<b>VOTING</b>	<b>Ayes: 3</b>	<b>Mastrodomenico, Perry, Root</b>
	<b>Absent: 2</b>	<b>Blais, Earl</b>
	<b>Nays: 0</b>	

**MOTION PASSED.**

Trustee Mastrodomenico made a motion, seconded by Trustee Filomeno, carried unanimously, to approve the Annual Organizational held on April 3, 2023 and Special Meeting held April 6, 2023.

<b>VOTING</b>	<b>Ayes: 5</b>	<b>Perry, Filomeno, Mastrodomenico, Miller, Root</b>
	<b>Nays: 0</b>	

**MOTION PASSED.**

Mayor Perry presented the Monthly Department reports.

At 4:50pm, Mayor Perry opened the Public Hearing for Proposed Local Law No. 3, 2023 Chapter 174-11, Snow Removal and Emergency Conditions, where it would be unlawful for anyone to place snow in the public right of way that originates from private property.

Mayor Perry asked if there was any public opinion or questions to which there was no response. Mayor Perry left the public hearing open.

Mayor Perry explained the resolutions up for vote and asked if there were any questions.

Trustee Root said that he felt that health insurance should be offered to all Trustees at the same rate as a full-time employee. Mayor Perry said that they could put that on the agenda for a later meeting, but the money was not in the budget for this year so if approved it would need to be budgeted for another year. Trustee Root asked that the employee handbook be revised to reflect a change in the wording regarding newly elected officials. He feels the current wording is a little ambiguous and is left to interpretation. It was agreed that new wording would be presented by Clerk Julie Allen for approval at the next regular Board meeting.

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 18, 2023**

**BE IT RESOLVED that the Village Board of Trustees of the Village of Lake George does hereby approve the Turf Management Company Inc. proposal for labor and material for treatments of the REC Center Little League Fields - \$2,343.71; Football Field - \$638.52 and Soccer Fields - \$1,068.54.**

<b>VOTING</b>	<b>Ayes: 5</b>	<b>Perry, Filomeno, Mastrodomenico, Miller, Root</b>
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Nays: 0

**RESOLUTION NO. 18, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 19, 2023**

**BE IT RESOLVED**, that the Village Board hereby authorizes Mayor Perry to sign a renewal contract with MVP Health Care for health insurance for our active employees for the period of June 1, 2023 through May 31, 2024.

**VOTING**      **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                 **Nays: 0**

**RESOLUTION NO. 19, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 20, 2023**

**BE IT RESOLVED**, that the Village Board sets Spring Clean Up Days for April 24 through May 14, 2023 and authorizes advertising as such.

**VOTING**      **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                 **Nays: 0**

**RESOLUTION NO. 20, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 21, 2023**

**BE IT RESOLVED**, that the Village Board of Trustees hereby approves the following Safety policies effective immediately:

**SAFETY COMMITMENT STATEMENT:**

The Village of Lake George is committed to protecting the safety and wellbeing of our employees, vendors, suppliers, and any individuals visiting the Village, by providing and maintaining a safe working environment that protects both physical and mental wellbeing using sound policy's and procedures.

- We believe all incidents are preventable and we promote health, safety and environmental excellence on and off the job;
- We conduct our business in a manner that meets or exceeds all applicable laws and regulations in order to minimize risk to our personnel, the public, and the environment;
- We ensure that all personnel understand and accept their respective roles and responsibilities in continuously improving our Health, Safety and Environmental performance, as well as holding one another accountable relative to such roles and responsibilities;
- We endeavor to only do business with companies and contractors that share our Health, Safety and Environment commitment and regularly assess their performance;
- We expect personnel to report and communicate risks, potential hazards, incidents and near misses. We take all reports seriously and fully investigate to identify facts relative to the reporting of all incidents and issues;

All personnel making reports in good faith will be protected. Good faith reporting means an open, honest, fair, and reasonable report without intentional malice or ulterior motive. Personnel who seek to exempt their own negligence or willful misconduct by making a false or malicious report will not be protected.

#### **TRENCHING AND EXCAVATION POLICY:**

##### **Excavation & Trenching**

###### ***PURPOSE***

This program outlines procedures and guidelines for the protection of employees working in and around excavations and trenches. This program requires compliance with OSHA Standards described in Subpart P (CFR 1926.650) for the construction industry.

Compliance is mandatory to ensure employee protection when working in or around excavations. The programs in this manual on confined space, hazard communication, lock-out/tag-out, respiratory protection, and any other safety programs or procedures deemed essential for employee protection, are to be used in conjunction with this program.

###### ***SCOPE***

This program pertains to all Village of Lake George projects that require any excavations or trenches.

###### ***REFERENCES***

- 29 CFR 1926.650, Subpart P - Excavations
- Excavation Equipment Manufacturer Safety Procedures

###### ***RESPONSIBILITIES***

It is the responsibility of each Department Head and Foreman to implement and maintain the procedures and steps set forth in this program. Each employee involved with excavation and trenching work is responsible to comply with all applicable safety procedures and requirements of this program.

###### ***DEFINITIONS***

**BENCHING** - A method of protecting employees from cave-ins by excavating the sides of an excavation to form one or a series of horizontal levels or steps, usually with vertical or near vertical surfaces between levels.

**CAVE-IN** - The separation of a mass of soil or rock material from the side of an excavation, or the loss of soil from under a trench shield or support system, and its sudden movement into the excavation, either by failing or sliding, in sufficient quantity so that it could entrap, bury, or otherwise injure and immobilize a person.

**COMPETENT PERSON** - One who is capable of identifying existing and predictable hazards in the surroundings or working conditions, which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

**DURATION OF EXPOSURE** - The longer an excavation is open, the longer the other factors have to work on causing it to collapse.

**EXCAVATION** - Any man-made cut, trench, or depression in an earth surface, formed by earth removal.

**HAZARDOUS ATMOSPHERE** - An atmosphere which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating, oxygen deficient, toxic, or otherwise harmful, may cause death, illness, or injury.

**PROTECTIVE SYSTEM** - A method of protecting employees from cave-ins, from material that could fall or roll from an excavation, or from the collapse of adjacent structures. Protective systems include support systems, sloping and benching systems, shield systems, and other systems that provide necessary protection.

**SHIELD** - A structure that is capable of withstanding the forces imposed on it by a cave-in and thereby protects employees within the structure. Shields can be permanent structures or can be designed to be portable and moved along as work progresses. All shields must be in accordance with 29 CFR 1926.652(c)3 or (c)4.

**SLOPING** - A method of protecting workers from cave-ins by excavating to form sides of an excavation that are inclined away from the excavation to prevent cave-ins. The angle of incline required to prevent a cave-in varies with differences such as soil type, length of exposure, and application of surcharge loads.

**SURCHARGE LOADS** - Generated by the weight of anything in proximity to the excavation, push starts for a cave-in (anything up top pushing down). Common surcharge loads:

- weight of spoil pile
- weight of nearby buildings, poles, pavement, or other structural objects.
- weight of material and equipment

**TRENCH** - A narrow excavation below the surface of the ground, less than 15 feet wide, with a depth no greater than the width.

**UNDERMINING** - Undermining can be caused by such things as leaking, leaching, caving or over-digging. Undermined walls can be very dangerous.

**VIBRATION** - A force that is present on construction sites and must be considered. The vibrations caused by backhoes, dump trucks, compactors and traffic on job sites can be substantial.

## **Hazards**

One of the reasons the Village of Lake George requires a competent person on-site during excavation & trenching are the numerous potential hazardous that may be encountered or created. Hazards include:

Electrocution  
Gas Explosion  
Entrapment  
Struck by equipment  
Suffocation

## ***Hazard Controls***

Before any work is performed and before any employees enter the excavation, a number of items must be checked and insured:

- Before any excavation, underground installations must be determined. This can be accomplished by either contacting the local utility companies or the local "one-call" center for the area. All underground utility locations must be

documented on the proper forms. All overhead hazards (surface encumbrances) that create a hazard to employees must be removed or supported to eliminate the hazard.

- If the excavation is to be over 20 feet deep, it must be designed by a registered professional engineer who is registered in the state where work will be performed.
- Adequate protective systems will be utilized to protect employees. This can be accomplished through sloping, shoring, or shielding.
- The worksite must be analyzed in order to design adequate protection systems and prevent cave-ins. There must also be an excavation safety plan developed to protect employees.
- Workers must be supplied with and wear any personal protective equipment deemed necessary to assure their protection.
- All spoil piles will be stored a minimum of two (2) feet from the sides of the excavation. The spoil pile must not block the safe means of egress.
- If a trench or excavation is 4 feet or deeper, stairways, ramps, or ladders will be used as a safe means of access and egress. For trenches, the employee must not have to travel any more than 25 feet of lateral travel to reach the stairway, ramp, or ladder.
- No employee will work in an excavation where water is accumulating unless adequate measures are used to protect the employees.
- A competent person will inspect all excavations and trenches daily, prior to employee exposure or entry, and after any rainfall, soil change, or any other time needed during the shift. The competent person must take prompt measures to eliminate any and all hazards.
- Excavations and trenches 4 feet or deeper that have the potential for toxic substances or hazardous atmospheres will be tested at least daily. If the atmosphere is inadequate, protective systems will be utilized.
- If work is in or around traffic, employees must be supplied with and wear orange reflective vests. Signs and barricades must be utilized to ensure the safety of employees, vehicular traffic, and pedestrians.

### ***COMPETENT PERSON RESPONSIBILITIES***

The OSHA Standards require that the competent person must be capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and have authorization to take prompt corrective measures to eliminate them and, if necessary, to stop the work.

A competent person is required to:

- Have a complete understanding of the applicable safety standards and any other data provided.
- Assure the proper locations of underground installations or utilities, and that the proper utility companies have been contacted.
- Conduct soil classification tests and reclassify soil after any condition changes.
- Determine adequate protective systems (sloping, shoring, or shielding systems) for employee protection.
- Conduct all air monitoring for potential hazardous atmospheres.
- Conduct daily and periodic inspections of excavations and trenches.
- Approve design of structural ramps, if used.

### ***EXCAVATION SAFETY PLAN***

An excavation safety plan is required in written form. This plan is to be developed to the level necessary to ensure complete compliance with the OSHA Excavation Safety Standard and state and local safety standards.

Excavation safety plan factors:

- Utilization of the local one-call system
- Determination of locations of all underground utilities
- Consideration of confined space atmosphere potential
- Proper soil protection systems and personal protective equipment and clothing
- Determination of soil composition and classification
- Determination of surface and subsurface water
- Depth of excavation and length of time it will remain open
- Proper adherence to all OSHA Standards, this excavation and trenching safety program, and any other coinciding safety programs.

#### **SOIL CLASSIFICATION AND IDENTIFICATION**

The OSHA Standards define soil classifications within the Simplified Soil Classification Systems, which consist of four categories: Stable rock, Type A, Type B, and Type C. Stability is greatest in stable rock and decreases through Type A and B to Type C, which is the least stable. Appendix A of the Standard provides soil mechanics terms and types of field tests used to determine soil classifications.

Stable rock is defined as natural solid mineral matter that can be excavated with vertical sides and remain intact while exposed.

Type A soil is defined as:

- Cohesive soils with an unconfined compressive strength of 1.5 tons per square foot (TSF) or greater.
- Cemented soils like caliche and hardpan are considered Type A.

Soil is NOT Type A if:

- It is fissured.
- The soil is subject to vibration from heavy traffic, pile driving or similar effects.
- The soil has been previously disturbed.
- The material is subject to other factors that would require it to be classified as a less stable material.
- The exclusions for Type A most generally eliminate it from most construction situations.

Type B soil is defined as:

- Cohesive soil with an unconfined compressive strength greater than .5 TSF, but less than 1.5 TSF.
- Granular cohesionless soil including angular gravel, silt, silt loam, and sandy loam.
- The soil has been previously disturbed except that soil classified as Type C soil.
- Soil that meets the unconfined compressive strength requirements of Type A soil but is fissured or subject to vibration.
- Dry rock that is unstable.

Type C soil is defined as:

- Cohesive soil with an unconfined compressive strength of .5 TSF or less.
- Granular soils including gravel, sand, and loamy sand.
- Submerged soil or soil from which water is freely seeping.



- Submerged rock that is not stable.

### ***Soil Test & Identification***

The competent person will classify the soil type in accordance with the definitions in Appendix A on the basis of at least one visual and one manual analysis. These tests should be run on freshly excavated samples from the excavation and are designed to determine stability based on a number of criteria: the cohesiveness, the presence of fissures, the presence and amount of water, the unconfined compressive strength, the duration of exposure, undermining, and the presence of layering, prior excavation and vibration.

The cohesion tests are based on methods to determine the presence of clay. Clay, silt, and sand are size classifications, with clay being the smallest sized particles, silt intermediate and sand the largest. Clay minerals exhibit good cohesion and plasticity (can be molded). Sand exhibits no elasticity and virtually no cohesion unless surface wetting is present. The degree of cohesiveness and plasticity depend on the amounts of all three types and water.

When examining the soil, three questions must be asked: Is the sample granular or cohesive? Fissured or non-fissured? What is the unconfined compressive strength measured in TSF?

#### **Methods of testing soils:**

- **Visual test:** If the excavated soil is in clumps, it is cohesive. If it breaks up easily, not staying in clumps, it is granular.
- **Wet manual test:** Wet your fingers and work the soil between them. Clay is a slick paste when wet, meaning it is cohesive. If the clump falls apart in grains, it is granular.
- **Dry strength test:** Try to crumble the sample in your hands with your fingers. If it crumbles into grains, it is granular. Clay will not crumble into grains, only into smaller chunks.
- **Pocket penetrometer test:** This instrument is most accurate when soil is nearly saturated. This instrument will give unconfined compressive strength in tons per square foot. The spring-operated device uses a piston that is pushed into a coil up to a calibration groove. An indicator sleeve marks and retains the reading until it is read. The reading is calibrated in tons per square foot (TSF) or kilograms per cubic centimeter.
- **Thumb penetration test:** The competent person attempts to penetrate a fresh sample with thumb pressure. If the sample can be dented, but penetrated only with great effort, it is Type A. If it can be penetrated several inches and molded by light pressure, it is Type C. Type B can be penetrated with effort and molded.
- **Shearvane:** Measures the approximate shear strength of saturated cohesive soils. The blades of the vane are pressed into a flat section of undisturbed soil, and the knob is turned slowly until soil failure. The dial is read directly when using the standard vane. The results will be in tons per square foot or kilograms per cubic centimeter.

The competent person will perform several tests of the excavation to obtain consistent, supporting data along its depth and length. The soil is subject to change several times within the scope of an excavation and the moisture content will vary with weather and job conditions. The competent person must also determine the level of protection based on what conditions exist at the time of the test and allow for changing conditions.

All Village soils will be considered Type C

### **EXCAVATION PROTECTION SYSTEMS**

The three basic protective systems for excavations and trenches are sloping and benching systems, shoring, and shields.

The protective systems shall have the capacity to resist without failure all loads that are intended or could reasonably be expected to be applied to or transmitted to the system. Every employee in an excavation shall be protected from cave-ins by an adequate protective system.

- Exceptions to using protective system:
- Excavations are made entirely in stable rock
- Excavations are less than 5 feet deep and declared safe by a competent person

### **SLOPING AND BENCHING SYSTEMS**

There are four options for sloping:

- Slope to the angle required by the Standard for Type C, which is the most unstable soil type.
- The table provided in Appendix B of the Standard may be used to determine the maximum allowable angle (after determining the soil type).
- Tabulated data prepared by a registered professional engineer can be utilized.
- A registered professional engineer can design a sloping plan for a specific job.

Sloping and benching systems for excavations five (5) to twenty (20) feet in depth must be constructed under the instruction of a designated competent person.

Sloping and benching systems for excavations greater than twenty (20) feet must be designed and stamped by a registered professional engineer.

Sloping and benching specifications can be found in Appendix B of the OSHA Standard (Subpart P).

### **SHORING SYSTEMS**

Shoring is another protective system or support system. Shoring utilizes a framework of vertical members (uprights), horizontal members (whales), and cross braces to support the sides of the excavation to prevent a cave-in. Metal hydraulic, mechanical or timber shoring is common examples.

The different examples of shoring are found in the OSHA Standard under these appendices:

**APPENDIX C - Timber Shoring for Trenches**

**APPENDIX D - Aluminum Hydraulic Shoring for Trenches**

**APPENDIX E - Alternatives to Timber Shoring**

### **SHIELD SYSTEMS (Trench Boxes)**

Shielding is the third method of providing a safe workplace. Unlike sloping and shoring, shielding does not prevent a cave-in. Shields are designed to withstand the soil forces caused by a cave-in and protect the employees inside the structure.

Most shields consist of two flat, parallel metal walls that are held apart by metal cross braces.

Shielding design and construction is not covered in the OSHA Standards. Shields must be certified in design by a registered professional engineer and must have either a registration plate on the shield or registration papers from the manufacturer on file at the jobsite office. **ANY REPAIRS OR MODIFICATIONS MUST BE APPROVED BY THE MANUFACTURER.**

#### **SAFETY PRECAUTIONS FOR SHIELD SYSTEMS**

- Shields must not have any lateral movement when installed.
- Employees will be protected from cave-ins when entering and exiting the shield (examples - ladder within the shield or a properly sloped ramp at the end).
- Employees are not allowed in the shield during installation, removal, or during any vertical movement.
- Shields can be 2 ft. above the bottom of an excavation if they are designed to resist loads at the full depth and if there are no indications of caving under or behind the shield.
- The shield must extend at least 18 inches above the point where proper sloping begins (the height of the shield must be greater than the depth of the excavation).
- The open end of the shield must be protected from the exposed excavation wall. The wall must be sloped, shored, or shielded. Engineer designed end plates can be mounted on the ends of the shield to prevent cave-ins.

#### **PERSONAL PROTECTIVE EQUIPMENT**

It is Village of Lake George policy to wear a hard hat, safety glasses, and work boots on the jobsite. Because of the hazards involved with excavations, other personal protective equipment may be necessary, depending on the potential hazards present (examples -goggles, gloves, and respiratory equipment).

#### **INSPECTIONS**

Daily inspection of excavations, the adjacent areas and protective systems shall be made by the competent person for evidence of a situation that could result in a cave-in, indications of failure of protective systems, hazardous atmospheres or other hazardous conditions.

- All inspections shall be conducted by the competent person prior to the start of work and as needed throughout the shift.
- Inspections will be made after every rainstorm or any other increasing hazard.
- All documented inspections will be kept on file in the jobsite safety files and forwarded to the Safety Director weekly.
- A copy of the Daily Excavation Inspection form is located at the end of this program.

#### **TRAINING**

The competent person(s) must be trained in accordance with the OSHA Excavation Standard, and all other programs that may apply (examples Hazard Communication, Confined Space, and Respiratory Protection), and must demonstrate a thorough understanding and knowledge of the programs and the hazards associated.

All other employees working in and around the excavation must be trained in the recognition of hazards associated with trenching and excavating.

# Village of Lake George Excavation Permit

(To be filled out by a competent person)

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Competent Person: \_\_\_\_\_

Location : \_\_\_\_\_ Reason for

Excavation : \_\_\_\_\_

Employees : \_\_\_\_\_

Soil Classification: \_\_\_\_\_ Excavation Depth: \_\_\_\_\_ Excavation Width: \_\_\_\_\_

All soil in Lake George is considered Type C

If more than 5' deep type of protection system

: \_\_\_\_\_

If less than 5' deep is there any chance of collapse? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes then a protection system is

required: \_\_\_\_\_

Employees within 25' of a ladder? Yes \_\_\_\_\_ No \_\_\_\_\_

Ladder extends 3' above trench line? Yes \_\_\_\_\_ No \_\_\_\_\_

Spoil Piles more than 2' from excavation edge? Yes \_\_\_\_\_ No \_\_\_\_\_

Utilities located by dig safe? Yes \_\_\_\_\_ No \_\_\_\_\_

Is water expected to be in the excavation? Yes \_\_\_\_\_ No \_\_\_\_\_

Means for controlling water?

Is there potential for a Hazardous Atmosphere? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes then a confined space permit is required to be filled out by a competent person.

Is all necessary equipment, valves or electrical equipment properly locked out? Yes \_\_\_\_\_ No \_\_\_\_\_

Are there any surface encumbrances?: Yes \_\_\_\_\_ No \_\_\_\_\_ If yes then describe type and method to secure them. \_\_\_\_\_

Are all employees wearing PPE, including Vests, Hard Hats, Safety Glasses, Gloves, Hearing Protection and Steel Toed shoes? Yes \_\_\_\_\_ No \_\_\_\_\_

Is there proper traffic control setup? Yes \_\_\_\_\_ No \_\_\_\_\_

Is the excavation protected from pedestrians entering the area? Yes \_\_\_\_\_ No \_\_\_\_\_

## Personal protective equipment (PPE) policy

The purpose of the personal protective equipment policies (PPE) is to protect the employees of The Village of Lake George from exposure to workplace hazards and the risk of injury through the use of personal protective equipment (PPE). PPE is not a substitute for more effective control methods and its use will be considered only when other means of protection against hazards are not adequate or feasible. It will be used in conjunction with other controls unless no other means of hazard control exist.

Personal protective equipment will be provided, used, and maintained when it has been determined that its use is required to ensure the safety and health of our employees and that such use will lessen the likelihood of occupational injury and/or illness.

The Village of Lake George personal protective equipment policies includes:

- Responsibilities of supervisors and employees
- Hazard assessment and PPE selection
- Employee training
- Cleaning and Maintenance of PPE

Responsibilities

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The Department Head is responsible for the development, implementation, and administration of The Village of Lake George PPE policies. This involves:

1. Conducting workplace hazard assessments to determine the presence of hazards which requires the use of PPE.
2. Selecting and purchasing PPE.
3. Reviewing, updating, and conducting PPE hazard assessments whenever:
  - A job changes
  - New equipment is used
  - There has been an accident
  - A supervisor or employee requests it
  - Or at least every year
4. Maintaining records on hazard assessments.
5. Maintaining records on PPE assignments and training.
6. Providing training, guidance, and assistance to supervisors and employees on the proper use, care, and cleaning of approved PPE.
7. Periodically re-evaluating the suitability of previously selected PPE.
8. Reviewing, updating, and evaluating the overall effectiveness of PPE use, training, and policies.

Department Heads have the primary responsibility for implementing and enforcing PPE use and policies in their work area. This involves:

1. Providing appropriate PPE and making it available to employees.
2. Ensuring that employees are trained on the proper use, care, and cleaning of PPE.
3. Ensuring that PPE training certification and evaluation forms are signed and given to the Safety Office
4. Ensuring that employees properly use and maintain their PPE, and follow The Village of Lake George PPE policies and rules.
5. Notifying Village of Lake George management and the safety person when new hazards are introduced or when processes are added or changed.
6. Ensuring that defective or damaged PPE is immediately disposed of and replaced.

#### **Employees**

The PPE user is responsible for following the requirements of the PPE policies. This involves:

1. Properly wearing PPE as required.
2. Attending required training sessions.
3. Properly caring for, cleaning, maintaining, and inspecting PPE as required.
4. Following Village of Lake George PPE policies and rules.
5. Informing the supervisor of the need to repair or replace PPE.

Employees who repeatedly disregard and do not follow PPE policies and rules will be disciplined by any or all of the following:

- Oral Warning
- Written Warning
- Suspension
- Demotion
- Termination

#### Procedures

##### Hazard assessment for PPE

Department Heads will conduct a walk-through survey of each work area to identify sources of work hazards. Each survey will be documented using the hazard assessment certification form, which identifies the work area surveyed, the person conducting the survey, findings of potential hazards, and date of the survey. The Department Head will post the completed forms in a conspicuous location.

The Department Head will conduct, review, and update the hazard assessment for PPE whenever:

- A job changes
- New equipment or process is installed
- There has been an accident
- Whenever a supervisor or employee requests it
- Or at least every year

Any new PPE requirements that are developed will be added to the Village of Lake George written safety program.

##### Selection of PPE

Once the hazards of a workplace have been identified, Department Head will determine if the hazards can first be eliminated or reduced by methods other than PPE, i.e., methods that do not rely on employee behavior, such as engineering controls.

If such methods are not adequate or feasible, then The Department Head will determine the suitability of the PPE presently available; and as necessary, will select new or additional equipment which ensures a level of protection greater than the minimum required to protect our employees from the hazards. Care will be taken to recognize the possibility of multiple and simultaneous exposure to a variety of hazards. Adequate protection against the highest level of each of the hazards will be recommended for purchase.

All personal protective clothing and equipment will be of safe design and construction for the work to be performed and will be maintained in a sanitary and reliable condition. Only those items of protective clothing and equipment that meet NIOSH or ANSI (American National Standards Institute) standards will be procured or accepted for use. Newly purchased PPE must conform to the updated ANSI standards which have been incorporated into the PPE regulations, as follows:

- Eye and Face Protection ANSI Z87.1-2003
- Head Protection ANSI/ISEA Z89.1-2009
- Foot Protection ASTM F2412-05 and ASTM F2413-05
- Hand Protection (There are no ANSI standards for gloves, however, selection must be based on the performance characteristics of the glove in relation to the tasks to be performed.)

Affected employees whose jobs require the use of PPE will be informed of the PPE selection and will be provided PPE by Village of Lake George at no charge. Careful consideration will be given to the comfort and proper fit of PPE in order to ensure that the right size is selected and that it will be used.

### **Training**

Any worker required to wear PPE will receive training in the proper use and care of PPE before being allowed to perform work requiring the use of PPE. Periodic retraining will be offered to PPE users as needed. The training will include, but not necessarily be limited to, the following subjects:

- When PPE is necessary to be worn
- What PPE is necessary
- How to properly don, doff, adjust, and wear PPE
- The limitations of the PPE
- The proper care, maintenance, useful life, and disposal of the PPE

After the training, the employees will demonstrate that they understand how to use PPE properly, or they will be retrained.

Training of each employee will be documented using the Village of Lake George personal protective equipment training documentation form and kept on file. The document certifies that the employee has received and understood the required training on the specific PPE he/ she will be using.

### **Retraining**

The need for retraining will be indicated when:

- An employee's work habits or knowledge indicates a lack of the necessary understanding, motivation, and skills required to use the PPE (i.e., uses PPE improperly)
- New equipment is installed
- Changes in the work place make previous training out-of-date
- Changes in the types of PPE to be used make previous training out-of-date

### **Cleaning and maintenance of PPE**

It is important that all PPE be kept clean and properly maintained. Cleaning is particularly important for eye and face protection where dirty or fogged lenses could impair vision. Employees must inspect, clean, and maintain their PPE according to the manufacturers' instructions before and after each use (see attached). Department Heads are responsible for ensuring that users properly maintain their PPE in good condition.

Personal protective equipment must not be shared between employees until it has been properly cleaned and sanitized. PPE will be distributed for individual use whenever possible.

If employees provide their own PPE, make sure that it is adequate for the work place hazards, and that it is maintained in a clean and reliable condition.

Defective or damaged PPE will not be used and will be immediately discarded and replaced.

Defective equipment can be worse than no PPE at all. Employees would avoid a hazardous situation if they knew they were not protected; but they would get closer to the hazard if they erroneously believed they were protected, and therefore would be at greater risk.

It is also important to ensure that contaminated PPE which cannot be decontaminated is disposed of in a manner that protects employees from exposure to hazards.

The Village of Lake George believes that a safety and health accident prevention program is unenforceable without some type of disciplinary policy. Our company believes that in order to maintain a safe and healthful workplace, the employees must be cognizant and aware of all company, State, and Federal safety and health regulations as they apply to the specific job duties required. The following disciplinary policy is in effect and will be applied to all safety and health violations.

- 1. A first time violation will be discussed orally between the Department Head and the employee. This will be done as soon as possible.**
- 2. A second time offense will be followed up in written form and a copy of this written documentation will be entered into the employee's personnel folder.**
- 3. A third time violation will result in time off or possible termination, depending on the seriousness of the violation.**

\_\_\_\_\_, has received and demonstrated his/her understanding of  
**Employees Name**  
the assigned PPE and acknowledges receipt of use and care training.  
**Supervisor:** \_\_\_\_\_ **On:** \_\_\_\_\_

I, the undersigned accept the PPE that my employer is providing me. I further acknowledge that I have been instructed in how to wear and maintain it. If it is lost or damaged, I will report the same to my employer promptly for replacement.

I agree to wear the equipment when facing the exposure it is designed to protect against. I acknowledge that my failure to do so MAY subject me to disciplinary action.

4-17-23 Regular &amp; Pub hrg



Nays: 0

**RESOLUTION NO. 21, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 22, 2023**

**BE IT RESOLVED**, that the Village of Lake George Board of Trustees hereby authorizes payment to Green County Commercial Bank for the total amount of \$90,846.37. \$41,161.35 from account #A.9785.6, \$41,161.35 from account #F.9785.6, \$4,261.83 from account #A.9785.7, and \$4,261.84 from account #F.9785.7 for the purchase of the new 2022 Western Star 4700SB Truck with 2022 Vactor 2100I PD.

**VOTING**      **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                  **Nays: 0**

**RESOLUTION NO. 22, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 23, 2023**

**BE IT RESOLVED**, that the Village Board authorizes payment to be processed for the WWTP capital project for EFC Payment Requests, which currently includes: Uline, Hach, Stilsing Electric, and Blue Heron Construction among other vendors, 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**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                  **Nays: 0**

**RESOLUTION NO. 23, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 24, 2023**

**BE IT RESOLVED**, that the Village Board hereby authorizes Mayor Perry to sign a new one year lease agreement with Sean Quirk and Quirk Enterprises for operating and maintaining his parking lot at 75 Canada Street for the summer of 2022 with the lease term to end the season on October 1, 2023. Quirk Enterprises shall receive seventy percent (70%) of the gross parking rental collections received from the property, and the Village shall retain the sum of the remaining thirty percent (30%) plus any and all fines received by the Village for any parking infractions at the Property.

**VOTING**      **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                  **Nays: 0**

**RESOLUTION NO. 24, 2023 ADOPTED.**

**April 17, 2023**

Trustee Miller, seconded by Trustee Filomeno, offered the following resolution:

## **RESOLUTION NO. 25, 2023**

**WHEREAS, invoices were received too late to pay on our regular April 2023 audit, and payment must be made prior to attendance on May 2, 2023;**

**BE IT RESOLVED, that the Village of Lake George Board of Trustees hereby authorizes payment with the April 20, 2023 payroll audit to NY Rural Water Assoc. in the amount of \$680 for the annual training held on May 2, 2023.**

**VOTING       Ayes: 5                      Perry, Filomeno, Mastrodomenico, Miller, Root**  
**Nays: 0**

## **RESOLUTION NO. 25, 2023 ADOPTED.                      April 17, 2023**

Mayor Perry asked if the Board would like to address the Special Events as a group or individually, to which it was agreed to address individually.

The first Special Event application addressed was for the Docks on Beach Road.

Trustee Root, seconded by Trustee Filomeno, offered the following resolution:

## **RESOLUTION NO. 26, 2023**

**BE IT RESOLVED, that the Village Board hereby approves the following Special Events/Facilities Use of Village facilities contingent upon receipt of all fees, insurance and other necessary documents:**

### **Village Docks on Beach Road**

- **49<sup>th</sup> Lake George Rendezvous, Antique & Classic Boat Society, Ed Becker, August 25 & 26, 2023, 8:00am – 9:00pm**

**VOTING       Ayes: 5                      Perry, Filomeno, Mastrodomenico, Miller, Root**  
**Nays: 0**

## **RESOLUTION NO. 26, 2023 ADOPTED.                      April 17, 2023**

Trustee Root asked Vincent Cianciolo to explain what the three events he was looking to have approved would entail. Mr. Cianciolo explained that each event was designed to entertain the people that are visiting and live in Lake George. He continued to say that they would all be family friendly, with a lot of things for children to do. Mr. Cianciolo said the event would have good food, vendors, and music. Trustee Root asked why the applications say nothing about food or music, to which Mr. Cianciolo replied, "there is no place on the application to enter that information." Mr. Cianciolo said that the food would not compete with local restaurants as vendors are selected that have a different variety of food offerings. Trustee Filomeno asked if Mr. Cianciolo ever considered holding events during the weekdays to entertain families that are there throughout the week. Mr. Cianciolo said that the Model Car Event, Garlic Festival, and Kris Kringle are all held during off-peak times to help bring in visitors to the area.

Mayor Perry asked if anyone would like to make a motion. Trustee Root said he feels there is still a lot of controversy surrounding the Farmers Market and is not comfortable approving these additional events until after the Special Meeting for the Farmers Market. Mr. Cianciolo said that he has hired an attorney because he feels there is a case of defamation.

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

**RESOLUTION NO. 27, 2023**

**BE IT RESOLVED**, that the Village Board hereby approves the following Special Events/Facilities Use of Village facilities contingent upon receipt of all fees, insurance and other necessary documents:

**Shepard Park**

- **Mid-Summer Nights, Vincent Cianciolo, August 26 & 27, 2023, 9:00am – 4:00pm**
- **Sunset in the Park, Vincent Cianciolo, August 12, 2023, 9:00am – 9:00pm**
- **Lake George Fun Festival, Vincent Cianciolo, July 22 & 23, 2023, Saturday 9:00 am – Sunday 5:00pm**

<b>VOTING</b>	<b>Ayes: 3</b>	<b>Perry, Filomeno, Mastrodomenico</b>
	<b>Nays: 2</b>	<b>Miller, Root</b>

**RESOLUTION NO. 27, 2023 ADOPTED. April 17, 2023**

Trustee Mastrodomenico, seconded by Trustee Filomeno, offered the following resolution:

**RESOLUTION NO. 28, 2023**

**BE IT RESOLVED**, that the Village Board hereby approves the use of the Charles R. Wood Park Festival space for the following events with a request for an alcohol waiver contingent upon receipt of all fees, insurance and other necessary documents:

- **Backstreet Box-Off, Raymond Shott, July 22, 2023, 8:00am – 10:00pm**

**BE IT RESOLVED**, that the Village Board agrees to a daily rate as set by the County;

**BE IT FURTHER RESOLVED**, that §148-45 to §148-48 of the Village's code will be waived for all applications hereafter referenced and indicate the sale of beer and wine on the premises during the event is hereby approved contingent upon proof of licensing from the New York State Liquor Authority, and approval by the Capital District Control Committee;

**BE IT FURTHER RESOLVED**, that all other aspects of these events are contingent upon approval of the promoter's safety plan by the Warren County Board of Supervisors, the Operations and Maintenance Committee for the Park, and the Capital District Control Group as required.

<b>VOTING</b>	<b>Ayes: 4</b>	<b>Perry, Filomeno, Mastrodomenico, Miller</b>
	<b>Nays: 1</b>	<b>Root</b>

**RESOLUTION NO. 28, 2023 ADOPTED. April 17, 2023**

Mayor Perry presented the request for approval for the Oktober Fest. Clerk Julie Allen noted that the question of whether the Board wanted to offer discounted fees needed to be addressed as well.

Trustee Filomeno asked the difference in fees. Clerk Julie Allen read what the fees were and what the suggested changes were. Mayor Perry said that we had offered discounted fees the last few years but saw no reason to continue that discount.

Trustee Mastrodomenico, seconded by Trustee Miller, offered the following resolution:

#### **RESOLUTION NO. 29, 2023**

**BE IT RESOLVED**, that the Village Board hereby approves the Special Event application for Bonnie DeCook and John Carr of the Adirondack Pub & Brewery to have the Adirondack Oktoberfest for Charity 2023 on October 6, 2023 from 10:00am – October 8, 2023, 7:00pm with a request for an alcohol waiver. They are also requesting the closing of Canada Street. The approval is contingent upon receipt of all standard fees, insurance and other necessary documents.

**BE IT FURTHER RESOLVED**, that §148-45 to §148-48 of the Village's code will be waived for all applications hereafter referenced and indicate the sale of beer and wine on the premises during the event is hereby approved contingent upon proof of licensing from the New York State Liquor Authority.

<b>VOTING</b>	<b>Ayes: 4</b>	<b>Perry, Filomeno, Mastrodomenico, Miller</b>
	<b>Nays: 1</b>	<b>Root</b>

#### **RESOLUTION NO. 29, 2023 ADOPTED. April 17, 2023**

Mayor Perry announced that he would be making a proclamation to have a day designated as Charles Wood Day. The Mayor is going to have Charles Wood's birthday set as the day.

Mayor Perry broached the subject of eliminating the current system of lock and keys for the Lake Avenue gate. Mayor Perry explained that the current system is unfair as a person that currently has the key may hold on to that key forever, not allowing for other people to have access. He explained the other issue is that it is a lot of monitoring and fielding phone calls for the office. Mayor Perry suggested we change the lock and instead of residents having individual keys, the Village holds the only keys, and the Village opens and closes the gate every day. Mayor Perry asked Superintendent Lanfear his opinion of times to open and close. Superintendent Lanfear suggested the Village open the gates at 6:00am and close at 6:00pm. The Village will offer the deposit fee back to those who have purchased keys.

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

#### **RESOLUTION NO. 30, 2023**

**WHEREAS**, the Lake Avenue Park has a gated fence to mitigate vandalism and other illicit activities; and

**WHEREAS**, the current permitting process is not efficient or equitable,

**BE IT RESOLVED**, that the Village Board authorizes the following access changes to the Lake Avenue Park as follows:

- **Lock and Keys to be changed and only accessible by the Village.**
- **Park access opening to be done by Village at 6:00am each day.**
- **Park access closing to be done by Village at 6:00pm each day.**

**VOTING**      **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                 **Nays: 0**

**RESOLUTION NO. 30, 2023 ADOPTED.                      April 17, 2023**

Mayor Perry explained that because Juneteenth is a Federal Holiday, the Holiday must be held on the 19h of June (or day designated by the government if the date falls on a weekend).

Mayor Perry provided the list of names for people to be added to the Mural in the Village Board Room and asked if anyone else had more suggestions or comments. It was suggested that Georgia O'Keefe be added as well as Deborah McKinney. Mayor Perry said that Fran Coccozza wished to have his name removed from the list.

Mayor Perry explained to the Board that the back up pump at Shepard Pump needed to be repaired, and that the total cost will be \$38,814.50.

Trustee Mastrodomenico, seconded by Trustee Root, offered the following resolution:

**RESOLUTION NO. 31, 2023**

**WHEREAS, the Shepard Park Emergency Bypass Pump is out of service, needs emergency repair, and had to be sent away for evaluation to determine the cause of the problem;**

**BE IT RESOLVED, that the Village Board hereby agrees to contract with G.A. Fleet Associates for the necessary repair of the Shepard Park Emergency Bypass Pump at a total cost of \$38,814.50;**

**AND BE IT FURTHER RESOLVED that these services will be transferred as follows: \$15K from A.5182.0400, \$13K from A.9010.0800, and \$10K from A.9050.0800. These funds will be transferred to account A.8130.0200 for payment;**

**VOTING**      **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                 **Nays: 0**

**RESOLUTION NO. 31, 2023                      April 17, 2023**

Mayor Perry read over the proposed Local Law Amending Chapter §220-101 and §220-18 Zoning. Trustee Root asked if this would allow owners to use condominiums as short-term rentals. Mayor Perry responded yes.

Trustee Root, seconded by Trustee Miller offered the following resolution:

**RESOLUTION NO. 32, 2023**

**WHEREAS, the Board of Trustees of Village of Lake George has reviewed Proposed Local Law 4, Chapter §220-101 and §220-18 and would like public input;**

**BE IT RESOLVED, that a Public Hearing for Proposed Local Law No. 4, 2023, amending "Chapter §220-101 and §220-18" of the Code of the Village of Lake George be scheduled for Monday, May 15, 2023 at 4:30 p.m.**

**VOTING**      **Ayes: 5**  
                 **Nays: 0**

**Perry, Filomeno, Mastrodomenico, Miller, Root**

**RESOLUTION NO. 32, 2023 ADOPTED.**

**April 17, 2023**

Mayor Perry presented the SEQR determination and APA review request for Proposed Local Law Amending Chapter §220-101 and §220-18 Zoning.

Trustee Mastrodomenico, seconded by Trustee Miller, offered the following resolution:

**RESOLUTION NO. 33, 2023**

**Accept a Negative Declaration SEQR for amendments to  
Chapter §220-101 and §220-18**

**WHEREAS, the Village Board of Lake George desires to adopt an amendment to Chapter §220-101 and §220-18, and said local law requires completion of a SEQR review prior to the action commencing;**

**WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, fund or approve an action until it has complied with the requirements of SEQR;**

**WHEREAS, the Board of Trustees of the Village of Lake George, located at 26 Old Post Road in Lake George, NY, has followed procedure pursuant to 6 NYCRR 617.6, has identified the Warren County Planning Department and Adirondack Park Agency (APA) as involved agencies, and are completing an uncoordinated review of the Unlisted SEQR Action;**

**NOW, THEREFORE BE IT RESOLVED, the Board of Trustees of the Village of Lake George hereby determines that the proposed amendments to Village Code Chapter §220-101 and §220-18 constitutes an Unlisted action that is subject to SEQR and that although the County and APA are involved agencies with respect to this specific action the Village is completing an uncoordinated review;**

**BE IT FURTHER RESOLVED, the Village of Lake George Board has reviewed the SEQR Short Environmental Assessment Form Part 1, and has answered the questions in Part 2 and Part 3, which applies to the proposed Zoning Code amendments (to set regulations in regards to performance bonds and other financial security), concluding that none of the criteria contained in 6CRR-NY 617.7(c) are going to be impacted by this proposed amendment, and determined that the proposed Local Law has no significant adverse environmental impacts on any areas of environmental concern in the Village (which include but are not limited to changes to the air and water quality, deforestation and removal of habitats, creation of hazards to human health, change in the use of energy, change in intensity and type of land use, and conflict with a community's current adopted plans or goals); and**

**BE IT FURTHER RESOLVED, that the Village Board does, based on the environmental concerns identified and analyzed, hereby declares a Negative Declaration under SEQRA for the proposed local law to amend Village Code Chapter §220-101 and §220-18, and that this Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law; and**

**BE IT FURTHER RESOLVED**, that the Village Board hereby authorizes and directs the Village Mayor to complete and sign the Short Environmental Assessment Form Part 2 and 3 for the proposed local law to indicate the Village Board's determination to issue a Negative Declaration under SEQRA, and

**BE IT FURTHER RESOLVED**, that the Village Board hereby authorizes and directs the Director of Planning and Zoning and/or the Village Clerk to take any additional actions necessary, including distribution of copies of this Resolution and /or copies of the completed Short Environmental Assessment Form, to document the Village Board's issuance of a Negative Declaration in its review of the proposed local law.

**VOTING**        **Ayes: 5**                      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                    **Nays: 0**

**RESOLUTION NO. 33, 2023 ADOPTED.**                      **April 17, 2023**

Trustee Mastrodomenico, seconded by Trustee Miller, offered the following resolution:

**RESOLUTION NO. 34, 2023**

**Request APA Review and Approval of the amendments to Village Code  
Chapter §220-101 and §220-18**

**WHEREAS**, the Village Board of Lake George desires to adopt an amendment to Chapter §220-101 and §220-18, and said local law requires completion of a SEQR review and an APA consultation prior to the action commencing;

**WHEREAS**, the Village of Lake George shall send proposed zoning amendments to the APA for approval under Section 807 of the Adirondack Park Agency Act;

**WHEREAS**, the Village of Lake George must receive approval on zoning code amendments from the APA prior to acceptance by the Lake George Village Board;

**WHEREAS**, the Board of Trustees of the Village of Lake George has prepared a Short Environmental Assessment Form pursuant to State Environmental Quality Review for the listed Zoning amendments, and has subsequently declared a negative declaration through an uncoordinated review of the Unlisted Action, pursuant to Village Board Resolution No. 33, 2023 dated April 17, 2023;

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board requests the review and approval of the Village of Lake George Chapter §220-101 and §220-18 amendments by the Adirondack Park Agency (APA) Board pursuant to Article 27 of the Executive Law, Section 807.

**VOTING**        **Ayes: 5**                      **Perry, Filomeno, Mastrodmenico, Miller, Root**  
                    **Nays: 0**

**RESOLUTION NO. 34, 2023 ADOPTED.**                      **April 17, 2023**

Mayor Perry explained that Trustee Miller was interested in changing the Village employee handbook for Section VIII- Harassment Policy Procedures. Trustee Miller would like to see the amount of time an employee has to report an incident lengthened. The current policy only gives thirty days to report, and she would like to see more time given. There were samples given of other policies. Trustee Filomeno suggested we contact our attorney for term recommendations.

Clerk Julie Allen will reach out to Attorney Fuller to get his suggestions and report back at the next regular meeting May 15, 2023.

Mayor Perry presented correspondence received from Adirondack Association of Towns & Villages and Adirondack Park Local Government Review Board. Both organizations were looking for support from the Village of Lake George in the form of a resolution to oppose the passing of Bill A04608. Mayor Perry said he felt the Bill was very restrictive.

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

### **RESOLUTION NO. 35, 2023**

#### **Resolution against passage of Conservation Subdivision Design Bill A04608**

**WHEREAS, The Adirondack Park Agency Adopted a Large Subdivision Permit application that incorporated many of the action items in the Conservation Subdivision Design Bill, and**

**WHEREAS, implementation of the Adirondack Park Agency Large Subdivision Permit, is possibly more protective of the Environment than the Conservation Subdivision Design allows for, and**

**WHEREAS, Conservation Design laws are seldom mandatory, and are a tool to keep open space in urban areas, and**

**WHEREAS, the State of New York as of March 20, 2018 owned 2,505,802 or 44.6 percent of the Adirondack Park in fee, the State as of November 12 2018 also owns 785,434 acres of Conservation Easements, where development and subdivision rights have been extinguished, and**

**WHEREAS, this means there are more than 3.3 million acres of a 5.9 million-acre Adirondack Park that will never be developed or subdivided, and**

**WHEREAS, of the remaining 2.6 million acres of private land, existing development, roads, lakes, rivers, streams, steep slopes, wetlands and high elevations are not suitable for development, and**

**WHEREAS, the proposed legislation would amend the existing Adirondack Park Agency Act which has been in effect for 50 years, and**

**WHEREAS, before major Adirondack Park Agency permit application processes are changed, a public hearing process needs to be implemented so that property owners have an opportunity to understand and comment on how this proposed law will affect their property values, and**

**WHEREAS, this change would require private property owners to incur undue burden to hire external consultants to complete additional ecological assessments that will add significant time to proceed with proposed developments, and**

**WHEREAS, this proposed law could eliminate the potential for development on certain lands, which could be a “taking” without compensation, current law already protects and regulates these lands by the Adirondack Park Agency, and**



WHEREAS, the proposed bill places additional burden on property owners that is not necessary to protect environmental and ecological systems and is not beneficial to the well-being of the Adirondack Park and its residents.

NOW THEREFORE BE IT RESOLVED, that the Board of the Village of Lake George does not approve of the proposed Bill, and

BE IT FURTHER RESOLVED, that the Board of the Village of Lake George does hereby call upon the local governments to stand together, individually and through our associations to insist that the Conservation Subdivision Design Bill (A04608) be withdrawn, and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Kathy Hochul, Senate Majority Stewart-Cousins, Senator Stec, Senator Griffo, Senator Walczyk, Assembly Speaker Heastie, Assemblyman Jones, Assemblyman Simpson, Assemblyman Smullen, Assemblyman Blankenbush Adirondack Intercounty, the Association of Adirondack Towns & Villages, and the Chairs of the Encon Committees Senator Harckham, Assemblywoman Glick.

VOTING        Ayes: 5                      Perry, Filomeno, Mastrodomenico, Miller, Root  
                     Nays: 0

RESOLUTION NO. 35, 2023 ADOPTED.                      April 17, 2023

Mayor Perry asked for any other comments on the proposed local laws. There were none.

At 5:42pm, Mayor Perry closed the Public Hearing on Proposed Local Law No. 3, 2023 amending Chapter 174 Snow Removal and Emergency Conditions to include 174-11 that will handle snow in the right-of-way.

Motion by Trustee Mastrodomenico, seconded by Trustee Miller, unanimously carried, to make a Negative Declaration on SEQR, stating that there was no significant adverse impact on the Village of Lake George in adoption of Proposed Local Law No. 3, 2023 Chapter 174 Snow Removal and Emergency Conditions of the Code of the Village of Lake George.

Motion by Trustee Mastrodomenico, seconded by Trustee Miller, to adopt proposed Local Law No. 3, 2023 Chapter 174 Snow Removal and Emergency Conditions of the Code of the Village of Lake George.

**VILLAGE OF LAKE GEORGE  
COUNTY OF WARREN, STATE OF NEW YORK  
Local Law No. of 2023  
CHAPTER 174  
SNOW REMOVAL AND EMERGENCY CONDITIONS**

Be it enacted by the Board of Trustees of the Village of Lake George ("Village"), County of Warren, State of New York ("State") as follows:

\*\*\*

**§ 174-11. Placing snow in the right-of-way.**

It shall be unlawful for anyone to place snow in the public right of way that originates from private property.

\*\*\*

Explanation: New material is underlined. Deleted Material is in {brackets}

**VOTING**      **Ayes: 5**      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                 **Nays: 0**

**LOCAL LAW NO. 3, 2023 ADOPTED**                      **April 17, 2023**

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

**RESOLUTION NO. 36, 2023**

**APRIL 2023 WATER CHANGES**

<b>APRIL PENALTIES</b>	<b>\$ 996.51</b>
<b>MAY &amp; JUNE PENALTIES</b>	<b>\$ 1,362.78</b>
<b>RELEVY FEES</b>	<b>\$ 1,400.00</b>
 <b>VILLAGE UNPAID WATER RENT RELEVY</b>	 <b>\$65,593.22</b>

**FINAL READS:**

<b>J Fowler</b>	<b>#4251</b>	<b>\$ 62.82</b>
<b>M Lamb</b>	<b># 129</b>	<b>\$ 53.76</b>
<b>S. McVeigh</b>	<b>#3945</b>	<b>\$ 82.74</b>

**The above resulted in the following Journal Entries:**

<b>DR</b>	<b>F0350 WATER RECEIVABLE</b>	<b>\$3,958.61</b>
	<b>CR F2140 WATER METERED</b>	<b>\$ 189.32</b>
	<b>CR F2148 WATER PENALTIES</b>	<b>\$3,759.29</b>
	<b>CR F2145 METER UPGRADE</b>	<b>\$ 10.00</b>
 <b>DR</b>	 <b>F0380 ACCOUNTS RECEIVABLE</b>	 <b>\$65,593.22</b>
	<b>CR F0350 WATER RECEIVABLE</b>	<b>\$65,593.22</b>

**VOTING**      **Ayes: 5**      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                 **Nays: 0**

**RESOLUTION NO. 36, 2023 ADOPTED.**                      **April 17, 2023**

Trustee Root, seconded by Trustee Mastrodomenico, offered the following resolution for the transfers and audits:

**RESOLUTION NO. 37, 2023**

**4/17/2023**

**TRANSFERS:**

<b>From:</b>		<b>To:</b>		<b>Amount:</b>
A3410.22	Fire Inventory	A3410.4	Fire Contr.	\$10,000.00
A1325.1	Clerk/Treas. Pers.	A6410.1	Occupancy Tax Pers.	\$2,000.00
4-17-23 Regular & Pub hrg				

A1640.41	Bldgs Electrical	A1640.4	Central Garage Contr.	\$1,500.00
A1640.44	Bldgs Vehicles	A1640.4	Central Garage Contr.	\$2,000.00
A1110.22	Justice Inventory	A1010.4	Trustee Contr.	\$1,020.00
A1110.22	Justice Inventory	A1210.22	Mayor Inventory	\$1,723.00
A1110.22	Justice Inventory	A1210.4	Mayor Contr.	\$1,000.00
A1620.22	Bldgs Inventory	A1620.4	Building Contr.	\$6,000.00
A1640.44	Bldgs Vehicles	A1620.4	Building Contr.	\$3,000.00
A9010.8	Retirement	A8120.4	Sanitation Sewer	\$23,765.66
A9050.8	Unemployment	A8120.4	Sanitation Sewer	\$9,000.00
A9060.81	Dental	A8120.4	Sanitation Sewer	\$900.00
A8560.4	Shade Trees	A8120.4	Sanitation Sewer	\$10,000.00
A8510.4	Beautification	A8120.4	Sanitation Sewer	\$2,000.00
A8130.22	Sewer Trmt Inventory	A8120.4	Sanitation Sewer	\$2,000.00
A9785.6	Lease Purification	A9785.7	Lease Interest	\$3,261.83
F8330.2	Equipment	F8310.1	Water Pers. Svce	\$2,000.00
F9060.82	Water Presc.	F8310.1	Water Pers. Svce	\$2,000.00
F9060.83	Water Copays	F8310.1	Water Pers. Svce	\$2,000.00
F9785.6	Water lease	F8310	Water Pers. Svce	\$2,000.00
F9785.6	Water lease	F9785.7	Water Lease Interest	\$3,261.84
F8310.42	Water Gas	F8310.43	Water Phone	\$500.00
A.5142.4	Snow Removal Contr.	A1620.4	Building Contr.	\$9,000.00

			Voucher Numbers	Checks
		\$110,386.17		
3/23/2023	General	\$24,210.14	231477-231498	37430-37437
	Water	\$134,596.31		
4/6/2023	General	\$63,503.80		
	Water	\$14,446.57	231499-231509	37438-37445
		\$77,950.37		
4/17/2023	General	\$133,946.42		
	Water	\$58,088.61	231510-231630	
	Sewer Plant			
	Improv(HK)	\$39,947.86		
		\$231,982.89		

Payroll ck# 37231 voided  
Checks #37325-37332 voided, replaced with #37333-37336  
Payroll ck# 37336 voided  
Payroll ck# 37349 voided  
CK# 37380 voided for \$95.04 replaced with ck#37428  
CK# 37411 voided for \$255.60 replaced with ck#37429  
Payroll ck#37436 voided  
Payroll ck# 37444 voided

**VOTING**      **Ayes: 5**      **Perry, Filomeno, Mastrodomenico, Miller, Root**  
                  **Nays: 0**

**RESOLUTION NO. 37, 2023 ADOPTED.**      **April 17, 2023**

4-17-23 Regular & Pub hrg

Mayor Perry saw that there was a gentleman in the audience who did not get a chance to speak at the beginning of the meeting, so he asked him to come up and speak.

Yerbol Kenzhebekov said that he owns two restaurants in the Village of Lake George, and that three years ago, due to COVID, he was permitted to set up an outdoor tent to accommodate patrons. He went on to say that he has since purchased tents, outdoor furniture, flowers, and has even gone so far as to paint the parking lot that the tents are located on. He has recently been told by enforcement that the tents are no longer permitted. He said that he still has patrons that are still concerned about COVID and ask to be seated outdoors away from others. He asked for permission to keep the tents up. Mayor Perry responded that he is no longer permitted to keep them up and that an exception cannot be made for him. Mayor Perry suggested that he set up tables with large umbrellas, but to remove the tents. Trustee Filomeno reminded him that he would need to come into the Village Office and get an Outdoor Café Permit. Mr. Kenzhebekov thanked them for their help.

Mayor Perry invited Douglas Frost to speak. Mr. Frost asked what the savings ended up being for the Village taxpayers after the Budget was set. Mayor Perry responded that the savings ended up being around 20%. Mr. Frost wanted to know why the 35% that was promised was not met. Mayor Perry responded that the Board was unable to meet the 35% because they were unable to establish a sewer rate (sewer fund). Mayor Perry said the Board had tried to get the rate (fund) established before the budget but there were too many errors found and wanted to make sure they had it correct before implementation. Mr. Frost asked how that would help as the Village taxpayers already pay for the sewer in their taxes. Mayor Perry explained that once they are able to establish the sewer rate (fund), they would be able to help offset the cost of the sewer with OCC Tax. He explained that they cannot currently use OCC Tax because you cannot use it in a general fund. Mr. Frost said he thought it feels a little disingenuous now that the Dissolution vote is done, that they are unable to keep the promise of giving a 35% reduction on Village taxes. Mayor Perry said he is looking to get the taxpayers another 15% next year, and that he is going to try to get it done by mid-year. Mr. Frost asked if the residents would be charged by usage. Mayor Perry responded that they are most likely be charged a flat rate and then be charged any time the person goes over the allotted gallonage. Mr. Frost said that he feels that the three Board members promised over and over before the dissolution, that they would be able to give the taxpayers a 35% discount and now they are not. Trustee Root said that there were more than just the three members. Trustee Miller said that she understands the frustration that Mr. Frost feels, but that there was an unknown and unexpected increase in the WWTP costs. Mr. Frost said he just wants to see honesty from the Board, to move forward in a positive manner. Trustee Mastrodomenico said that the Board had promised to provide a decrease in taxes, up to 35%. Mr. Frost said he felt that was a lie, that it was the full 35% that was promised. Mr. Frost said that in the future he hopes the Board does not continue to mislead the people. Mayor Perry said the promises were made based off information they were given by the budget officer, that there was no intent to mislead. Mr. Frost said that someone would be holding the Board accountable for their actions going forward. Trustee Root invited Mr. Frost to be that person. Mr. Frost said he doesn't think the Board would want him to be the person. Trustee Root said he had no problem with honesty and integrity.

Mayor Perry invited those around the table to speak if they wished. Superintendent Lanfear said that he feels when it comes time to establish a Charles Wood Day, that the County should be involved. Superintendent Lanfear suggested a plaque at the bathrooms in Wood Park.

Trustee Root asked to schedule a Special Meeting to discuss the Farmers Market. It was decided that the Special Meeting would be held Friday, April 21, at 7:30am, at the Village Administration Building.

Trustee Mastrodomenico did not have anything to add.  
Trustee Filomeno had nothing to add.

Trustee Miller said that she would like to see more transparency when it comes to things like the Budget. She would like the people to see that the Board is doing everything they can for the Village. Mayor Perry agreed that he wants people to see what the Board is doing, and that there are Public Hearings, and unfortunately not many people attend. Trustee Miller suggested the Board find other ways to distribute the information to the residents. Mayor Perry said that he has a meeting with the Village Website manager later in the week, and that he will discuss having more information posted on our Website. Trustee Mastrodomenico said that he understood Mr. Frosts frustration, but that at the Budget meetings the Board did all they could to get the reduction as high as they could. Trustee Miller said she thinks everything being done is honest, but that there needs to be additional ways to distribute the information.

There was a motion by Trustee Mastrodomenico to adjourn at 6:15pm.

Respectfully submitted,

Julie Allen  
Village Clerk