

Minutes of the Regular Meeting and Public Hearings of the Board of Trustees of the Village of Lake George, NY, held on Monday, June 21, 2021 at 4:30 p.m. 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 (arrived at 4:37 p.m.)
John Root, Trustee
Ray Perry, Trustee

Also Present: Clerk Debra McKinney, Superintendent Keith Lanfear, WWTP Operator Tim Shudt, John Carr, and via Zoom Jeremy Lynch 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 presented the minutes from Special Meetings held on May 26, 2021 and June 7, 2021. Trustee Root noted that he was listed as present at the May 26th meeting, but did not attend this meeting due to an internet malfunction. Mayor Blais made a motion, seconded by Trustee Earl, carried by a majority to approve the corrected minutes from a Special Meeting held on May 26, 2021.

VOTING **Ayes: 3** **Blais, Earl, Perry**
Nays: 0
Abstentions: 2 **Mastrodomenico, Root**
MOTION PASSED.

Trustee Root made a motion, seconded by Trustee Earl, carried by a majority to approve the minutes from a Special Meeting held on June 7, 2021.

VOTING **Ayes: 4** **Blais, Earl, Perry, Root**
Nays: 0
Abstentions: 1 **Mastrodomenico**
MOTION PASSED.

Monthly reports from the Sanitation Department and Caldwell Sewer District, Superintendent of Public Works, Planning & Zoning Office, Parking Meters, Revenues, and REC Center were presented and made available to the public.

Doni Smith, President of the Fire Company, sent notification that after further review of their bylaws, they would be required to hold an election to fill the Fire Chief's position at their next regular meeting scheduled for Tuesday, July 6, 2021.

At 4:35 p.m. Mayor Blais opened Public Hearings for:

- Proposed Local Law No. 3, 2021 Extension of Moratorium on Amusements
The Committee needs more time to complete their study.
- Proposed Local Law No. 4, 2021 Tree Care Ordinance
Mayor Blais noted that this law was drafted by request of the Go Green Committee.

He then opened the floor to public comment.

The proposed law for the Solar Energy systems is also on the agenda and some resolutions for that will be considered later in the meeting.

Mayor Blais noted that Jeremy Lynch will connect via Zoom to make a presentation for the Bird Scooters proposals at 5:15 p.m.

The following correspondence was reviewed:

- Warren County Tourism Occupancy Tax Award for Fireworks – Mayor Blais acknowledged written notice that Warren County Tourism will be awarding the Village \$25,000. towards fireworks shows in 2021. He noted that the Chamber will solicit for other sponsors for probably \$2,500. each.
- Sheriff LaFarr responded to a notification about excessive speeding, drag racing and burn-outs on Ottawa Street near the high school. Mayor Blais commented that the patrols intend to pay special attention to that area. Superintendent Lanfear discussed the bumper strips that we have in stock, and the locations of where they could be placed along with some signage.

Trustee Mastrodomenico arrived at 4:37 p.m.

- NYSDEC sent an email thanking Village staff for their response and assistance regarding their sewage line break on Route 9N.

The following resolutions were considered:

- Elan Proposal for Gateway South CFA Grant Application – There was some confusion about Resolution No. 66 approved by the Board on May 17, 2021. This was for Elan to prepare a grant application for design work for the North Gateway project, but after discussion with the Board members, they would rather pursue a grant application for the bidding and construction documents for the South Gateway. Mayor Blais reported that he has received six letters of support for this project.

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

RESOLUTION NO. 78, 2021

BE IT RESOLVED, that the Village Board of the Village of Lake George approves a proposal dated June 3, 2021 from Elan Planning for preparation of a grant request to NYS Department of State for Consolidated Funding Application. The purpose of the funding request will be to bid and construct improvements on Canada Street from McGillis Avenue to the Village line, South Gateway at a not to exceed cost of \$3,900. plus reimbursable expenses.

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

RESOLUTION NO. 78, 2021 ADOPTED. June 21, 2021

- Request to Deactivate Water Account #4585 – 14 Big Hollow Road. It was noted that the cottage located there has had the water shut off while the interior is being renovated. Marion Graves sent a request for the billing to be suspended as she anticipates this project will take two or three years to complete.

Trustee Perry, seconded by Trustee Mastrodomenico, offered the following resolution:
6-21-21 regular & PH

RESOLUTION NO. 79, 2021

BE IT RESOLVED, that the Village Board hereby authorizes the water account #4585 for 14 Big Hollow Road, Marion Graves to be made inactive while the building renovation takes place.

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

RESOLUTION NO. 79, 2021 ADOPTED. **June 21, 2021**

- NYSID Contract for Second Chance Staffing – The contract for staffing for the 2021 season is ready to be signed.

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

RESOLUTION NO. 80, 2021

WHEREAS, Second Chance Opportunities has offered a proposal for staffing for the 2021 seasonal cleaning for the Village, and it meets the needs of the Village;

BE IT RESOLVED, that the Village Board of Trustees authorizes Mayor Blais to sign an agreement with Second Chance Opportunities and New York State Industries for the Disabled, Inc. allowing them to forward it to New York State OGS for price approval.

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

RESOLUTION NO. 80, 2021 ADOPTED. **June 21, 2021**

- Proposals for Sprinkler System at the McGillis Avenue Building – Two price quotes were obtained to provide and install an irrigation system for the property at 60 McGillis Avenue. Superintendent Lanfear commented that in order to keep the grass watered, the sprinklers have to continually be moved by hand. Trustee Root commented that he checked it out and the lawn looks great. He is not in favor of spending the money to put a sprinkler system in on that property. He would like to see the funds spent elsewhere. Superintendent Lanfear reported that actually the drainage system was never completed down there, so work still needs to be done, and it might be better to wait in case the lawn has to be dug up. Mayor Blais suggested maybe instead of a sprinkler system, maybe additional landscaping could be done with the funds. Superintendent Lanfear suggested shutters to make the building look more residential. The Board agreed to decline the sprinkler system at this time.
- Integrated Control Systems Change Order No. 6 WWTP Improvement
For unforeseen additional work to the PLC/SCADA system

Trustee Perry made a motion, seconded by Trustee Mastrodomenico, offered the following resolution:

RESOLUTION NO. 81, 2021

BE IT RESOLVED, that the Village Board hereby approves Change Order No. 6 for Integrated Control Systems dated March 29, 2021 which includes the following as per the proposal unforeseen additional PLC/SCADA work due to incompatibility of the existing controls with the new conversion at the WWTP.

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

RESOLUTION NO. 81, 2021 ADOPTED **June 21, 2021**

Mayor Blais advised that there is a CFA Grant available for the purchase of a Vac Truck. Dan Barusch sent an email in regards to the grant application and the options that the Town would offer in cost sharing as well as stipulations on Vac truck service costs and the current contract. Mayor Blais summarized the email for the Board, and they discussed the options offered. It was noted that Mr. Barusch basically stated that if the Board prefers not to partner with the Town on the grant, the chances of him writing the grant are lesser, since the Village pays for two annually, and he has already done four this year. Mayor Blais confirmed that the Village's 2021/22 budget has funds for the first year payment on a new Vac truck. The Board agreed that it would be good to explore other options to have a grant application prepared. Mayor Blais agreed to check with Beth Gillis along with Lisa Nagle from Elan. Mayor Blais believes that the application deadline is in July, so we would like to expedite this.

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

RESOLUTION NO. 82, 2021

WHEREAS, the Village of Lake George (the "Village") has interest in submitting for grant funding from New York State agencies as part of the 2021 Consolidated Funding Application for certain projects; and

WHEREAS, the Village Board discussed the Town's offer for purchase of and possible grant funding for Vac truck, and would like to pursue submittal of a grant application for:

- DEC Non-Ag NPS Grant (\$300,000 grant, \$75,000 match) to be used for a new Vac Truck

BE IT RESOLVED, that the Village Board declines the Town's offer for staff to prepare and submit a grant application and share in cost for a Vac truck with the stipulations they have offered;

BE IT FURTHER RESOLVED that the Board authorizes the solicitation of a quote from Beth Gillis and/or Elan Planning for preparation and submittal of the necessary documents for grant applications through the NYS Consolidated Funding Application (CFA), or other application methods, for such grants that the Village Board members feel will provide funding for projects to the benefit of the Village and its residents.

BE IT ALSO RESOLVED in the essence of time with a fast approaching application deadline, the Village Board authorizes the hiring of a vendor who proposes to prepare the application at a cost not to exceed \$2,500.

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

RESOLUTION NO. 82, 2021 ADOPTED.**June 21, 2021**

Mayor Blais introduced John Carr who came to discuss his awning application for the Moose Tooth Grill at 327 Canada Street and secondly his request to change the layout in the easement at the Adirondack Pub and Brewery. Mr. Carr explained that the proposed awning, which has already been considered by the Planning Board and photos were provided, will actually hang in the air space over the Village's walkways. The awning will go over his sidewalk café, but will not protrude past the railing. He noted that the umbrellas they have been using have caused problems with blowing over and vandals knocking them over, and even breaking windows in the front of the store. He confirmed that the awning will be retracted each evening, and that it would not be used during the winter months.

Mr. Carr went on to describe the requested change in layout design of the easement that he currently has for the Adirondack Brew Pub. He noted that he foresees that diners are now in the habit of being socially distanced, and feels they will want to continue with that. He would like to change the design of the current easement to allow for better customer spacing as well as creating a "camping on the islands" type of theme. Mayor Blais commented that the original easement was done as a safety precaution. The easement was signed in 2019 and is good for five years, but is not really specific as to layout. The Board was in agreement with the details that Mr. Carr gave. Mayor Blais asked Mr. Carr to submit a copy of the proposed layout for the file.

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

RESOLUTION NO. 83, 2021

BE IT RESOLVED that the Village Board hereby authorizes an encroachment by John Carr, owner of the Moose Tooth Grill located at 327 Canada Street, to install a retractable awning over the sidewalk café so long as it does not protrude beyond the railings; as long as it is only used during business hours; and as long as it is not left open during the winter months.

BE IT FURTHER RESOLVED, that this is approved as long as it meets the necessary compliance codes and is approved by the Planning Board.

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

RESOLUTION NO. 83, 2021 ADOPTED.**June 21, 2021**

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

RESOLUTION NO. 84, 2021

WHEREAS John Carr of Adirondack Pub & Brewery has a current lease agreement renewed and signed in 2019 for a term of five years for Village property on Sewell Street; and

WHEREAS the easement states, "...that the Lessee may utilize the premises to expend its seating area for the adjacent dining area of its restaurant and will erect whatever barriers may be necessary on the premises to protect patrons and the public";

BE IT RESOLVED that the Village Board hereby authorizes a design change of that same

area based on Mr. Carr's verbal description and pending a submittal of a drawing of the area.

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

RESOLUTION NO. 84, 2021 ADOPTED. June 21, 2021

Mayor Blais reported that the Lake George Community Band is not planning to have their festival in the Park this year. He has two replacement groups, North County Jazz Project and the Racing City Chorus that are willing to entertain on those dates, which are July 16 and 17, 2021. He recommended allowing them compensation of \$500. each. These funds would be available from occupancy tax.

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

RESOLUTION NO. 85, 2021

BE IT RESOLVED that the Village Board hereby authorizes compensation for the following events:

- **North Country Jazz Festival in Shepard Park scheduled for July 17, 2021 - \$500.**
- **Racing City Chorus in Shepard Park scheduled for July 16, 2021 - \$500.**

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

RESOLUTION NO. 85, 2021 ADOPTED. June 21, 2021

Mayor Blais introduced Jeremy Lynch who was connected via Zoom for a presentation about the Bird Scooters proposal. Mr. Lynch spoke with Town officials recently, and they suggested that the Village may be interested. He had provided a proposal for the Village Board for their review in advance. He gave the details of their proposal for electric vehicle sharing with scooters throughout the Village. At the end of the presentation, he opened a question and answer period. The Board asked a few questions. Mayor Blais noted that in his experience with similar ventures over the years, there has been very little success. The Village is easily walkable; we have an excellent trolley system; and we have just added a bike-sharing program in the Village. Mayor Blais commented that he would be extremely concerned about the safety factor especially in the evening; the streets in the Village are extremely congested. Mayor Blais thanked Mr. Lynch for making the presentation, but noted that he would not be in favor of a trial.

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

RESOLUTION NO. 86, 2021

BE IT RESOLVED that the Village Board chooses not to accept the offer and denies the use of the Bird Scooter-Sharing program in the Village.

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

RESOLUTION NO. 86, 2021 ADOPTED. June 21, 2021

Mayor Blais presented the Special Event/Facilities use application for Shepard Park for Rusty 6-21-21 regular & PH

Senecal and the Racing City Chorus on July 16, 2021

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

RESOLUTION NO. 87, 2021

BE IT RESOLVED, that the Village Board hereby approves the following Special Events/Facilities Use of Shepard Park contingent upon receipt of all fees, insurance and other necessary documents and compliance with NYS and Warren County COVID regulations and protocol: Racing City Chorus – Rusty Senecal July 16, 2021

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

RESOLUTION NO. 87, 2021 ADOPTED. **June 21, 2021**

Mayor Blais reported that there have been some problems with parking for school staff and students. He has a meeting set up with school officials next week to discuss parking options. It was noted that they require more and more parking spaces. Board members noted that there have been opportunities to add additional parking over the years, but it never came to fruition, and there is a lot of free parking available further from the school.

Mayor Blais informed the Board that he has been in contact with the ice castle company. They are interested in building a castle at Wood Park. He has been working on trying to figure out what is a reasonable fee to charge for the water, which they would be using a substantial amount of. Mayor Blais has contacted two other communities to see what rates they used. The two communities confirm that this is a very popular attraction. He commented that the attraction would be done when the demand for water is lower. Mayor Blais noted that he is in hopes that a plan can come together for this. The vendor will probably be eligible for County occupancy tax.

Mayor Blais updated the Board about the Lake Avenue Park. He met with some of the citizens that had passes last year. He explained that the season will begin on July 1st of each year, with new keys being issued. There will be a maximum of 35 keys. We will try another trial period and see how it goes. Superintendent Lanfear reported that there is a temporary fence up down there; the permanent one is slated for August. Shepard Park Beach fence installation has been pushed out as well due to difficulty getting materials.

Mayor Blais reported that there has been a request from some Dieskau Street residents looking for parking spaces. He spoke with Sean Quirk about using the contracted lot at 75 Canada Street for some permits, and Mr. Quirk was in agreement. The Village will just pay the contracted share, and permits will be \$150. each per season. An amendment to this effect will be added to the contract.

Mayor Blais advised the Board that Sean Quirk was slated to provide food service for Fridays at the Lake for the 2021 season, but he informed him that he sold the food truck. Mayor Blais sent out a solicitation for another vendor. He requested the Board's approval to award to the highest bidder.

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

RESOLUTION NO. 88, 2021

WHEREAS, Sean Quirk has requested cancellation of the contract for food service for Fridays at the Lake in Shepard Park for the 2021 season due to he no longer has a food wagon;

WHEREAS, an RFP was sent out to solicit for food vendors in place of Mr. Quirk;

BE IT RESOLVED, that the Village Board hereby authorizes Mayor Blais to award the bid and sign an agreement with the vendor offering the highest amount to provide food service for Fridays at the Lake in Shepard Park on the seven Friday dates starting July 2nd through September 3th, 2021.

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

RESOLUTION NO. 88, 2021 ADOPTED. **June 21, 2021**

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

RESOLUTION NO. 89, 2021

JUNE 2021 WATER CHANGES

JUNE PENALTIES **\$437.46**

FINAL READS:

M Hayard	\$ 31.39
K Hanna	\$ 84.36
Priestly Properties	\$ 32.96

ADJUSTMENTS:

Water Meter Purchase	\$200.00
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The above resulted in the following Journal Entries:

DR F0350 WATER RECEIVABLE	\$786.17
CR F2140 WATER METERED	\$148.71
CR F2148 WATER PENALTIES	\$437.46
CR F2655 MINOR SALES OTHER	\$200.00

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

RESOLUTION NO. 89, 2021 ADOPTED. **June 21, 2021**

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

RESOLUTION NO. 90, 2021

TRANSFERS:

From:		To:		Amount:
F8310.1	Water Pers	F1420.4	Law Contr	5,000.00
6/3/2021	General Water	\$59,228.17	220002-220008	35235-35240
		\$9,647.65		
		<hr/>		
		\$68,875.82		

6/17/2021	General	\$95,225.13	220020-220025	
	Water	<u>\$17,446.64</u>	220044-220046	35241-
		\$112,671.77	220064-220065	35247
6/21/2021	General	\$242,537.33	220009-220019	
	Water	\$21,265.99	220026-220043	
	Sewer Plnt Improv (HK)	\$801,965.91	220047-220063	
	EPG (HT)	<u>\$1,328.00</u>	220066-220111	
		\$1,067,097.23		

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

RESOLUTION NO. 90, 2021 ADOPTED. **June 21, 2021**

Mayor Blais announced that a photo of the Village's sign down on Beach Road made the inside front cover of the Adirondack Life magazine. Also, Travel and Leisure magazine rated the Village in the top 10.

On another note, Mayor Blais commented that there were some editorials against the proposed fence for Shepard Park Beach, and unfortunately there was a drowning in that vicinity recently.

Mayor Blais asked for any other comments in regards to the proposed local laws. There were no further comments. At 6:07 p.m. Mayor Blais closed the Public Hearings on both proposed local laws. He added that as far as Proposed Local Law No. 3, 2021 extending a moratorium on amusements, the Committee plans to report their findings to the Board, probably within the next 30 days or so. Mayor Blais advised that this is a Type II action under SEQRA and not subject to further review.

Motion by Trustee Root, seconded by Trustee Earl, the Village of Lake George Board of Trustees hereby adopts and enacts proposed Local Law No 3, 2021 as follows extending the six-month moratorium on the amusements in the Village of Lake George, which was originally adopted on January 11, 2021.

LOCAL LAW NO. 3 of 2021
ADOPTING AN EXTENSION OF A CURRENT 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:

VILLAGE OF LAKE GEORGE
COUNTY OF WARREN, STATE OF NEW YORK
PROPOSED LOCAL LAW NO. 3 of 2021

A LOCAL LAW ADOPTING AN EXTENSION OF 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 reviewing land use options relative to 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 and feels that an additional six (6) month extension to the moratorium is needed to allow the Village time to complete its

review. The Board of Trustees previously found and confirms 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. Extension of 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 an additional 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. 3, 2021 ADOPTED

June 21, 2021

6-21-21 regular & PH

Mayor Blais then moved on for a Board decision on Proposed Local Law No. 4, 2021 adding Chapter 201, Tree Care.

Motion by Trustee Perry, seconded by Trustee Root, 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. 4, 2021 adding Chapter 201, "Tree Care Ordinance" of the Code of the Village of Lake George.

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

Motion by Trustee Perry, seconded by Trustee Root, to adopt proposed Local Law No 4, 2021

PROPOSED LOCAL LAW NO. 4 OF 2021

Chapter 201: Tree Care Ordinance

1. Legislative Intent

The Board of Trustees of the Village of Lake George has determined that it is in the interest of the citizens of the Village of Lake George to promote and protect their health, safety and welfare to adopt a tree care ordinance. The Board of trustees recognizes the role that trees play in the village ecosystem and that they contribute to the quality of air, reduce noise and visual pollution, help to moderate climatic extremes and conserve energy, and the Board further recognizes the role trees play in enhancing property values and the general quality of life in the Village. In order to establish a responsible program for planting, maintenance, husbandry, or removal of trees or shrubs in the Village, the Board of Trustees finds it necessary to establish and to adopt this Local Law to provide an orderly framework to maximize the benefits afforded by trees within the Village.

2. Definitions

Public trees - Any trees, shrubs, bushes and all woody vegetation on land lying within a public street or right-of-way within the Village.

Park Trees - Any trees, shrubs, bushes and all woody vegetation on land lying within public parks having names and in all areas owned by the Village and to which the public has access.

3. Go Green Committee to Act as Tree Board

The Village Board has delegated the joint Village-Town Go Green Committee to provide for oversight and implementation of this law, in conjunction with the oversight, implementation and enforcement by necessary Village staff. The Go Green Committee shall at a minimum have at least one elected official and two staff members from the Village of Lake George at all times. The Go Green Committee shall assist with any urban and community forestry planning efforts, including but not limited to, inventorying all public trees within the Village, studying, investigating, and from time to time updating a plan for the condition of all such public trees. The Go Green Committee shall periodically counsel the Village Board of Trustees on how best to manage the public trees and should, at their discretion, prepare and update a written plan for the public safety, care, preservation, pruning, planting, replanting, removal or disposition of trees within the Village of Lake George easements, streets, and Village parks. This plan shall also include a provision for public education.

4. Care of Public Trees

a) The Board of Trustees of the Village of Lake George, and all authorized Village employees shall have the right to plant, prune, maintain and remove trees and woody plants within the limits of all Village streets, sidewalks, rights of-way, or parks. The Board and authorized staff, in appropriate cases, and upon consultation and with the property owner, may remove or prune a tree which stands upon private property but which threaten the safety or welfare of those who may use a Village street, sidewalk or park.

b) The Go Green Committee may recommend the removal of any tree or part thereof within the limits of any street, sidewalk or public park which threatens the safety or welfare of any person or by which by reason of its location or nature threatens any electric line, telephone line, gas line or any municipal water or sewer line or any public improvement, or which is affected by any injurious fungus, insect or other pest or disease. When a public tree dies, the Village staff and/or Go Green Committee shall determine the reason(s) why. Consideration for replacement of removed trees should always be given.

c) Immediately after a storm event, if a tree or branches from a public tree are hindering or impacting a landowner, they may remove the branch or tree with notification and approval from the Town of Lake George.

d) Native species are required to be used for public trees and landscaping.

5. Approval for Action within the Village

No person shall remove, destroy, or cause the removal or destruction of a tree on any Village street or in any Village park, or undertake construction or any activity which may significantly and prematurely detract from the health or growth of a tree without first having obtained written permission for such removal or construction at the office of the Village Department of Public Works. All applications must be approved by the Go Green Committee, the Village Board of Trustees, and all approvals shall be in conformance with a Tree Master Plan, if one exists.

6. Violations

Any violation of this Local Law shall constitute a violation within the meaning of the Penal Law of the State of New York, and an appearance ticket alleging such violation may be issued by any code enforcement officer having jurisdiction.

7. Review by the Village Board

The Village Board of Trustees shall have the right to review the conduct, acts, and decisions of the Go Green Committee and of its individual members, in regard to oversight and implementation of this ordinance. The Board of Trustees shall, in conjunction with the Town Board of the Town of Lake George, suggest new, replacement or alternative Go Green Committee members when necessary.

Any person who is aggrieved by any decision of the Go Green Committee may appeal the decision within ten (10) days of the filing of a formal decision by the Go Green Committee with the office of the Village Clerk. The appeal shall be heard by the Village Board of Trustees within thirty (30) days of the filing of the appeal in the office of the Village Clerk. The Board of Trustees shall make and file its decisions with the Village Clerk within five (5) days of its hearing.

8. Severability and Effective Date

Should any section of this Local Law be found to be unconstitutional, that finding shall in no way affect the other sections of this Local Law, which shall remain in effect. This Local Law

shall become effective upon its adoption by the Village Board of Trustees and its filing in the office of the NYS 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. 4, 2021 ADOPTED

June 21, 2021

Mayor Blais reported that we are still progressing with the proposed law for Solar Energy. He began review of the long form SEQR and reviewed it page by page. The following three resolutions were considered:

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

RESOLUTION NO. 91, 2021

**Accept a Negative Declaration SEQR for amendments to
Chapter 220 ZONING, Section 43 Solar Energy Systems**

WHEREAS, the Village Board of Lake George desires to adopt an amendment Chapter 220 Zoning, Section 43 Solar Energy Systems 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 a coordinated review of the Type 1 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 220-43 Solar Energy Systems constitutes a Type 1 action that is subject to SEQR and that the County and APA are involved agencies with respect to this specific action; and, with the consent of the APA and the County, the Village Board hereby declares itself to be the lead agency for this action and that a Long Environmental Assessment Form is sufficient to determine the significance of the action;

BE IT FURTHER RESOLVED, the Village of Lake George Board has reviewed the SEQR Long Environmental Assessment 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 Solar Energy Systems within the Village of Lake George), concluding that none of the criteria contained in 6CRR-NY 617.7(c) are going to be heavily impacted by this proposed amendments, 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 ZONING, Section 43, 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 Long Environmental Assessment Form 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 Long 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** **Blais, Earl, Mastrodomenico, Perry, Root**
Nays: 0

RESOLUTION NO. 91, 2021 ADOPTED. **June 21, 2021**

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

RESOLUTION NO. 92, 2021

**Request APA Review and Approval of the amendments to Village Code
Chapter 220 "ZONING" Sections 43 Solar Energy Systems**

WHEREAS, the Board of Trustees of the Village of Lake George desires to adopt an amendment to the Zoning Code regarding the regulation of Solar Energy Systems with the Village, and said local law requires completion of a SEQR review 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 major 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 Long Environmental Assessment Form pursuant to State Environmental Quality Review for the listed Zoning amendments, and has subsequently declared a negative declaration through a coordinated review of the Type 1 Action, pursuant to Village Board resolution 90, 2021 dated June 21, 2021;

NOW, THEREFORE BE IT RESOLVED, that the Village Board requests the review and approval of the Village of Lake George Chapter 220 ZONING Section 43 amendments by the Adirondack Park Agency (APA) Board pursuant to Article 27 of the Executive Law, Section 807.

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

RESOLUTION NO. 92, 2021 ADOPTED.

June 21, 2021

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

RESOLUTION NO. 93, 2021

**Set Public Hearing for
Chapter 220 "ZONING" Sections 43 Solar Energy Systems**

WHEREAS, the Board of Trustees of the Village of Lake George desires to adopt an amendment to Chapter 220 ZONING, Section 43 Solar Energy Systems to the Code of the Village of Lake George.

BE IT RESOLVED, that the Board of Trustees of the Village Board agrees to set the date for the public hearing for the proposed Village Code amendments to Chapter 220 ZONING Section 43 Solar Energy Systems on Monday, July 19, 2021 at 4:30 p.m. at its Regular Village Board meeting.

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

RESOLUTION NO. 93, 2021 ADOPTED.

June 21, 2021

Mayor Blais asked for any other business

Superintendent Lanfear gave a Beach Road Water break update. He stated that he was able to get some detailed information from Barton and Loguidice in regards to the culvert and the directional box. This still needs to be repaired, and he is going to try to get an estimation of the cost, and would suggest that the work get completed in the fall.

Mayor Blais reported that WWTP Assistant Plant Operator Travis Earl has given his notice and will be leaving in two weeks. We will be advertising for a replacement.

Trustee Root observed that the dog beach looks natural with no fencing around it.

Mayor Blais announced that the application has been filled out for the Federal Pandemic funding that is available.

Trustee Earl commented that Village employees are doing a good job picking up the trash.

Trustee Mastrodomenico noted that there seems to be a lot of repairs on the golf carts lately. He made note that he has witnessed employees reaching over to pick up trash from the carts. He, also, reported that he has been hearing music from Backstreet BBQ, and it seems quite loud. He asked if Code Enforcement could follow up on this.

There was a motion by Trustee Perry to adjourn at 6:25 p.m.

Respectfully submitted,

Debra J. McKinney
Village Clerk

6-21-21 regular & PH