

Minutes
Lake Placid Village Board Meeting
Monday, July 12, 2010
5:30 p.m. – Town Hall

Present: Mayor Randall, Trustees Jones, Curtis, Leon & Devlin, Village Attorney Janet Bliss, Village Treasurer Peggy Mousaw, Richard Smith, Connie Issleb, Wayne Johnston, Randy Quayle, Sibyl Quayle, Eric Voorhis, Eileen Valentine, Mark Wilson and Sean Ayres.

Mayor Randall opened the meeting at 5:30 p.m. with the Pledge of Allegiance.

Mayor Randall said we have no one on the agenda to speak tonight, so we'll proceed to the public hearing.

Public Hearing Proposed Local Law No. 1 of 2010

Mayor Randall said at this time, I'll open the public hearing on proposed Local Law No. 1, which reads in part, as follows:

“ . . . The purpose of this Local Law is to prevent the introduction and spread of aquatic invasive species into the ponds, lakes, rivers and streams (collectively, water body) in the Village of Lake Placid and to regulate the use of the Village owned boat launch site located on Victor Herbert Road for protection of the public health, general welfare and safety of the residents of and visitors to the Village of Placid; to protect, preserve and enhance the Village's natural resources; to protect and preserve the source of the Village's drinking water; and to protect, preserve and promote the safe and proper use of the Village boat launch site and minimize detrimental effects of such use on the environment.”

Mayor Randall continued saying the Board members had received copies of this draft and have reviewed the various drafts. At this time, if anyone has any comments, I'd be pleased to hear them.

Trustee Jones said I think we had a couple of late arrivals, Mayor.

Mark Wilson said I'll be brief, and that may surprise you, but I have received a copy of the local law as drafted and I approve of the adoption of this local law. Anything we can do to promote and protect the lake and waterbodies, I'm all for!!

Mayor Randall said thanks, Mark. Any other comments at this time? Janet, do you have any comments?

Village Attorney Janet Bliss said no, I don't have any further comments. I will

say I did consult with the aquatic people for advice and direction, and I believe we thought it best to keep it simple and have a law that's easily enforceable.

Mayor Randall said that's right. That's what I think we've accomplished here. If there are no further comments, I'll close the public hearing at 5:40 p.m.

Approval of the Minutes

Motion by Trustee Devlin, seconded by Trustee Jones and carried to accept the minutes of the June 28, 2010 Village Board meeting as presented by the Village Clerk. Trustee Leon abstained from voting as he was absent from the meeting.

Old Business

Budget Modification #4 2009-2010 Budget Year

Motion by Trustee Jones, seconded by Trustee Curtis and carried to approve and adopt budget modification #4 for the budget year 2009-2010 as presented by the Village Treasurer.

A copy of the Budget Mod #4 for 2009-2010 is annexed hereto as Exhibit 1 and made a part hereof.

Quayle Parking Request – Wedding

Motion by Trustee Jones, seconded by Trustee Leon and carried having spoken with the Chief of Police, do hereby grant the request for the road closure and redirecting of traffic from Interlaken Avenue & Victor Herbert Road with parking on one side of the street for the Quayle Wedding on Saturday, August 7th, 2010. The wedding will take place at the Hart's garden at 3:30 p.m. It is expected the road closure and redirecting of traffic should take approximately an hour to an hour and a half.

Byno – July 31st Wedding Parking Request

All arrangements have been made. A point person from the Lake Placid Police Dept. will assist Cindy Byno with the details. Village Clerk will notify the Chief of Police.

Abbott/VLP Agreement

Mayor Randall explained that last week, we had an emergency situation and

needed to enter into an Agreement with Brenda and Steve Abbott for some work that needed to be done immediately by the DPW Dept. The following motion shall be entered into the minutes of this meeting, together with the Agreement.

“Due to the emergency nature and need to commence the work on Tuesday, July 6th, a telephone poll of all Village Board members on Friday, July 2, 2010, resulted in the following motion:

Motion by Trustee Curtis, seconded by Trustee Jones and unanimously carried to authorize Mayor Randall to sign the Agreement between Stephen and Brenda Abbott and the Lake Placid Village, Inc. on Power House Lane in Lake Placid, New York for work to be performed by the Village of Lake Placid Water Dept. commencing on July 6, 2010.

This motion will be duly entered into the official minutes of the next scheduled Village Board meeting on July 12, 2010.

July 2, 2010

Kathryn A. McKillip, Village Clerk

The Mayor signed the following Agreement on July 6, 2010:

AGREEMENT

This sets forth an Agreement made this 6th day of July, 2010 between Stephen Abbott and Brenda Abbott, 44 Power House Lane, Lake Placid, New York, 12946 (“Abbotts”), and Lake Placid Village, Inc., a municipal corporation with offices at 2693 Main Street, Lake Placid, New York (“Village”).

1. **WHEREAS**, Abbotts are the owners of certain real property in the Village of Lake Placid as shown on a certain map of survey showing lands of J. Kenyon and Barbara Abbott by Robert M. Marvin, L.S. dated October 9, 2001 and thereon shown and designated as Parcels “Third” and “Fourth” being and lying North of Power House Road (the “Burdened Property”).
2. **WHEREAS**, Village benefits from easements and/or rights-of-way for existing municipal sanitary sewer lines which run through the Burdened Property.

3. **WHEREAS**, it has become necessary for Village to access its sanitary sewer lines running through or located on the Burdened Property.
4. **WHEREAS**, it has also become necessary for Village to conduct dredging behind the lower Mill Pond Dam which area to be dredged is in waters of the Chubb River adjacent to the Burdened Property, access to which is most easily achieved on and through the Burdened Property.

NOW, THEREFORE, for these premises and other good and valuable consideration, the parties agree as follows:

1. In recognition of the existing easements and rights-of-way, Abbots hereby agree that the Village may enter upon the Burdened Property with men, trucks, excavators and other equipment for the purpose of accessing existing sanitary sewer lines and the Village Dam and lower Mill Pond/Chubb River, such right of access shall include, but not be limited to, cutting of approximately 15-20 standing trees in the general vicinity of the existing woodland driveway on a path leading from Power House Road to the shore of the lower Mill Pond/Chubb River and the creation of a gravel surfaced road to support trucks and equipment.
2. Village shall use its best efforts to preserve the character of the Burdened Property to include:
 - (a) Chipping the trees to be removed and disbursing the wood chips on Abbots property;
 - (b) Chipping trees already down in the area of the access way and disbursing the wood chips on Abbots property;
 - (c) Construction of a temporary road by placing road fabric to be covered with crusher run, which crusher run and fabric will be removed at such time as access to the sanitary sewer lines, lower Mill Pond Dam/Chubb River is no longer needed. Upon removal, Village will restore the area by reseeding it with native grass and/or plantings. Village will deliver the removed crusher run to a designated location on Abbots' property for their benefit.
3. Village agrees to indemnify and hold Abbots harmless from any claims, loss, judgments or liability arising out of Village's activities on the Burdened Property, or arising out of this

Agreement, except as may be caused by the negligence of Abbotts. Village shall provide proof of general liability insurance in an amount of not less than \$1,000,000.00 naming Abbotts as additional insureds prior to commencement of work.

4. This Agreement does not create a partnership, joint venture or any other relationship between the parties other than as stated herein.
5. It is anticipated that Village will complete the work to be performed by July 31, 2010 and that restoration shall be complete by October 1, 2010. In the event that the planned and anticipated work or need for access shall extend beyond such dates, Village will notify Abbotts of the needed extension, permission for which shall not be unreasonably withheld.
6. This sets forth the entire Agreement between the parties, except as to any easements/rights-of-way which are a matter of public record.
7. Village represents and warrants that proper authority exists for the signing of this Agreement by Mayor Randall.

Lake Placid Village, Inc.

By: _____
Mayor Craig H. Randall

Date

Stephen Abbott

Date

Brenda Abbott

Date

New Business

HAPEC Drawdown #3

Motion by Trustee Jones, seconded by Trustee Devlin and unanimously carried to authorize the Treasurer to proceed forward to submit the necessary paperwork to the New York State Office of Community Development to request payment in the sum of \$10,824.71 to the Village of Lake Placid for CDBG Rehab Program Project No. 611HR133-09 for drawdown #3. The Village Board hereby authorizes the Treasurer to pay the bill in the sum of \$10,824.71 for services per contract between HAPEC and the Village of Lake Placid for Administration of its single purpose Small Cities Community Development Block Grant, once the funds are received from the NYS Office of Community Development in the Village's account.

A copy of the documents for HAPEC drawdown #3 are annexed hereto and made a part hereof as Exhibit 2.

St. Eustace Strawberry Festival Parking Request

Motion by Trustee Leon, seconded by Trustee Curtis and carried to authorize the Strawberry Festival to use the loading zone in front St. Eustace Church on Saturday, July 24, 2010 from 11:00 a.m. to 5:00 p.m. The DPW Dept. will cone off the loading zone in the morning. An insurance certificate naming the Village as an additional insured will be provided to the Village Clerk prior to the event.

Hourly Rates/Fees for New Parking Meters in Municipal Lot

Mayor Randall explained the new meters are installed in the parking lot. The next step is to have them programmed with the instructions and the rates. Its also our thinking to encourage more parking in the lot, to decrease the hourly rate in the municipal lot to .50 per hour, and \$5.00 for all day. Hopefully, this will encourage people to park there all day. These new meters will have bill acceptors for \$1 bills and \$5 bills. I've spoken with Pierre of MacKay Meters and we will be getting the programming information to them some time this week. I also had a nice conversation with a young man who works on Main Street and he parks in the Upper NBT lot, and it was nice to have the draft of the directions for the new meters. I showed them to him and he thought they were great and much easier to understand. I am also proposing to keep the part-time people who work in the lot on to help with the transition to the new meters.

Trustee Jones showed the board members the draft of the new sign as you enter the parking lot.

Resolution – Parking Fees/Rates Municipal Parking Lot (#10 of 2010)

Trustee Curtis offered the following Resolution, seconded by Trustee Jones and unanimously carried to

Hereby set the hourly rate for parking in the municipal lot at .50 cents per hour, \$5.00 for all day. The hours are 8:00 a.m. to 8:00 p.m. Monday – Saturday, and 1:00 p.m. to 8:00 p.m. on Sundays. Those individuals who obtain Village of Lake Placid Annual Parking Permits through the Lake Placid Police Dept. may use any space in the metered municipal lot based on availability. No camping allowed in the metered municipal lot. The ticket color for the metered municipal lot tickets will be yellow, and the yellow parking tickets are not transferrable to any other parking space in the Village of Lake Placid.

Traffic Control Officer

Mayor Randall said as you know, the position of Animal Control Officer will be terminated as of July 31, 2010. The individual who was in that position was offered the Traffic Control Officer position, and has accepted the position in writing effective August 1st, 2010.

Therefore, I, Craig Randall, as Mayor of the Village of Lake Placid do hereby appoint Martin Perkins at a Traffic Control Officer for the Lake Placid Police Dept. effective August 1st, 2010, with same rate of pay he is currently receiving, and any all benefits he is currently receiving and is entitled to under the CSEA Contract.

The appointment was moved by Trustee Jones, seconded by Trustee Curtis and unanimously carried by the Village Board.

Senior Water/Sewer Rates Discussion

Brief discussion between the Board members and the Village Treasurer. It was the board's conclusion the policy set in place by the Village Board authorizes the Treasurer and the Administrative Committee to review the applications, and based on the criteria, accept or reject the applicants as necessary. No formal motion is necessary to approve the list of qualified applicants at this time.

Change in Part-Time Trolley Managers

Mayor Randall said David Wood has been our part-time Trolley Manager, and while he's done a fine job, he has a full-time job in Keene, and we feel it would be better to have someone on-site. David Wood will continue to drive trolley when he can, and will also help out with the 19A and BAITFISH requirements of the trolley drivers.

Therefore, as Mayor of the Village of Lake Placid, I hereby terminate David Wood as Part-Time Trolley Manager as of the end of the payroll period on Sunday, July 25, 2010; and

I hereby appoint John Savarie, as Part-Time Trolley Manager as of Monday, July 26, 2010, at the weekly rate of \$175.00 until such time as he becomes 19A and BAITFISH certified. It is understood that his current position as a Heavy Equipment Operator “HEO” in the CSEA union comes first as his full-time position, and he will receive a separate check each payroll for his HEO duties. John Savarie will receive a separate check each payroll for his part-time trolley manager duties.

The termination of David Wood and appointment of John Savarie as part-time Trolley Manager for the Village of Lake Placid was moved by Trustee Jones, seconded by Trustee Devlin and unanimously approved by the Village Board.

Trolley Accident

Mayor Randall also reported that one of the trolleys had a minor accident on Old Military Road over the weekend. Luckily, no passengers were on the trolley, as the driver was returning from his lunch break and starting up his route again. The trolley driver was not injured and there was very minor damage to the trolley. No tickets issued. Mayor Randall said I’m very surprised with the amount of traffic on that section of road that more vehicles haven’t gone off there. I really think there should be some guardrails in that area.

Adopt Local Law No. 1 of 2010

Motion by Trustee Jones, seconded by Trustee Curtis and carried to adopt Local Law No. 1 of 2010 as follows:

Section 1. SHORT TITLE

This local law shall be known and cited as “Village of Lake Placid Aquatic Invasive Species Local Law.”

Section 2. PURPOSE AND POLICY

The purpose of this Local Law is to prevent the introduction and spread of aquatic invasive species into the ponds, lakes, rivers and streams (collectively, water body) in the Village of Lake Placid and to regulate the use of the Village owned boat launch site located on Victor Herbert Road for protection of the public health, general welfare and safety of the residents of and visitors to the Village of Placid; to protect, preserve and enhance the Village’s natural resources; to protect and preserve the source of the Village’s drinking water; and to protect, preserve

and promote the safe and proper use of the Village boat launch site and minimize detrimental effects of such use on the environment.

The bodies of water located within the Village of Lake Placid are internationally renowned for beauty, tranquility and cleanliness, as well as recreational value. Moreover, the waters of Lake Placid are the source of water for the municipal water system of the Village of Lake Placid providing water to Lake Placid and outlying areas/water districts.

Section 3. LEGISLATIVE AUTHORITY

This local law is enacted pursuant to the Municipal Home Rule Law, the General Municipal Law and Village law.

Section 4. DEFINITIONS

For purposes of this local law, the following definition of words, phrases and terms shall apply:

(a) “Commercial Use” shall mean any use or activity conducted by any person for pecuniary gain.

(b) “Person” shall mean any individual, corporation, partnership, association, limited liability company or other legal entity.

(c) “Watercraft” shall mean any vessel or floating craft.

(d) “Aquatic animals” shall mean an animal that spends part of its life in water; including, but not limited to, freshwater, estuarine and wetland species.

(e) “Aquatic plants” shall mean plants living in the water or at the shoreline, and includes roots, rhizomes, stems, leaves or seeds; including freshwater, estuarine and wetland species.

(f) “Invasive species” shall mean any species listed by the NYS DEC as being invasive to the waters of New York. Such species include, but are not limited to, Eurasian water milfoil (*Myriophyllum spicatum*), variable leaf milfoil (*Myriophyllum heterophyllum*), water chestnut (*Trapa natans*), curly-leaf pondweed (*Potamogeton crispus*), Brazilian waterweed (*Egeria densa*), zebra mussels (*Dreissena polymorpha*), and round goby (*Neogobis melanostomus*).

(g) “Water body” shall mean any freshwater or estuarine lake, river,

pond, stream or wetland existing in the Village of Lake Placid, whether publicly or privately owned, including the banks and shores thereof.

Section 5. REGULATIONS, CONDITIONS AND RESTRICTIONS

(a) No watercraft shall be launched, placed, floated, introduced, operated from or exit from any water body within the limits of the Village of Lake Placid containing, carrying or transporting any aquatic plants and/or aquatic animals inside or outside the watercraft, or equipments that had previously come in contact with any water body unless the person operating the watercraft shall have removed all aquatic plants and animals. Any removed of aquatic plants or aquatic animals must be discarded away from the shoreline.

(b) No watercraft trailer shall be placed, floated, introduced, operated from or exit any water body in the Village of Lake Placid containing, carrying or transporting any aquatic plants or aquatic animals. Any removed aquatic plants or aquatic animal must be discarded away from the shoreline.

(c) For purposes of this local law, the following shall be exempt: legally purchased bait or harvested fish; legally taken waterfowl; and, removal or harvesting of aquatic plants or aquatic animals with a permit.

(d) No person shall clean any watercraft or vessel with chemicals or detergents where runoff into or contamination of water bodies in the Village of Lake Placid is likely to occur.

(e) No person shall plant, transplant or introduce Aquatic Invasive Species in, on or around the water bodies in the Village of Lake Placid, or the shorelines of any water bodies.

(f) No person shall use the Village owned launch site on Victor Herbert Drive for commercial use.

(g) No person shall park any vehicle at the Village Boat Launch site on Victor Herbert Drive overnight.

Section 6. VIOLATIONS.

Any person who shall violate the provisions of this Local Law, or any part thereof, shall be guilty of a violation punishable by from not less than \$50.00 dollars nor more than \$250.00 dollars.

Section 7. SAVINGS CLAUSE.

If any part of the Local Law or any section, clause or phrase thereof shall be held invalid, the remaining provisions shall remain in full force and effect.

This Local Law shall become effective upon written notice of filing with the New York State Department of State.

Crowne Plaza Noise Ordinance Applications for 2010

Motion by Trustee Jones, seconded by Trustee Curtis and carried to grant the Crowne Plaza Noise Ordinance Applications for 2010 as listed in Exhibit 3 annexed hereto and made a part hereof.

Jack Barry Dedication

Mayor Randall said on Saturday, July 10, 2010, a dedication ceremony was held at the Mill Pond Dam. The Barry family reunion was held over the weekend and a brief dedication ceremony took place at which time the following resolution was offered by Mayor Randall:

John D. 'Jack' Barry Dedication July 10, 2010

Whereas: John D "Jack" Barry was a resident of Lake Placid who together with his wife Kathryn raised three children in Lake Placid and worked for many years as caretaker for Camp Gull Rock, and

Whereas: John D. 'Jack' Barry served his community numerous terms as a village trustee, first from 1963 to 1982, and again from 1986 to 1994, for a total of 27 years during which many significant events occurred in Lake Placid, and

Whereas: During the mid 1970s the Mill Pond Dam was washed away, and

Whereas: John D. 'Jack' Barry was instrumental in the rebuilding of the dam and installing a playground at Mill Pond Park, a project that took several years to complete, and would not have been completed without the hard work and dedication of John D. 'Jack' Barry, and

Whereas: John D. 'Jack' Barry provided other lasting benefits to the youth of Lake Placid, in particular he was one of the founding members of the Lake Placid PeeWee Association, an organization that continues to serve the youth of the community today, and

Whereas: John D. ‘Jack’ Barry passed away on May 2, 2007, and

Whereas: By resolution of the Lake Placid Village Board of Trustees, the reconstructed dam was dedicated to John D. ‘Jack’ Barry in recognition of his dedicated efforts to make Lake Placid a better place for its residents, **now**

Therefore: I, Craig Randall, Mayor of the Village Placid on behalf of the Lake Placid Village Board and a grateful community in recognition of John D. ‘Jack’ Barry’s many accomplishments while serving the village of Lake Placid,

hereby commemorate his achievements with the dedication of this plaque naming the Mill Pond Dam the John D. ‘Jack’ Barry Dam in his memory.

Audit Bills

The Village Board members, acting as a Board of Auditors to the Village of Lake Placid, do hereby certify that the attached is a complete and true abstract of all accounts audited by this Board at its regular meeting held on July 12, 2010 including the amount claimed and the amount allowed thereof, and including bills totaling the amount of:

| | | |
|----|------------|-------------------------|
| \$ | 153,953.50 | General Vouchers |
| \$ | 116,029.25 | Electric Vouchers |
| \$ | 53,394.31 | Water Vouchers |
| \$ | 48,732.24 | Sewer Vouchers |
| \$ | 9,670.50 | Trust & Agency Vouchers |
| \$ | 9,842.16 | HUD & Sec 8 Vouchers |
| \$ | 107,760.99 | Capital Fund Vouchers |

The total of all vouchers on Abstract #24: \$499,382.95

Both Trustee Devlin and Mayor Randall reviewed the bills in the Village Clerk’s office this afternoon and recommend they be processed for payment.

There being no further business to come before this meeting, motion by Trustee Curtis, seconded by Trustee Jones and carried to adjourn the meeting at 7:20 p.m.

Kathryn McKillip
Village Clerk

