

**TOWN OF SAND LAKE TOWN BOARD MEETING
NOVEMBER 9, 2011**

The monthly meeting of the Sand Lake Town Board was held on November 9, 2011 at 7:30 P.M. at the Sand Lake Town Hall. After the Pledge of Allegiance, the following answered roll call:

PRESENT: Councilwoman Kronau
Councilman Splain
Councilman Turner
Councilman Glasser
Supervisor Rounds
Town Attorney Donna Cole-Paul

RECORDING SECRETARY: Barbara A. Biittig, Town Clerk

OTHERS PRESENT: Justin Schultz, Clyde Heffner, Rob Dressner, Bill Glasser, Mac McEvelly, Fred Schreyer, Fred Erickson, Robbie MacCue, Melinda Fowler, Paul Glasser, Bob Stackrow, Sandra McGinnis, Carol Surash, Barb Mercer, Rod Brenner, Raymond Sakol, Patricia Ludder, Denise King and others.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

Supervisor Rounds made the motion to approve the minutes of October 12, October 18, & October 26, 2011. This was seconded by Councilman Turner.

MOTION CARRIED = UNANIMOUS

TOWN CLERKS REPORT – Barbara A. Biittig

Money paid to Supervisor \$7,360.55
Money paid to New York State Ag & Markets for spay/neuter program \$76.00
Money paid to State Health Dept. for Marriage Licenses \$135.00
Money paid to the Dept of Environmental Conservation (Fishing /Hunting) \$3,891.20

Leftover Doe permits became available on November 1 on a first come first served basis. Certain areas only are available. You can check with my office on these areas. Most of them are in the western part of the state. This availability is adjusted each night and once they have met their quota they are gone.

The Town Clerk's office and the Tax office is in the process of upgrading their services so that Town Residents have the availability of paying for services and taxes with a credit card either online or in person. More information on this to follow.

Any questions or concerns do not hesitate to call my office at 518-674-2026 ext 22.

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SUPERVISOR'S REPORT – Read Highway, Sewer Reports.

COMMITTEE REPORTS:

ENGINEERS REPORT – Mark Kestner – On file in the Town Clerk's Office.

PLANNING BOARD – Justin Schultz – On File in the Town Clerk's Office

BUILDING/ZONING – Fred Schreyer. – On file in the Town Clerk's Office

YOUTH – Barbara Glasser – On file in the Town Clerk's Office

Fred Erickson reported on the Bicentennial progress.

BOARD MEMBERS REPORTS:

PUBLIC WORKS – Supervisor Rounds- On file in the Town Clerk's Office.

HIGHWAY – Supervisor Rounds - On file in the Town Clerk's Office.

VETERANS – None at this time

PARKS AND RECREATION – None at this time.

CABLE – None at this time

PHYSICAL FACILITIES – None at this time.

INTERNAL CONTROL – None at this time

CULTURE AND ARTS - Christine Kronau - On file in the Town Clerk's Office.

PLANNING OVERSIGHT/LINKAGE STUDY – Christine Kronau – On file in the Town Clerk's Office.

YOUTH – Christine Kronau – On file in the Town Clerk's Office.

SENIORS/SENIOR VAN – Christine Kronau – On file in the Town Clerk's Office.

ANIMAL CONTROL – John Glasser – On file in the Town Clerk's Office

STREET LIGHTS – John Glasser – None at this time.

BEACH – John Glasser – None at this time

LIBRARY – Ray Turner – On file in the Town Clerk's Office.

AMBULANCE/PUBLIC SAFETY – Ray Turner – None at this time.

ZONING UPDATE – Ray Turner – None at this time.

COMMENTS FROM RESIDENTS:

Mark Petrone spoke regarding the Fitness Trail behind Butler Park. It is now open and ready for use.

Robbie McCue President of the Sand Lake Ambulance spoke on the Volunteer Organization. He gave a brief explanation on just what the ambulance service is and the necessity of the paramedics.

Fred Erickson wanted to give big thank you to all of the volunteer's who make up the ambulance. We have no idea of the training and time involved in becoming a part of this organization.

APPROVAL OF THE AGENDA –

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Councilman Glasser motioned to amend the Budget Transfer on the HVAC from \$26,527 to \$36,527 due to increase in price and Councilman Turner seconded.

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RESOLUTION #100-11

Referral to the Planning Oversight Committee for Zoning Update.

Councilman Turner moved and Councilwoman Kronau seconded the following resolution:

WHEREAS, in or about January of 2005, the Sand Lake Town Board determined to update its Comprehensive Plan, and Elan Planning of Saratoga Springs and Lawrence E. Howard were retained to aid in such process, and

WHEREAS, for purposes of *review* under the State Environmental Quality Review Act (SEQRA) the Board declared itself lead agency and determined to prepare a Generic Environmental Impact Statement (GEIS) in conjunction with the Comprehensive Plan, and

WHEREAS, on April 12, 2006, a public hearing was held on the draft Comprehensive Plan and draft GEIS, and

WHEREAS, on May 10, 2006, a final GEIS was prepared and accepted and Notice of Completion thereof was issued on May 11, 2006, and

WHEREAS, on June 14, 2006, the Board adopted two resolutions in connection with the matter, the first being Resolution 87-06 which adopted a Findings Statement prepared by Elan Planning for the Board, as required by the SEQRA regulations, and the second being Resolution 88-06, which adopted the Comprehensive Plan, and

WHEREAS, one of the goals of the Comprehensive Plan was revision of the Town's zoning code in such a manner as to implement the Comprehensive plan, and to that end Elan Planning and Lawrence E. Howard, Esq., were again retained for such purpose, and

WHEREAS, various committees of citizens and town officials were formed to review the current zoning law and recommend to the Town Board changes thereto, and

WHEREAS, after *several* years of work by the committees and members of the Town Board, on November 10, 2010, the Town Board adopted Local Law NO.1 of 2010 repealing the existing zoning code and implementing a new zoning code *effective* January 1, 2011, and

WHEREAS, in March of 2011, Troy Sand & Gravel Co., Inc., and Bonded Concrete, Inc., instituted suit in Rensselaer County Supreme Court against the Town claiming that the new zoning code was illegal, *void* and of no effect on various grounds including failure by the Town to comply with SEQRA, and

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WHEREAS, by decision dated August 30, 2011, the Honorable Henry F. Zwack, Acting Supreme Court Justice, ruled that Local Law NO.1 was *void* and of no effect on the grounds that the record before him did not contain any "Findings Statement" as required by SEQRA, and

WHEREAS, for reasons unknown the Findings Statement approved by the Town Board on June 14, 2006 by Resolution 87-06 (and referenced as well in Resolution 88-06 approving the Comprehensive Plan) was not attached thereto and thus not supplied to the Court as part of the record in the lawsuit, and

WHEREAS, the Board has heretofore determined that it would not appeal the court's decision or attempt re-argument but would instead move forward with re-adoption of the Zoning Code previously adopted on November 10, 2010, with such changes thereto as may be warranted in the judgment of the Board after due public input, and

WHEREAS, the Board wishes to proceed with such re-adoption in an expeditious but careful manner with particular attention to the requirements of SEQRA and has therefore determined that preparation, review and adoption of an Amended Findings Statement is needed, now therefore

IT IS HEREBY RESOLVED AS FOLLOWS:

The annexed "Amended Findings Statement" in connection with revision of the Town Zoning Code is hereby approved for release to the public and all other interested parties and is referred to the Planning Oversight Committee for review and recommendation along with any recommendations of changes in the zoning code adopted by this Board by Local Law No.1 of 2010 (now invalidated) and to report its recommendations to this Board no later than December 7, 2011. The "Findings Statement" adopted by this Board on June 14, 2006, in connection with this Board's approval on such date of the Comprehensive Plan is hereby re-adopted, ratified and confirmed in all respects.

ADOPTED = AYES 5 NAYS 0

**RESOLUTION#101- 11
Budget Transfers**

Councilwoman Kronau moved and Supervisor Rounds seconded the following resolution:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A 1990.4 Contingency	A 3620.4 Safety Inspections Contr.	\$3000.00
A 3510.4 Control of Animals Contr.	A 3510.1 Control of Animals Pers.	\$3.00
DA 5110.1	DA 5142.1	\$35,000.00

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General Repairs Pers.

Snow Removal Pers.

Budget Amendments

Increase appropriation DA 5110.4 General Repairs in the amount of \$26,000.00 due to unanticipated revenue

DA 3785.9999 State Aid – Disaster Assistance in the amount \$3000.00 and DA 4960.9999 Federal Aid – Disaster Assistance in the amount of \$23,000.00.

Increase appropriation A7989.4 Other Culture and Recreation Contractual (Bicentennial) in the amount of \$100.00 by appropriating the

Board Designated Bicentennial Account A 892 in the amount of \$100.00.

Budget Amendment for HVAC

WHEREAS, the Town Board has approved a contract with Tri County Refrigeration for the HVAC improvement project to the Town Hall in the amount of **\$36,527**; and

WHEREAS, the Town has an existing capital project H009 Town Hall Renovation; and

WHEREAS, the Town has a capital reserve for buildings (A885) which can be utilized to fund said project, now therefore

BE IT RESOLVED, the following transfer be made to fund the necessary repairs to the Town Hall:

Increase appropriations A 9950.9 Transfers to Capital by appropriating A885 Capital Reserve for Buildings in the amount of **\$36,527**.

Increase revenue H009 5031 Transfers In and increase appropriations H009 1620.2 Town Hall Renovation Capital Project **\$36,527**.

ADOPTED = AYES 5 NAYS 0

Supervisor Rounds opened the Public Hearing on the 2012 Preliminary Budget at 8:25 PM.

Clerk Biittig read the Public Notice:

**PUBLIC NOTICE
TOWN OF SAND LAKE
PUBLIC HEARING**

BE IT RESOLVED, that a Public Hearing on the 2012 Preliminary Budget will be held on Wednesday, November 9, 2011 at 7:30 PM at the Town Hall, NY 66 and Sand Lake, New York

By Order of the Supervisor
Burton Rounds

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November 3, 2011

COMMENTS FROM RESIDENTS: NONE AT THIS TIME.

Supervisor Rounds closed the Public Hearing at 8:59 PM and this was seconded by Councilwoman Kronau.

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COMMENTS FROM RESIDENTS:

Robert Stackrow addressed the fact that the 2012 Budget amount of \$181,377 is devastating to the Ambulance. The state of the arts ambulance service that we have will not be sustainable

Barbara Mercer said that people have moved to this area because of the quality of the community. This is because of the school district, ambulance service etc.

Sandra McGinnis supports the ALS program and supports raising taxes. People will not be happy with this and will support the dedicated volunteers.

Denise King upset that the Board is cutting a program that is a life saving program. Noted that Berlin has no life saving program and how that has affected that town.

Supervisor Rounds motioned to adjourn the meeting at 9:25 PM and this was seconded by Councilwoman Kronau.

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A complete accounting of all discussions on agenda is available for review on audio tape in the Town Clerk's Office.

Respectfully submitted,

Barbara A. Biittig
Town Clerk