

## **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 McEvilly, Fred Schreyer, Fred Erickson, Robbie MacCue, Melinda Fowler, Paul Glasser, Bob Stackrow, Sandra McGinnis, Carol Surash, Barb Mercer, Rod Brenner, Raymond Sakol, Pataricia 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:**

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.

**APPROVAL OF THE AGENDA –**

Supervisor Rounds motioned to approve the Agenda. This was seconded by Councilman

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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**

Councilman Glasser motioned to change the following resolution and Councilman Turner seconded.

**MOTION CARRIED = UNANIMOUS**

### **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	A 3510.1	\$3.00

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Control of Animals Contr.      Control of Animals Pers.

DA 5110.1	DA 5142.1	\$35,000.00
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**

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**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  
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.

**MOTION CARRIED = UNANIMOUS**

**COMMENTS FROM RESIDENTS:**

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

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.

**MOTION CARRIED = UNANIMOUS**

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

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