

**Regular Town Board Meeting held October 1, 2012 at 6:00 P.M. at the Town Hall
in Schroon Lake N.Y.**

Present:

Town Supervisor: Michael Marnell

Councilpersons: Roger Friedman, Don Sage, Meg Wood and Clara Phibbs

Highway Superintendent: Dana Shaughnessy

Town Clerk: Patricia Savarie

Also Present: Rosemarie Ritson, Albert May, Marcia Hartnett, Dick Newell, Fran, Timmy and Skip Mahler, James OConnor, Bob and Jane Claus, Fred Eshelman, John and Linda Milsom, Fran Filshie and Jay Phibbs

Supervisor Marnell called the meeting to order at 6:00 P.M. with a Pledge to the Flag.

Resolution #169 Approval of Minutes

Councilman Friedman moved a resolution to accept the minutes of September 10, 2012 at 6:00p.m., second by Councilman Sage; carried.

Resolution #170 Audit of Claim

Councilwoman Phibbs moved a resolution to pay the bills as reviewed, seconded by Councilwoman Wood; carried Councilman Sage – abstained.

General Fund \$13,756.85 Water \$2,206.92 Highway \$33,029.86 Sewer \$ 5,210.46

Resolution #171 North Country Life Flight

Councilman Friedman moved a resolution to accept the North Country Life Flight Contract in the amount of \$500.00, seconded by Councilwoman Phibbs; carried

Resolution #172 Adirondack Park Local Government Review Board

Councilwoman Wood moved a resolution to have the Town of Schroon agree to pay to the Review Board the sum of \$300.00 for the services of the Review Board in representing the town in matters relating to the Adirondack Park. The Review Board agrees to provide to the Town the benefit of its services, including but not limited to, attendance at meetings of the Adirondack Park Agency, attendance and participation at public hearings conducted by the Adirondack Park Agency to the Supervisor of the Town, especially as such activities affect the residents of the Town and generally to report on the

administration and enforcement of the Land Use and Development Plan set forth in the executive Law of the State of New York, seconded by Councilman Friedman; carried

Resolution #173 Advertise to go to Bid for BTI

Councilman Sage moved a resolution to go out to bid for the BTI Program, seconded by Councilwoman Wood; carried.

The Town of Schroon will be Accepting bids for Black Fly Control with the Bti (Bacilius Thuringiensis insraelensis) for two proposals of a 1 year contract and a 3 year contract. Please bid it both ways. Specifications will be available at the Town Hall from the Town Clerk. Bids should be submitted to the Town of Schroon, P.O. Box 578, Schroon Lake N.Y. 12870 on or before November 8, 2012 1:00 P.M. The Town Board reserves the right to accept and /or reject any or all bids.

Resolution #174 Change date for November Town Board Meeting

Councilman Friedman moved a resolution to change the November regular Town Board meeting to Thursday, NOVEMBER 8, 2012 AT 6:00 P.M., seconded by Councilwoman Phibbs; carried.

Resolution #175 Except Ownership of Protestant Cemetery

Councilman Sage moved a resolution to except the ownership of the Protestant Cemetery, seconded by Councilwoman Phibbs; carried.

§ 291. Burial grounds. 1. The title to every lot or piece of land which shall have been used by the inhabitants of any town in this state as a cemetery or burial ground for the space of fourteen years shall be deemed to be vested in such town, and shall be subject in the same manner as other corporate property of towns, to the government and direction of the town board. In any town the town board may adopt regulations for the proper care of any such cemetery and burial ground and regulating the burial of the dead therein. It shall be the duty of the town board to remove the grass and weeds from any such cemetery or burial ground in any such town at least three times in each year, and to erect and maintain suitable fences around such cemetery or burial ground. The town board of any town must also provide for the removal of grass and weeds at least twice in each year from any cemetery or burial ground, by whomsoever owned, in such town, where such control is not vested by other provisions of law in the town or in trustees or other corporate body, and provide for the preservation, care and fencing of any such cemetery and the town board of any town must also provide for the removal of grass and weeds from all cemeteries, other than private burial grounds, which are abandoned or not controlled by any existing board or body and for the care of which there exists no special fund or endowment and such duties shall be performed under the supervision of the town board, or a person whom the town board may designate; provided, however, that such duties shall not be exercised in respect to any private ground or particular lot or lots therein after the true owner or owners thereof file written objections thereto with the town clerk. The cost and expenses of any officer or person in performing any duties under or pursuant to the provisions of this section shall be a town charge, and the town board shall appropriate and provide annually the moneys necessary for carrying out the provisions of this section, and

make the same available for the proper officer or persons by whom the moneys are required to be expended. The town board may also receive and execute any trust for the care of any cemetery which the town is required to care for pursuant to the provisions of this section and to receive and execute any trust for the care of lots in any such cemetery.

2. Burial grounds and cemeteries of which the title is vested in or the care or control is charged upon any town, by virtue of this section, shall not be taxed or assessed for any local improvement or other purpose whatsoever by any village, and no action shall be maintained against any town to recover the cost of any local improvement or municipal charge, based on town ownership or care of such burial grounds, the provisions of any special, local or general statute whatsoever to the contrary notwithstanding.

3. Upon the adoption of a resolution therefor, the town board may construct and maintain permanent improvements in any one or more of the classes of cemeteries described herein and may acquire, by purchase or condemnation, additional lands for cemetery or burial ground purposes, whenever in the judgment of the town board it is necessary or advisable that such improvements be made or additional lands be acquired. If the expenditure for such improvements or acquisition is in excess of one thousand five hundred dollars and is to be paid by taxes levied for the fiscal year in which such expenditure is to be made, or paid from the proceeds of town obligations, the adoption of any such resolution or resolutions shall be subject to a permissive referendum. The improvements so made or the lands so acquired shall be used only for the purposes authorized by this article but such cemeteries or burial grounds so improved or enlarged shall not be subject to conveyance or transfer pursuant to section two hundred ninety-two of this article. The expense of such improvements and/or the acquiring of such lands may be financed in the manner provided in article fifteen of this chapter for the financing of general improvements.

4. Notwithstanding any other provision of law, upon the adoption of a resolution therefor, the town board of the town of Southampton may transfer title to the cemetery vested in such town, located at the corner of Madison street and Latham street and bearing Suffolk county tax map identification number 473609-3-4-27, to the village of Sag Harbor, provided, however, that such transfer shall be made only upon the adoption of a resolution by the board of trustees of the village of Sag Harbor, requesting the town of Southampton to make such transfer.

Resolution #176 Declare Library Computers as Surplus

Councilman Sage moved a resolution to declare two Library Computers as surplus, seconded by Councilwoman Phibbs; carried.

Resolution #177 Seasonal Employee

Councilman Friedman moved a resolution to move Lance Gould from Parks to Highway at the rate of \$17.13 an hour effective November 8, 2012, seconded by Councilman Sage; carried Councilwoman Phibbs – abstained.

Resolution #178 Override on 2% Tax Cap for 2012

RESOLUTION INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2012 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C"

The following resolution was offered by Councilwoman Phibbs, who moved its adoption. Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

BE IT RESOLVED that the Town of Schroon Town Board hereby introduces proposed Local Law No.2 of 2012 entitled "A Local To Override the Tax Levy Limit Established in General Municipal Law §3-c," reading and provided as follows:

"TOWN OF SCHROON LOCAL LAW NO. 2 OF 2012"

A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-c.

BE IT ENACTED, by the Town of Schroon Town Board as follows:

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Schroon pursuant to General Municipal Law §3-c, and to allow the Town of Schroon to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override - Budget Authorization.

The Town Board of the Town of Schroon hereby overrides the tax levy limit for the Town of Schroon for 2013 and authorizes the Town of Schroon, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, form or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

BE IT FURTHER RESOLVED that the Town Board of the Town of Schroon shall hold and conduct a public hearing on the foregoing proposed local law on the 8th day of November, 2012, at 5 o'clock in the forenoon of that day, to hear any and all persons concerning the same; and

BE IT FURTHER RESOLVED that the Clerk of the Town of Schroon will publish a notice of such hearing in the designated Town newspaper at least five days prior to said hearing.

This resolution was duly seconded by Councilwoman Wood, and adopted upon a roll call vote as follows:

Supervisor Marnell	Aye
Councilman Sage	Aye
Councilwoman Phibbs	Aye
Councilman Friedman	Aye
Councilwoman Wood	Aye

NOTICE OF PUBLIC HEARING

PROPOSED LOCAL LAW NO. 2 OF 2012

PLEASE TAKE NOTICE that the Town Board of the Town of Schroon, New York, will meet at the Town Hall, 15 Leland Avenue, Schroon, New York, on the 8th day of November, 2012, at 5:00 p.m. for the purpose of conducting a Public Hearing on introducing proposed Local Law No. 2 of 2011 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C".

PLEASE TAKE FURTHER NOTICE that at said Public Hearing to be held at the time and place set forth above, the Town Board will consider this Local Law and hear all parties interested therein concerning the same.

PLEASE TAKE FURTHER NOTICE that a copy of the full text of proposed Local Law No. 2 of 2012 may be obtained upon request from the Town Clerk of the Town of Schroon.

Resolution #179 Public Hearing for 2013 Budget

Councilwoman Phibbs moved a resolution to set the date for the Public hearing for 2013 Town of Schroon Budget, seconded by Councilwoman Wood; carried.

PUBLIC HEARING ON 2013 Town of Schroon Budget

Pursuant to the town board resolution of October 1, 2012, the Town Board of the Town of Schroon will hold a public hearing on the proposed Town Budget for 2013. All citizens and especially senior citizens are invited to attend and provide the Board with written and oral comments on the budget.

The budget hearing will be held in the meeting room of Town Hall, 15 Leland Avenue, Schroon Lake, NY on Thursday, November 8, 2012, at 5:30 PM. The Regular Town Board Meeting will follow after the Budget Hearing at 6:00 P.M.

Resolution #180 C.T. Male Design Service

Councilman Sage moved a resolution to hire C.T. Male to do the design service for the space needs to the Town Hall in the amount of \$19,600.00, seconded by Supervisor Marnell. There was much discussion on this as to where the money was coming to pay for

the services of C.T. Male. The Board would first like to see first where the 2013 Budget is going before considering this project.

Roll Call Vote:

Supervisor Marnell	Aye
Councilwoman Wood	Nay
Councilman Friedman	Nay
Councilwoman Phibbs	Nay
Councilman Sage	Aye

Motion was not carried.

Letter of Support for Time Warner Cable

Supervisor Marnell stated he had received a letter from Time Warner Cable asking for a letter of support to be part of the application processes for the “Connect NY” Broadband Grant Program. Councilman Sage stated that would not be a good idea since the Broadband Committee for the Town of Schroon has already submitted an application for this grant. The Board agreed not to send a letter of support to Time Warner Cable.

Public Participation

Jane Claus would like to urge the Board to move forward on the plans for the Library and space needs to the Town Hall so that the Library Trustees can apply for grant money. Without a plan to show they cannot move forward to apply and have lost a lot of opportunities for grant money because of it. Jane would like the Board to set a date to meet with the Library Trustees and the Judge to discuss space needs in the Town Hall. Supervisor Marnell will set up a meeting in the near future.

Councilman Sage moved to adjourn at 6:45 P.M., seconded by Councilwoman Phibbs; carried.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: October 5, 2012_____

Town Clerk

