

Minutes of the Regular Meeting and Public Hearings of the Board of Trustees of the Village of Lake George, NY, held at the Village Administration Building on Monday, August 17, 2009, at 7:00 p.m.

MEMBERS PRESENT: Robert M. Blais, Mayor
John Earl, Trustee
John Root, Trustee
Ray Perry, Trustee (Arrived at 7:05 p.m.)
Joseph Mastrodomenico, Jr., Trustee

Also Present: Darlene Gunther (Clerk-Treasurer), Deb McKinney (Deputy Clerk-Treasurer), David Harrington (Superintendent of Public Works), Tony Hall (Lake George Mirror), Thom Randall (Adirondack Journal), Kathy & Ed Kokalas, Scott Dunklee, John Carr, Robb Hickey, Elliot Heyman, and Clare Decker

At 7:00 p.m. Mayor Blais opened the Regular Meeting and asked Deputy Clerk-Treasurer Deb McKinney to lead the Pledge of Allegiance.

Mayor Blais asked for approval of minutes of the Regular Meeting held on July 20, 2009, the Dissolution Committee Meeting held on July 20, 2009, and the Special Meeting held on July 27, 2009. A motion by Trustee Root, seconded by Trustee Earl, carried unanimously to approve the minutes.

VOTING	Ayes: 4	Blais, Earl, Root, Mastrodomenico
	Nays: 0	
	Absent:	Perry
		MOTION PASSED.

At 7:02 p.m. Mayor Blais opened public hearings on seven proposed local laws which he ran concurrently.

- Proposed Local Law No. 7, 2009 Amending Chapter 5 "APPEARANCE TICKETS" This amendment will allow the Code Enforcement Officer to issue appearance tickets through the mail along with in person. Several property owners do not live in the area.
- Proposed Local Law No. 8, 2008 Rescinding Chapter 74 "BRUSH, GRASS AND WEEDS" This chapter can be rescinded as regulations on brush, grass and weeds will be added to the property maintenance law.
- Proposed Local Law No. 9, 2009 Adding Chapter 105 "FIRE HAZARDS" This new chapter will authorize the Fire Chief to inspect premises for fire hazards and for removal of these.
- Proposed Local Law No. 10, 2009 Adding Chapter 158 "PROPERTY MAINTENANCE" This new chapter sets forth an ordinance for the administration and maintenance of vacant structures, parcels of land, residences and commercial properties. Among other items it includes: building maintenance, fences, water issues, walks, driveways, trees and plants, refuse and garbage, fowl and other animals, sheds, and snow removal.

- Proposed Local Law No. 11, 2009 Amending Chapter 174 "SNOW REMOVAL AND EMERGENCY CONDITIONS" Deletes the portion of the law about snow removal as it was added to Proposed Local Law No. 10.
- Proposed Local Law No. 12, 2009 Amending Chapter 208 "VEHICLE AND TRAFFIC" This adds a No Parking zone on Helen Street from a point 70 feet north of the intersection with McGillis Avenue.
- Proposed Local Law No. 13, 2009 Amending Chapter 220 "ZONING" Deletes the Appendix C: Property Maintenance as this has been added to Proposed Local Law No. 10.

Monthly reports from the Sanitation Department, Enforcement Officer, Fire Department, REC Center, Meter Collections, Meter Enforcement and Peace Officers, and Superintendent of Public Works were presented and made available for inspection.

Mayor Blais asked for comments on the proposed local laws or any other matter. Robb Hickey addressed the Board with his concerns about his water bill. This is the second time he has come to the Board with this. Since October he has used 12,000 gallons of water, but has paid for 33,000 gallons of water. He inquired as to how the rate is assessed. He wants to pay a fair and equitable rate. Mayor Blais responded that the committee has been working on this and will be making a presentation at a special meeting soon.

Mayor Blais reported that an insurance recovery check in the amount of \$61,142.77 was received by the Village as an advance on the sewer failure at the Shepard Park Pump Station. Clerk-Treasurer Darlene Gunther asked that a budget amendment be approved for these funds to be transferred into the expenditure account.

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

RESOLUTION NO. 87, 2009

WHEREAS, the Village of Lake George has been awarded an advance insurance payment for the sewage pipe failure at the Shepard Park Pump Station,

BE IT RESOLVED, that the Board of Trustees of the Village of Lake George, NY hereby authorizes the following changes to the General Fund budget to increase the Sanitary Sewers department budget by that amount,

Increase of Revenue and Expenditure:

DR A8120.4	Sanitary Sewers Contractual	\$61,142.77
CR A2680	Insurance Recoveries	\$61,142.77

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

August 17, 2009

Fire Chief Barber submitted a request for him and Hugh Sullivan to attend the FASNY Convention in Niagara Falls on August 19 and 20 with travel to and from with the Chief's vehicle. Total cost for room and meals not to exceed \$300.00. A motion by Trustee Earl, seconded by Trustee Root, carried unanimously to approve the attendance.

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

The following correspondence was received:

- Planning Board alternate Deborah Tirri submitted her resignation effective August 31, 2009. A motion by Mayor Blais, seconded by Trustee Root, carried unanimously to thank her for her service and accept her resignation with regret.

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

- Planning Board member Dan Courtney submitted his resignation effective immediately. A motion by Mayor Blais, seconded by Trustee Root, carried unanimously to thank him for his service and accept his resignation with regret.

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

- Joseph Zarzynski Executive Director of Bateaux Below, Inc. received notification from the White House that Bateaux Below has been recognized with a “Preserve America Steward” designation. This is a tremendous honor.
- Michael VanValkenburg sent a note complimenting a Village Officer for assisting him during his visit to the Village.
- Ann Gardiner wrote complaining about charges for water at 4 Racawana Road. There is no water there as the building was demolished in 2008. Construction is under way, but there has been no water service nor is it possible at this time. She asked for a credit in the amount of \$312.90 for the past five billing quarters to her account or further documentation/explanation of the policy. Mayor Blais noted that the Village has a policy that if the water is available to the premises, there is a billing. In this case the house was actually demolished and the water line capped off. Superintendent Harrington stated that the Village must be notified in writing and then the account can be made inactive. If the Board wants to make changes to the water policy, he recommends doing it through a local law. He noted that many times during construction even when the Water Department disconnects the water, the water is used anyway. This is the first formal notification from the customer.

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

RESOLUTION NO. 88, 2009

WHEREAS, Ann Gardiner's home at 4 Racawana Road was demolished in 2008, and she has been paying the minimum water bills since that time,

BE IT RESOLVED, that the Village Board hereby designates Ann Gardiner's water service at 4 Racawana Road as "inactive" for water billing purposes, and agrees to grant her a credit to her account for half the amount she has paid in water bills since her home was demolished in the amount of \$156.45.

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

RESOLUTION NO. 88, 2009 ADOPTED.

August 17, 2009

- Joan Grant Lange wrote advising that her mother's home at 3185 Lake Shore Drive was demolished on May 4, 2009. She is still being billed for water at this location.

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

RESOLUTION NO. 89, 2009

BE IT RESOLVED, that the Village Board hereby designates Frances R. Grant's water account #4717 at 3185 Lake Shore Drive as "inactive" for water billing purposes due to the fact that the home was demolished on May 4, 2009.

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

RESOLUTION NO. 89, 2009 ADOPTED.

August 17, 2009

Mayor Blais received a phone call from Senator Little's office with notification that the Peace Officer bill was vetoed by the Governor again. So although our Peace Officers do not carry arms, they will be required by State Law to take the fire arms training. This training is very costly. Mayor Blais commented that Peace Officers employed by the New York Racing Association are exempted from the training which doesn't seem fair to others.

Mayor Blais noted that Chuck Luke is interested in moving from the Zoning Board to the Planning Board. Mayor Blais would like to appoint Mr. Luke to fill the unexpired term of Dan Courtney which is until April 1, 2014. The Board agreed. Mr. Luke submitted a letter of resignation from the Zoning Board today.

Pen Flex has sent a letter of request that the Village authorize an annual lump sum LOSAP payment for firefighter John H. Kearney.

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

RESOLUTION NO. 90, 2009

WHEREAS, John H. Kearney is a member of the Lake George Volunteer Fire Department in good standing and has earned the necessary points for the LOSAP program, and has reached the age of fifty-five and beyond,

BE IT RESOLVED, that the Board of Trustees of the Village of Lake George, NY hereby authorizes Mayor Robert Blais to direct Glens Falls National Bank & Trust Co. to issue a lump-sum payment of \$700.00 to John H. Kearney for the Village's Length of Service Award Program for the calendar year of 2008.

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

RESOLUTION NO. 90, 2009 ADOPTED.

August 17, 2009

Mayor Blais went back to the Public Hearings and asked for any public comments. Mr. Heyman addressed the Board about his properties at 259 Canada Street and 51 Canada Street. He asked the Board to consider giving him some extra time to get the enclosure put around his dumpsters. He just hasn't had the time to comply. Mayor Blais noted that two other business owners have also asked for extensions.

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

RESOLUTION NO. 91, 2009

BE IT RESOLVED, that the Village Board directs Enforcement Officer Douglas Frost to allow business owners until September 15, 2009 to comply with Local Law No. 5, 2009 forcing them to suitably fence their trash containers that are stored within 25 feet of the public right-of-way.

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

RESOLUTION NO. 91 2009 ADOPTED.

August 17, 2009

Mayor Blais asked the Board to consider hiring Ron Mogren from Saratoga Associates to work on revisions to the plans done in May 2000 for the West Side of Canada Street Project. A proposal not to exceed \$5,000. to work on an hourly basis. has been submitted. This does not include Construction Administration. The plan includes the last three blocks from McGillis to the High School. The Cholakis block can be taken out, antique street lamps, trash receptacles and trees are now already there. All the easements have been obtained. The Department of State has encouraged us to submit a grant application, but the plans will not be redesigned until we've been awarded a grant.

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

RESOLUTION NO. 92, 2009

BE IT RESOLVED, that the Village Board hereby agrees to hire Ron Mogren of The Saratoga Associates to revise the plans and specifications for the West Side of Canada Street from McGillis Avenue north to the High School on an

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

August 17, 2009

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

BE IT RESOLVED, that Robert M. Blais, as Mayor of the Village of Lake George, is hereby authorized and directed to file an application for funds from the New York State Environmental Protection Fund Local Waterfront Revitalization Program in accordance with the provisions of Title 9 of the Environmental Protection Fund Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$563,930.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Lake George for construction of streetscape improvements to the West Side of Canada Street between McGillis Avenue and the High School.

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

August 17, 2009

Clerk-Treasurer Darlene Gunther has completed the Annual Report for the fiscal year June 1, 2008 through May 31, 2009 and would like permission to publish a legal advertisement and make it available for public inspection. Mayor Blais commended her for an excellent job in putting the report together. A motion by Trustee Mastrodomenico, seconded by Trustee Perry, carried unanimously to accept the report and publish the legal advertisement.

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

The New York Planning Federation Conference is scheduled for September 14 & 15 at High Peaks Resort in Lake Placid. A motion by Mayor Blais, seconded by Trustee Root, carried unanimously to approve the attendance of any Planning or Zoning Board member.

Mrs. Gunther asked for permission for her and Debra McKinney to attend Jaeger & Flynn's Health Plans and Benefits seminar in Saratoga on October 14, 2009 at no cost. A motion by Trustee Earl, seconded by Trustee Perry, carried unanimously to approve the attendance.

South Warren Snowmobile Club, Inc. sent a thank you to the Village Board for their support over the years. They are again requesting the \$2,500. in funding as has been given to them in previous years.

RESOLUTION NO. 94, 2009

RESOLUTION NO. 94, 2009 ADOPTED. **August 17, 2009**

08-17-2009 regular & PHs

RESOLUTION NO. 95, 2009

AUGUST 2009 BILLING	\$252,315.55
LESS SENIOR CITIZEN DISCOUNT	(\$ 1,459.03)

PENALTIES FOR NON COMPLIANCE	\$ 1,500.00
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FINAL READS:

N Brown	3920	\$ 64.38
T Bruno	4343	\$ 25.95
R Caiola	114	\$ 9.71

ADJUSTMENTS:

R Nocera	3457	\$ 1.76
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The above resulted in the following Journal Entries:

Dr F0350 WATER RECEIVABLE	\$ 250,856.52
Cr F2140 WATER METERED	\$ 250,856.52

Dr F0350 WATER RECEIVABLE	\$ 100.04
Cr F2140 WATER METERED	\$ 100.04

Dr F0350 WATER RECEIVABLE	\$ 1,500.00
Cr F2148 WATER PENALTIES	\$ 1,500.00

Dr F2148 WATER PENALTIES	\$ 1.76
Cr F0350 WATER RECEIVABLE	\$ 1.76

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

RESOLUTION NO. 95, 2009 ADOPTED.**August 17, 2009**

Trustee Perry, seconded by Trustee Earl, offered the following resolution for transfers and audits:

RESOLUTION NO. 96, 2009**Transfers**

From:		To:		Amount:
A9040.8	Worker's Comp	A9010.8	Retirement	\$3,614.00
F9040.8	Worker's Comp	F9010.8	Retirement	\$593.00

			Voucher	Check
7/30/2009	General	\$76,611.96		
	Water	\$19,195.60	100313-100337	18808-18816

08-17-2009 regular & PHs

Trickling	\$180.00		
	<u>\$95,987.56</u>		
8/13/2009 General	\$53,103.78	100369-100376	18817-18821
Water	\$7,004.89	100417-100418	
Trickling Building	\$330.00		
	<u>\$60,438.67</u>		
8/17/2009 General	\$170,850.85	100338-100368	
Water	\$11,814.84	100377-100416	18822-18948
Firehouse	\$6,250.00	100419-100506	18849-18851
Sewage Disposal Truck	\$858.25		
Steel Standpipe	\$14,326.00		
Trickling	\$70,967.75		
	<u>\$275,067.69</u>		

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

RESOLUTION NO. 96, 2009 ADOPTED. August 17, 2009

Mayor Blais asked for any other comment on the proposed local laws. There was none and the public hearings were closed at 8:07 p.m.

Motion by Trustee Root, seconded by Trustee Perry, 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.7, 2009 Amending Chapter 6, "APPEARANCE TICKETS." of the Code of the Village of Lake George.

Motion by Trustee Root, seconded by Trustee Perry, to adopt proposed Local Law No. 7, 2009 as written.

**LOCAL LAW NO. 7, 2009
AMENDING CHAPTER 5
OF THE CODE OF THE VILLAGE OF LAKE GEORGE
(APPEARANCE TICKETS)**

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

**Chapter 5
APPEARANCE TICKETS**

...

§ 5-2. Authorized officers.

The following public servants of the Village of Lake George are hereby authorized to issue and serve an appearance ticket with respect to violations of a state statute, a local law, ordinance, rule or regulation of the Village of Lake George that such public servants are, respectively, required or authorized to enforce:

A. ~~[Code]~~ Enforcement Officer: all local laws and ordinances of the Village of

Lake George.

- B. Meter Enforcement Officer: all local laws and ordinances of the Village of Lake George.
- C. Peace officers certified by the State of New York: all local laws and ordinances of the Village of Lake George. [Added 5-19-2003 by L.L. No. 5-2003]
- D. Fire Chief, Superintendents of the Street, Water, Sanitation and Parks Department. [Added 4-24-2005 by L.L. 5-2005]

§ 5-3. Personal service. [Amended 4-24-2005 by L.L. 5-2005]

An appearance ticket other than a parking violation shall be served personally and in accordance with the laws and requirements of the State of New York, with the exception of an appearance ticket and notice of violation issued by the Enforcement Officer. An appearance ticket and notice of violation issued by the Enforcement Officer shall be served either personally or by posting the notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed.

§5-4. When effective.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 7, 2009 ADOPTED

August 17, 2009

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.8, 2009 Rescinding Chapter 74, "BRUSH, GRASS AND WEEDS." of the Code of the Village of Lake George.

Motion by Trustee Perry, seconded by Trustee Root, to adopt proposed Local Law No. 8, 2009 as written.

**LOCAL LAW NO. 8, 2009
RESCINDING CHAPTER 74
OF THE CODE OF THE VILLAGE OF LAKE GEORGE
(BRUSH, GRASS AND WEEDS)**

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

~~[Chapter 74
BRUSH, GRASS AND WEEDS~~

~~GENERAL REFERENCES~~

~~Fire prevention -- See Ch. 106.
Littering -- See Ch. 137.
Property maintenance -- See Ch. 220, Art. XIX.~~

§ 74-1. Authority to inspect premises; removal of brush.

~~The Chief Engineer of the Fire Department shall have authority to inspect any premises in the Village and to require the owner or occupant to forthwith remove any brush, grass, rubbish or weeds which he shall determine to constitute a fire hazard. The owner or occupant of any premises upon which are any brush, grass, rubbish or weeds shall forthwith remove the same to the Village dump upon being directed so to do by the Chief Engineer.~~

§ 74-2. Chief Engineer to report fire hazards to Board.

~~The Chief Engineer of the Fire Department shall report to the Board of Trustees any other situation which in his opinion constitutes a fire hazard, and the Board of Trustees, after a hearing on notice to the owner or occupant of the premises upon which the fire hazard is alleged to exist, may require such hazard to be removed or remedied, and the owner or occupant shall thereupon remove or remedy such hazard in the manner directed by the Board of Trustees.~~

§ 74-3. Penalties for offenses.

~~Every violation of any of the provisions of this chapter shall subject the offender to a penalty of \$50; such violation shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.]~~

§74-4. When effective.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 8, 2009 ADOPTED

August 17, 2009

Motion by Trustee Mastrodomenico, seconded by Trustee Earl, 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.9, 2009 Adding Chapter 105, "FIRE HAZARDS." of the Code of the Village of Lake George.

Motion by Trustee Mastrodomenico, seconded by Trustee Earl, to adopt proposed Local Law No. 9, 2009 as written.

**LOCAL LAW NO. 9, 2009
ADDING CHAPTER 105
OF THE CODE OF THE VILLAGE OF LAKE GEORGE**

(FIRE HAZARDS)

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

Chapter 105
FIRE HAZARDS

§ 105-1. Authority to inspect premises.

The Fire Chief of the Fire Department shall have authority to inspect any premises in the Village which he or she shall determine to constitute a fire hazard. The owner or occupant of any such premises shall forthwith remove the same upon being directed to do so by the Fire Chief.

§ 105-2. Fire Chief to report fire hazards to Board.

The Fire Chief of the Fire Department shall report to the Board of Trustees any other situation which in his opinion constitutes a fire hazard, and the Board of Trustees, after a hearing on notice to the owner or occupant of the premises by the Enforcement Officer upon which the fire hazard is alleged to exist, may require such hazard to be removed or remedied, and the owner or occupant shall thereupon remove or remedy such hazard in the manner directed by the Board of Trustees.

§ 105-3. Penalties for offenses.

Every violation of this article shall be punishable by a fine of not more than \$100, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to such fine, the violator shall pay all costs and expenses incurred by the Village in proving such violation.

§105-4. When effective.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 9, 2009 ADOPTED

August 17, 2009

Motion by Trustee Perry, seconded by Trustee Mastrodomenico, 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.10, 2009 Adding Chapter 158, "RPROPERTY MAINTENANCE." of the Code of the Village of Lake George.

Motion by Trustee Perry, seconded by Trustee Mastrodomenico, to adopt proposed Local Law No. 10, 2009 as written.

**LOCAL LAW NO. 10, 2009
ADDING CHAPTER 158
OF THE CODE OF THE VILLAGE OF LAKE GEORGE
(PROPERTY MAINTENANCE)**

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

**Chapter 158
PROPERTY MAINTENANCE**

§158-1. Purpose and intent.

This chapter provides for the administration and maintenance of vacant structures and parcels of land, multifamily premises, commercial premises and single-family residences located in the Village of Lake George in conformity with the provisions of this chapter so as to establish reasonable safeguards for the safety, health and welfare of the occupants and users thereof and of the general public.

§158-2 Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PREMISES -- A building, structure or land used for any purpose other than for single-family or multifamily purposes, including premises used for retail purposes, business purposes or industrial purposes.

MULTIFAMILY PREMISES -- Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

SINGLE-FAMILY RESIDENCE -- A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

VACANT PARCELS -- A parcel of land with no buildings or structures located on same.

VACANT STRUCTURE -- A building or structure, or a portion thereof, shall be deemed vacant if it has not been used or occupied for 12 consecutive months, or, if in a lesser period of time, there is a manifestation of a clear intent on the part of the owner to abandon the building or structure.

§158-3 Vacant property.

All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§158-4 Exterior maintenance.

A. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Surface and subsurface water shall be drained to prevent damage to buildings and structures and to prevent development of stagnant water. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other satisfactory drainage systems shall be provided and utilized. In no case shall the water from any rain leader be allowed to flow over the sidewalk.

C. Fences and retaining walls shall be maintained in a safe and undamaged condition.

D. In the case of multifamily premises and commercial premises, steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions.

E. No snow removed from driveways, walks or other areas shall be deposited upon the public streets or highways so as to interfere with the use of such streets or highways or with the use of any other premises.

F. In the case of multifamily premises and commercial premises, all driveways and parking spaces provided shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris.

G. Heavy undergrowth and accumulation of plant growth which are unsightly, noxious or detrimental to health shall be eliminated or removed. Hedges and shrubs shall be kept pruned or trimmed. Grass shall not be permitted to exceed six inches in height.

H. The owner shall keep all and every part of the premises which he owns, including the steps, walks, driveways and parking areas in a clean, sanitary and safe condition and free from items such as but not limited to litter, debris, paper, dirt, garbage and junk and, except for public improvements, in good repair.

J. Dead or incurably diseased trees shall be taken down and the diseased portion thereof removed and destroyed. Trees shall be kept pruned, and dead wood shall be removed.

K. Party responsible for tree removal. The owner of the real property on which a tree that is to be trimmed or removed is located shall be responsible to pay all of the costs necessarily incurred in the safe removal of the tree and the cleanup of the debris in the area on which the tree was located.

L. No owner or occupant of a premises shall store, place or allow to accumulate items such as but not limited to refuse, garbage, rubbish, litter, debris or other material of any kind or nature which may serve as food for rats, rodents, pigeons, wild animals or other pests or provide harborage for rats, rodents, pigeons, wild animals or other pests in or upon said property.

M. No owner or occupant shall allow the condition of the parcel or lot of any real property (or portion thereof) or any buildings, sheds or other structure located thereon, whether closed or open, to attain a condition that would attract rats, rodents,

pigeons, wild animals or other pests to congregate, occupy, breed or live upon or be attracted to said property.

N. No person shall place food for the feeding of birds, fowl or other animals, in the open, in such a manner that such food is accessible to rats, rodents, pigeons, wild animals or other pests, except if such food is placed in containers which would prevent the scattering of such food upon the ground. The scattered food, if any, shall be removed from the ground so that it is not accessible to rats, rodents, pigeons, wild animals or other pests.

O. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extension shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

§ 158-5. Rubbish and garbage.

A. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage or yard waste.

B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

C. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

D. Disposal of garbage. Every occupant of a structure shall dispose of his garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

E. Garbage facilities. The owner of every dwelling shall supply an approved leak proof, covered, outside garbage container and covered recyclable container.

F. Containers. The operator of every establishment producing garbage shall provide at all times, and shall cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for proper disposal.

§158-6 Responsibilities of owners and occupants.

A. Owners of premises and other persons, as defined in §158-8B, shall be responsible for compliance with this chapter.

B. In addition, tenants and occupants of multifamily and commercial premises shall be responsible for compliance with respect to the following:

(1) Maintaining all and every part of the commercial premises which they rent, occupy or control, and including the steps, walks, driveways and parking areas in a

clean, sanitary and safe condition and free from such items as but not limited to litter, debris, paper, dirt, garbage and junk.

(2) Exterminating insects, rodents or other pests within that part of the premises which they occupy.

§158-7. Enforcement.

A. The Enforcement Officer and other duly appointed law enforcement officers of the Village of Lake George shall be charged with the duty of administering and enforcing this chapter.

B. It shall be the duty of the Enforcement Officer to issue a notice of violation or to order, in writing, the correction of all conditions found to exist in or on any premises which violate the provisions of this chapter.

C. The Enforcement Officer shall cause an inspection to be made of any building, structure or open land when the Enforcement Officer has a reasonable basis to believe that the building, structure or open land is not free from infestation by rats, rodents, pigeons, wild animals or other pests. In the event that a building, structure or other property is found to be infested, the Enforcement Officer shall serve upon the owner and the occupant of the property a notice to correct the condition which caused the infestation. The owner and the occupant placed on notice that the infestation exists shall take immediate and necessary action to remedy the condition that caused the infestation.

§158-8. Penalties for offenses.

A. Any person, upon conviction of a violation of this chapter, shall be fined a sum of money of not less than \$100 nor more than \$200 or be imprisoned for a term of not exceeding 15 days for the first offense, and shall be fined not less than \$500 nor more than \$1,000 or be imprisoned for a term of not exceeding 30 days for the second or any subsequent offense within a twelve-month period. In addition, such person shall be subject to an injunction prohibiting and otherwise preventing any further violations.

B. The term "person" shall include the owner, tenant, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, sub lessee, agent or any other person, firm or corporation directly or indirectly in control of any premises, building or part thereof.

§ 158-9 Service of notice of violation.

A. A notice of violation issued by the Enforcement Officer relative to a premise shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises affected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed.

B. A notice of violation shall state that unless, within 10 days from service of the notice, a written request is made for a hearing before the Enforcement Officer, such notice shall, at the expiration of such ten-day period, be deemed an order to cease

and desist from and to abate the described violation; such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will effect compliance with this chapter.

C. If a hearing is requested, it shall be commenced not later than 10 days after the request is made, provided that for good cause the Enforcement Officer may postpone such hearing for a reasonable time. If, after the hearing, the enforcement officer finds that no violation exists, or that unusual, extraordinary or undue hardship shall occur as a result of the physical dimension and proportion of the property, he shall withdraw the notice. If he finds that a violation does exist, he shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such hearing, which shall be informal in all respects, shall be summarized in a report reduced to writing and entered as a matter of public record in the office of the Village Clerk.

D. Any party aggrieved by the decision of the Enforcement Officer may, within 10 days of the decision of the Enforcement Officer, appeal said decision to the Board of Trustees of the Village of Lake George by filing a letter describing the situation.

E. The provisions of §§158-7B and 158-9A notwithstanding, it shall not be necessary for the Enforcement Officer to issue a notice of violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve-month period, and in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons.

§158-10. Emergencies.

Whenever the Enforcement Officer or enforcement official finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately but, upon petition to the Enforcement Officer or the local Justice Court, shall be afforded a hearing as soon as possible. After such hearing, the Enforcement Officer or court shall continue such order in effect or shall modify or withdraw it.

§158-11. Action upon noncompliance.

A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this chapter within 30 days or in the case §158-4(G) 15 days after the service of notice as provided herein, the Enforcement Officer is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the Board of Trustees of the Village of Lake George.

B. When the Village, due to failure, neglect or refusal of the property owner or tenant to properly comply with §158-4G of this chapter, has contracted for trimming of grass or removal of other plant growth, such contracted maintenance will continue

until the property owner notifies the Board of Trustees of the Village of Lake George, in writing, that the property owner has made arrangements to comply with §158-4G the Code.

C. In addition to any other remedies or penalties that may be imposed, a violation of this chapter shall entitle the Village Board to remedy or repair the conditions constituting the violation, at the premises owner's expense, in order to bring the premises into conformity and compliance with this chapter. The disbursements and expenses shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Village tax bill, to be collected in accordance with the provisions of law and the procedure for the payment of Village taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Village for enforcement of this chapter.

§158-12. When effective.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 10, 2009 ADOPTED

August 17, 2009

Motion by Trustee Root, seconded by Trustee Perry, 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.11, 2009 Amending Chapter 174, "SNOW REMOVAL AND EMERGENCY CONDITIONS." of the Code of the Village of Lake George.

Motion by Trustee Root, seconded by Trustee Perry, to adopt proposed Local Law No. 11, 2009 as written.

**LOCAL LAW NO. 11, 2009
AMENDING CHAPTER 174
OF THE CODE OF THE VILLAGE OF LAKE GEORGE
(SNOW REMOVAL AND EMERGENCY CONDITIONS)**

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

**Chapter 174
SNOW REMOVAL AND EMERGENCY CONDITIONS**

...

~~§ 174-11 Placing snow in right-of-way. [Added 2-9-2004 by L.L. No. 3-2004]~~

~~It shall be unlawful for any private person or contractor in the operation of snow removal equipment to place, deposit, or throw any snow, ice or other natural accumulation upon a public sidewalk or street of said Village in any manner so as to encumber same or create any hazardous condition.~~

§ 174-12 Penalties for offenses. [Amended 3-15-1993 by L.L. No. 2-1993; 2-9-2004 by L.L. No. 3-2004]

A fine of \$50 shall be assessed for each violation, ~~[as specified in § 208-301,]~~ in addition to satisfying all towing and storage charges for said vehicle.

§ 174-13 Amendments.

The provisions of this local law shall be amended by the adoption of regulations by the Board of Trustees pursuant to § 1602, Subdivisions (a), (b) and (c), of the New York State Vehicle and Traffic Law.

§ 174.-14. Effective date. This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 11, 2009 ADOPTED

August 17, 2009

Motion by Trustee Perry, seconded by Trustee Mastrodomenico, 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.12, 2009 Amending Chapter 208, "VEHICLE AND TRAFFIC." of the Code of the Village of Lake George.

Motion by Trustee Perry, seconded by Trustee Mastrodomenico, to adopt proposed Local Law No. 12, 2009 as written.

**LOCAL LAW NO. 12, 2009
AMENDING CHAPTER 208
OF THE CODE OF THE VILLAGE OF LAKE GEORGE
(VEHICLE AND TRAFFIC)**

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

**Chapter 208
VEHICLE AND TRAFFIC**

...

§208-15. Parking prohibited in designated locations.

A. The parking of vehicles is hereby prohibited in any of the following locations:

...

Name of Street	Side	Location
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...

Helen Street	West	From a point 70 feet north of the intersection with McGillis Avenue
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...

§208-48. When effective.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 12, 2009 ADOPTED

August 17, 2009

Motion by Trustee Mastrodomenico, seconded by Trustee Perry, 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.13, 2009 Amending Chapter 220, "ZONING." of the Code of the Village of Lake George.

Motion by Trustee Mastrodomenico, seconded by Trustee Perry, to adopt proposed Local Law No. 13, 2009 as written.

**LOCAL LAW NO. 13, 2009
AMENDING CHAPTER 220
OF THE CODE OF THE VILLAGE OF LAKE GEORGE
(ZONING)**

BE IT ENACTED, by the Board of Trustees of the Village of Lake George that the following Local Law shall be adopted.

**Chapter 220
ZONING**

...

[ARTICLE XIX
Appendix C: Property Maintenance

~~§220-125. Applicability; definitions; responsibility; vacant property.~~

~~A. Scope. The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.~~

~~B. Definitions. The definitions set forth in § 137-1 of this Code shall apply to this article.~~

~~C. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupied or permit another person to occupy premises which are not in a satisfactory and safe condition and which do not comply with the requirements of this~~

article. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

D. — Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

~~§220-126. Exterior property areas.~~

A. — Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. — Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

C. — Landscaping and decoration. There shall be seasonal removal of all plantings, both fresh and imitation, holiday decorations and ornaments.

~~§220-127. Exterior structures.~~

A. — General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. — Street numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way.

C. — Overhang extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extension shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

~~§ 220-128. Rubbish and garbage.~~

A. — Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish, garbage or yard waste.

B. — Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

C. — Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

D. — Disposal of garbage. Every occupant of a structure shall dispose of his garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

E. — Garbage facilities. The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container and covered recyclable container.

F. — Containers. The operator of every establishment producing garbage shall provide at all times, and shall cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for proper disposal.

~~§220-129. Windows and doorways.~~

~~A. General. The exterior of any doorway or window shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.~~

~~B. Coverings. The owner of commercial premises shall not hang, place, erect or apply a covering either on, inside, or outside of a window or glass door for more than a forty-eight hour continuous period without first obtaining approval of the Planning Board.~~

§220-130. Penalties for offenses; restoration of property.

~~A. Fines. Any firm, person or corporation who violates any of the provisions of this article shall be guilty of an offense and subject to a fine of not more than \$350 or to imprisonment for a period of not more than six months, or both such fine and imprisonment, or by penalty of \$350 to be recovered by the Village in a civil action. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purpose of this article.~~

~~B. Additional penalties. In addition to any other remedies or penalties that may be imposed, a violation of this article shall entitle the Board of Trustees to undertake to remedy or repair the conditions constituting the violation, at the premises owner's expense, in order to bring the premises into conformity and compliance with this article, and the actual disbursements and expenses therefor shall become a charge and a lien upon the premises and the same shall be added to the premises' next annual Village tax bill, to be collected in accordance with the provisions of law and the procedure for the payment of Village taxes with interest, as may be provided by law. This provision shall be in addition to any other provisions, penalties or powers available to the Village for enforcement of this article.]~~

§220-134. When effective.

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.

Explanation: New material is underlined. Deleted material is in [brackets].

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

LOCAL LAW NO. 13, 2009 ADOPTED

August 17, 2009

Mayor Blais thanked Carol Sullivan and Clerk-Treasurer Gunther for the work done on all these local laws.

Mayor Blais asked for any other business. Trustee Mastrodomenico reported that a resident offered to donate a Holiday tree. The Board discussed this with Superintendent Harrington and decided that it's a nice idea, but handling and lighting a large tree would be a tremendous effort.

Trustee Mastrodomenico commented that he is a little unsure with some of the Gaslight Village issues specifically what would happen to the debt if the Village dissolves and also about the schedule of work to be done. Mayor Blais confirmed

that the 3E's will get most of their portion of the work done first; our portion is finish work.

Trustee Perry reported that he is still working on the canoe streetscape. The Lake George Arts Project has agreed to let us use their selection committee during the process. He is waiting for a sample design.

Robb Hickey commented that the end of Smith Street has a tremendous amount of activity with people using the Prospect Mountain Trail. He requested that it be given a little attention. It needs trash cleanup and better signage.

Motion by Trustee Root, seconded by Trustee Earl, unanimously carried, to enter into an Executive Session at 8:22 p.m. to discuss a personnel issue.

Motion by Trustee Mastrodomenico, seconded by Trustee Perry, unanimously carried, to exit Executive Session at 8:41 p.m.

No action was taken.

There was a motion by Trustee Perry, seconded by Trustee Mastrodomenico to adjourn at 8:42 p.m.

Respectfully submitted,

Debra J. McKinney, CPPB
Purchasing Agent
Deputy Clerk-Treasurer