July 17, 2023

State of New York
2679 Route 8
County of Hamilton
Town of Lake Pleasant

A Meeting of the Lake Pleasant Town Board was held on July 17, 2023 at the Lake Pleasant Library 2864 State Route 8, Speculator, NY 12164. The meeting was called to order at 7:00 P.M., to make approvals, give reports, establish organizational tasks, and conduct any business that may come before the Board.

The following were present:
Supervisor: Betsy Bain
Councilman: Neil McGovern, Don Braunius, RaChelle Martz and Katherine O'Connell
Town Clerk: Stephanie Smith
Guests: Shorty Hoffman, Karen McComb (Library President),
Absent: Highway Superintendent - Randy LaVarnway

Pledge of Allegiance to the Flag

Resolution #88 To approve the minutes of July 3, 2023
Offered by: O'Connell
2ND by: Braunius
Discussion: none
Be it resolved, that the minutes of July 3, 2023 be approved as presented
Adopted by the following vote:
Ayes: Supervisor Bain, Councilpersons - McGovern, Braunius, Martz and O'Connell
Nays: None

Bain let the board know that Hamilton County emergency services director, Jill Dunham, stopped by town hall this week to let her know how incredible every Highway department in the county is. It was inspiring how quickly they all worked together to get the roads opened back up after the storm damage. Lake Pleasant HWY crew was helping to get repairs done.

Highway Report:

- Guys have been mowing all sides of town roads this week and last week.
- Town assisted with two trucks up in Long Lake last week. Today two trucks hauled from Peckham to forked lake Rd. in effort to get the road repaired and opened.
- Removed old shed behind museum for the historical society and replaced the pad. Waiting for the new shed to arrive.
- Community garden work is complete. Drive way needed some repairs.
- There is a hole in the siding of the library on its right corner of the building where it was backed into by a vehicle.

Old Business:

1. **Nathan Littauer/Clinic Contract –**
   McGovern and Bain will meet this week and go over the contract. It will be complete by next meeting.

2. **Community Garden Grant –**

   A small grant was applied for and has been awarded to the town to buy a fence for the community gardens. O'Connell let the board know that when the garden goes to bed in the fall, the new fence will go up. Bain praised O'Connell for her prompt hard work to get this grant. Bain is waiting to hear if the town has to pay for the fence before it is ordered or after it comes in. This particular grant is a reimbursement grant so the town has to pay first and get reimbursed later. December 1st is the deadline for the grant closing report. The fence will be 6ft. high with plastic coating.

3. **Historical Society –**
   They are looking for volunteers to work on route 66 to paint. Bain, O'Connell and McGovern will pick a date to help out.

New Business:

1. **Cyber Security –**
   Bain received a notice from NYMER stating that they would not renew our cyber liability as part of our policy package. It must now be a separate policy. Previously the town was paying $1,500 and now it will go up to about $2,500. NYMER will now increase the towns property limits at renewal by 9%, an increase from the previous 6%. This will increase insurance costs by another $800.00.
   Bain went to treasurer's office to see if we are covered under the county and the town is not. For an additional $260/yr. the county would be able to put the town under their policy.

   Resolution #89 Town of Lake Pleasant Town Board to Approve Having Coverage Under the County's Cyber Security Plan for a Cost of $260/YR.
   Offered by: McGovern
   2nd: O'Connell
   Adopted by the following vote:
   Ayes: Supervisor Bain, Councilpersons - McGovern, Braunius, Martz and O'Connell
   Nays: None

   Bain called Digital Towpath, the towns web carrier and found that we have website security through them for our website. Town hall has coverage for office computers and Bain wants to look into additional security.
   Steve Sawn will be meeting with town offices to go over the towns insurance policy in preparation for renewal on Thursday, July 27, 2023.
   Jodie Small has also been talking with KVS about transferring information from the old business computer to the new one. KVS will transfer information for a cost of

$30,000.00 and treasurers' office would have to work with them for a few days to get this completed.
Treasurers' office is getting a quote from the County's accounting system to see what the cost would be to download our accounting information and programs on the county computers. This would do away with KVS and a new computer.
O'Connell asked for a print out on KVS vs. treasurers accounting quote to compare prior to next meeting and Bain said she will have that for the board.

2. **Blenis RO System –**
Blenis residence is still having issues with the system. Bill Dievendorf replaced the motor last year. Beth Blenis has been in touch with town hall about the bad quality of their water. Bain decided to have Bill take the old system out and replace it with the new one on the shelf.

3. **New Charles John Account for Library –**
Bain and McComb discussed the receipts for the library coming to the library so that they don't have to go through the HWY department. Charlie Johns will open an account for the library to have on their own.

4. **Resolution from NYSMA –**
Smith explained to the board that the senate has passed a resolution for the larger 100 towns in the state to elect judges that have passed the bar and have at least five years' experience as practicing attorneys. If this is to pass through the Assembly and later down the road affects our small town, it could cause a hardship with very few qualifying individuals in our work force.
McGovern explained that our town is far from large and explained that if they pass this through now then later it could get to the point that smaller towns could be involved in the future.

RESOLUTION #90 IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and ASSEMBLY BILL A-1358B

Offered by: McGovern

2nd by: O'Connell

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Hamilton County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Lake Pleasant is a vital service to our residents and the Hamilton County community as a whole; and

WHEREAS, The Justices in Hamilton County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Hamilton County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Lake Pleasant strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

Adopted by unanimous consent this 17th day of July 2023.

Ayes: Supervisor Bain, Councilpersons - McGovern, Braunius, Martz and O'Connell
Nays: None

Committee Reports –

Youth Recreation – First two trips were a success with 8-10 kids attending and looking forward to the next trips weather dependent. New recreation aids are working well. Trying to figure out what to do on the rainy days. Braunius asked about where to find the schedule. Martz said she will get schedule onto the website. Currently it is on the Facebook page.

Highway Committee – McGovern announced that they will be meeting next week.

Resolution #91 Motion to pay Bills: Abstract #26 dated 07/14/2023, #2883-2903 in the amount of $17,141.30.
Offered by: Martz
2nd by: O'Connell
Discussion: O'Connell asked about the dates for the IRS excise tax not matching up with the years. Smith explained that the town has to file the excise tax every July for the previous year. The excise tax is for specified health insurance policies that town employee benefit HRA cards fall under on form 720. The town has only been providing its employees with HRA benefits for the past four years. Smith was unaware of this tax until she received a letter from the IRS about it because three years ago the check was sent to the IRS for the tax but the form 720 was not sent filled out with the check. This made Smith aware of the tax and with these two bills for the past two years paid, this will have the town caught up to date on the taxes owed for HRA. Braunius asked about signatures on HWY department receipts not getting signed and O'Connell pointed out that they were signed under the stapled area.
Adopted by the following votes:
Ayes: All (Supervisor Bain, Councilpersons - McGovern, Braunius, Martz and O'Connell)
Nays: None

Public Comment:

- Shorty mentioned that despite the rain people are coming by the museum. Bain commented that the buckboard looks nice out front of the museum. O'Connell mentioned the well-attended CCC camp presentation at the library and the Garrow presentation will be at Oak Mt. due to the expected size of attendance.

Roundtable:

- Braunius mentioned that the website you can go to in order to find out about campsite cancelations. Moffits beach on reserve America site allows people to reserve sites but still says at the top of the page that the campground closes after Labor Day. Discussion was had about contacting DEC to get the site corrected. Martz will contact ROOST or the DEC.
- McGovern mentioned that he went to the Pretty Good Band and Mt. Arts Consortium concert, and it was an outstanding show! He also praised the kid's entrepreneur day at the camp store where local kids sold their handmade crafts and artwork. Martz praised the community and camp store for supporting these young artists.
- O'Connell made aware; algae is becoming a problem in Lake Pleasant in shallow areas of the north east shore. It is natural but not pleasant. LPSA has a net that can be borrowed to remove the algae from their swimming areas. Bain asked if they could apply for the grant through soil and water to get more nets. O'Connell replied that they can, and she has made them aware of the grant. Discussion about the cause of this algae was had around the table.
- Bain asked Smith when the STR law could be sent off to the state and Smith replied that it can get sent by the end of this month when the forty-day wait is up.
- Braunius wanted to remind all that bridge and culvert construction will start at the end of this month on Fish Mt. Rd.

Next meeting: Our next meeting will be on Monday August 7, 2023, at 7PM at the Lake Pleasant Library

*****ON A MOTION BY**: Don Braunius **2ND by:** Martz
To Adjourn @ 7:52P.M.
All in Favor
Respectfully submitted,
Stephanie Smith, Town Clerk