December16, 2020

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

A Regular Meeting of the Lake Pleasant Town Board was held on December 7, 2020 Via Zoom due to COVID. The meeting was called to order at 7:00 P.M., to conduct whatever business that may come before the Board.

The following were present:
Supervisor: Betsy Bain
Councilman: Neil McGovern, Cristine Meixner, Nancy Seifts, Don Braunius
Town Clerk: Deborah O'Rourke
Highway Superintendent Randy Lavarnway
Guests: by Zoom, Mayor Jeanette Barrett, Stephen Whiting, Joy Eliezer

RESOLUTION #111 APPROVE MINUTES OF NOVEMBER 16, 2020
OFFERED BY Don Braunius 2nd by Cristine Meixner
RESOLVED, that the minutes of November 16, 2020 be approved as presented
ADOPTED by the following vote. Ayes: Supervisor Bain Councilperson: Nancy Seifts Neil McGovern, Don Braunius, Cristine Meixner Nays: None

Public Comment: Mayor Barrett asked why there is still money available on the Acct. Clerk line now that the County is doing the Towns book-keeping? Supervisor Bain responded just in case we need to hire Nancy Seifts as a Consultant. Mayor Barrett asked about what the subject for the Executive Session to be called for ? Supervisor Bain said that if the Board was going into Executive Session it was for the reason of the proposed acquisition/sale/lease of real property when publicity might affect value. Stephen Whiting asked if the executive session would be on the sale of land or the purchase of land? Supervisor Bain said the Board had not decided yet.

Committee Reports:

Highway: Superintendent Lavarnway reported that Groomer BR110 which grooms the Lewey Lake Trail has been completely rewired by a couple of his Crew The water pump had to be replaced also before leaving the shop. FEMA update Supervisor Bain has signed off on all paperwork for reimbursement to the Town from last years Halloween storm still waiting on checks. Two projects for next year are Tamarack Road and Gilmantown Road. Still waiting on Fish Mt. Rd. and Fawn Lake Rd. to complete road repairs. The Highway Crew helped DEC work on the snowmobile bridge on the Fall Stream Trail in Arietta this connects our trails to the Piseco trails.

Old Business:

The new flooring at the Primary Care is all set for installation. There were two contributions made in memory of Veronica O'Rourke by Maggie Rogers and Bill and Barbara Tracy to offset some of the costs. Supervisor Bain has been in touch with NBT Bank about the future of replacing the drive- up window to a walk -up window. Further discussion in 2021.

New Business:

RESOLUTION #112 THE BOARD AGREED TO RENEW THEIR AGGREEMENT WITH THE COUNTY TREASURER'S OFFICE FOR 2021 FOR PROVIDING BOOKEEPING FOR THE TOWN OF LAKE PLEASANT
OFFERED BY, Neil McGovern 2nd by Don Braunius
RESOLVED, the agreement signed with the County Treasurer's Office will provide certain accounting, bookkeeping and payroll services to the Town of Lake Pleasant.
(See Attached agreement)
ADOPTED by the following vote: Ayes: Supervisor Bain, Councilperson: Nancy Seifts, Neil McGovern, Don Braunius, Cristine Meixner. Nays- None

Neil McGovern gave a report on his meeting with the new septic system committee which includes both the Town and Village. The committee is looking to enforce more stricter guidelines for septic systems both old and new especially near the lakes. Discussion on the Local Law #1 adopted by the County in 1976. The Law was never really enforced. Neil will get a copy to the Board members so they can review it before more discussion can be heard. Further discussion.
Neil McGovern and Debbie O'Rourke met with Bill Dievendorf of H2O about setting up some type of guidelines with the R/O owners as to what the Town is responsible for when it comes to maintaining the R/O systems. It was agreed upon that if there are problems with the R/O systems the owner needs to call the Town Hall not Bill Dievendorf. Further discussion
RESOLUTION #113 THE BOARD AGREED TO HAVE BILL DIEVENDORF ORDER A NEW R/O SYSTEM TO STORE AT THE TOWN HALL FOR USE AS A BACK UP IF NEEDED.
OFFERED BY Neil McGovern 2nd by Don Braunius
RESOLVED, that a suggestion by Bill Dievendorf for the Town to purchase a backup R/O was agreed upon. The cost will be approximately $2,500.
ADOPTED BY Ayes: Supervisor Bain, Councilperson: Cristine Meixner, Don Braunius, Nancy Seifts, Neil McGovern Nays: None
The Chamber Contract is up for renewal for 2021, Supervisor Bain will get a copy and bring it to the next board meeting.

RESOLUTION #114 THE LAKE PLEASANT BOARD AGREED TO GIVE THE TOWN'S EMPLOYEES AT LEAST 14 DAYS OF SICK TIME DURING COVID

OFFERED BY, Neil McGovern 2nd by Don Braunius

RESOLVED, that the Board agree to pass a policy to pay a Town Employee starting in 2021 for COVID sick time of 14 days before the employee has to start using their own sick time. This condition will be for COVID sick time or for being in quarantine due to COVID. The County Nursing Dept. will be the ones to tell an employee to stay home and the ones to let the employee know when they are allowed to come back to work. This policy also includes time covered for testing done by the Hamilton County Nursing Dept.

If any Town Employee doesn't follow quarantine guide lines disciplinary actions will be taken.

ADOPTED by the following vote. Aye: Supervisor Bain, Councilperson: Nancy Seifts, Neil McGovern, Cristine Meixner, Don Braunius Nays: None

Nancy Seifts said what a great job the County Nursing Dept. is doing dealing with COVID.

RESOLUTION #115 APPROVE AUDIT OF ABSTRACT #31
Voucher #748-757 Amount $2,667.12
ABSTRACT #32 Voucher #759-760 Amount $28,366.55
OFFERED BY Neil McGovern 2nd by Nancy Seifts
RESOLVED, that all bills in the following funds be paid as present.
GENERAL, HIGHWAY, LANDFILL, LIBRARY
ADOPTED by the following vote. Ayes: Supervisor Bain, Councilperson: Nancy Seifts, Neil McGovern, Don Braunius. Nays-None

Roundtable: Town Clerk said that she has placed the new building permit fees in the Hamilton County Express she will email them to Nancy Seifts and Cristine Meixner to put on face book and the Town's web-site. Superintendent Lavarnway gave the Board an update on the sanders he put up for sale on Auction International he is going to keep the large one as the bid was for $830.00 way under what he thought it was worth. He is accepting the $460.00 for the smaller one. Supervisor Bain has heard from Adirondack Landfill Service they have completed the inspection on the old land fill and will be billing the Town. Betsy reminded everyone to please wear your masks and social distance. COVID testing is being done in our Town tomorrow.

Discussion on going into executive session 4 ayes, 1 nay (Cristine Meixner) to discuss the right of way on 175 Golf Course Road.
Reason the executive session was voted on was because the proposed acquisition/sale/lease of real property when publicity might affect value.
***ON A MOTION BY Nancy Seifts 2nd by Don Braunius TO ENTER INTO EXECUTIVE SESSION 8:20 P.M.
***ON A MOTION BY Neil McGovern 2nd Cristine Meixner TO COME OUT OF EXECUTIVE SESSION 8:30 p.m.
No action taken.
RESOLUTION #116 175 GOLF COURSE ROAD RIGHT OF WAY (Read by Neil McGovern)
WHEREAS, the Town of Lake Pleasant ("Town") owns a 50-foot-wide parcel of property located between Golf Course Road and the shore of Sacandaga Lake, designated as 175 Golf Course Road, Tax Map No. 112.020-1-39.200 ("Property"), shown on the attached Tax Map, and described in the attached deed; and
WHEREAS, the property is no longer needed for Town purposes; and
WHEREAS, when real property is no longer needed for Town purposes, the Town Board, upon adoption of the resolution subject to permissive referendum, may convey real property in accordance with New York Town Law Section 64(2); and
WHEREAS, under Town Law Section 64(2), when selling unneeded real property, the Town Board has a fiduciary duty to secure the best price obtainable or the most beneficial terms in die public interest. The method of sale chosen is within the Town Board's discretion, but such method should be one which the Board believes will yield the best price, or will otherwise provide the greatest benefit to the Town; and

WHEREAS, prior to the sale, the Town will have the value of the Property investigated by an appraiser or a licensed real estate broker, and may also work with such experts to identify potential buyers for the Property; and
WHEREAS, the Town Board will determine whether to sell the Property through a public auction or by issuing a request for competitive bids. Once a proposed bid is obtained, the Town Board will determine whether the price obtained through the chosen method of sale is the best price obtainable for the Property, and will consider resolution to approve the sale. At that time, the Town Board will authorize the Town Supervisor and the Town Attorney to cause to be executed any and all documents necessary to effectuate the transaction.
NOW, THEREFORE, BE IT RESOLVED, that the Town Board has determined that the Property is no longer need for Town purposes; and
BE IT FURTHER RESOLVED, that the Town Board has determined that, for purposes of selling the Property, it will proceed with the following method of sale: by auction or competitive bid; and
BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Town Law Section 64 (2) and Section 90; and
BE IT FURTHER RESOLVED, after passing such resolution and within 10 days of its adoption, the Town Clerk shall post and publish a notice, in the same manner as provided for a notice of a special election, which shall set froth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof. The notice shall specify such resolution was adopted subject to permissive referendum in accordance with Town Law Section 90. This resolution shall take effect 30 days after its adoption unless the Town Clerk receives a petition signed and acknowledged within 30 days after the adoption of the resolution seeking a permissive referendum; and
BE IT FURTHER RESOLVED, that, once the 30-day period for permissive referendum expires, and in the event no referendum is sought, the Town Board designates Supervisor Betsy Bain to take the necessary steps to effectuate the sale, such as setting up the public auction or preparing a request for competitive bids; and
BE IT FURTHER RESOLVED, that the Town Board will review and approve the proposed purchase price at a future meeting, in a subsequent resolution, prior to consummation of the sale, to ensure that its duties under NY Town Law Section 64(2) will be met.
WHEREUPON, the Resolution was put to vote, recorded as follows;

Supervisor Betsy Bain YES
Councilwoman Christine Meixner YES
Councilman Neil McGovern YES
Councilman Don Braunius YES
Councilwoman Nancy Seifts YES

Next meeting December 21, 2020

***ON A MOTION BY Don Braunius 2ND by Neil McGovern
TO ADJOURN 8:35 P.M.
ALL IN FAVOR.

Respectfully submitted,
Deborah O'Rourke, Town Clerk