

## **ROUND LAKE VILLAGE BOARD OF TRUSTEES MEETING HELD MAY 5, 2010**

PRESENT: Mayor Dixie Lee Sacks                      Trustee Christopher Nellissen  
          Trustee C. Brent Elford                      Trustee Caroline Woerner  
          Trustee Thomas Bergin

Also Present: Superintendent John Stevenson      Attorney Thomas Peterson  
                  Chief Frank Mazza

Mayor Sacks called the regular meeting to order at 7:00 pm.

The pledge of allegiance was recited.

PUBLIC COMMENT PERIOD: There was no one to address the Village Board.

### REPORTS

Superintendent Stevenson: Flushing hydrants in the Village will begin on Monday, May 10. The water line from Evans Road to the water tower has been flushed. The water meter at the master meter pit needs to be replaced; the cost is approximately \$2,770. The Superintendent is waiting for the quote and the cost of installation. The water usage is currently being estimated. Everything is good with the sewer system.

Two trees were blown over on Morris Road. The crew is mowing and cleaning up along the edge of the roads. On the April 29, Steve Luse and Jim Johnson attended a mining safety class, this is required by OSHA.

Animal Control Officer: On April 22, there was a complaint on a dog that had disappeared, it was later found. On April 24 and 30, there was a complaint of a barking dog, the complaint is questionable, Mr. Stevenson will check on this problem.

Chief Mazza: A copy of the monthly report is attached. Chief Mazza informed the Board that one call was a structure fire on Raylinski Road, 2 motor vehicle accidents and that 11 of the calls were west of the Northway.

The committee met with Ferrara to check on the progress on the new truck, it is going well. The new truck can be seen at Ferrara.com.

Auditorium: Mayor Sacks reported that the new schedule is ready to go to the printer. The Trustees were asked to pick two events that they would attend at the Auditorium to supervise.

### OLD BUSINESS

Open Space Strategy & Plan: Nothing for this meeting.

Amend Policy of the Boards: Nothing for this meeting.

Parking –Tickets & Enforcements: Mr. Peterson presented a draft of the ticket for the Village Board to review. The draft ticket is for ALL the Village Codes, not just for parking. The ticket will be printed in triplicate.

The Board discussed the noise level and how it could be enforced. The Code Enforcement Officer, Animal Control Officer and Parking Enforcement Officer will be asked to review the draft ticket. Mr. Peterson will ask the Town of Malta Judges for their opinion of the ticket. Hold for the next meeting.

Amend Water Regulations: The Village Board was provided with a draft of the amended water regulations. The draft will be amended to require a water/sewer department permit, not a building permit as stated in section 175-2 (c). A copy of the permit will be included in the regulations.

#### RESOLUTION 36 OF 2010

WHEREAS the Round Lake Village Board of Trustees have had the opportunity to review a draft of the proposed amendment of the Water Regulations, therefore

BE IT RESOLVED that the Village Board of Trustees approve the proposed Water Regulations with the amendment of Section 175-2 (C) to require a water/sewer permit.

RESOLVED by Trustee Bergin, SECONDED by Trustee Nellissen.

Trustee Nellissen – aye  
Trustee Woerner – aye  
Mayor Sacks – aye

Trustee Elford – aye  
Trustee Bergin – aye

#### RESOLUTION ADOPTED

Lake Front: A non-public meeting is being scheduled with Senator Roy McDonald's office, Assemblyman Tony Jordan's office, DOT and DEC for some time in May.

Revised Zoning Map: A meeting will be scheduled with Caleb Stratton to review the map. This issue will be held until the May 19 meeting.

#### NEW BUSINESS

Town of Clifton Park Zoning Change: The Village has been notified by the Town of Clifton Park of proposed zoning changes for Wood Road. After reviewing the summary of what they want to achieve, it appears that it will be left up to the Town's Planning Board discretion.

Mr. Peterson stated that Clifton Park can establish specific sets of standards and factors that will have to be met by the applicant. The Village can send notice to the Town that we are an interested party; the Town is required by law to notify us of any and all meetings on this issue. A member of the Board will attend the meetings on behalf of the village.

There was discussion about the increase traffic on Herlihy Road and Washington Avenue. A letter will be sent to residents on these roads, inviting them to a meeting to discuss this issue.

Hose Company Lease: Hold for executive session.

Round Lake Gateway Project: NYSDOT has sent an updated map of the Round Lake Road and Route 9 intersection. DOT has stated that they would mill & fill George Avenue and Curry Road, (Round Lake Road) from Route 9 to the round-a-bout. Mayor Sacks will call DOT.

CORRESPONDENCE: The Village received a letter from Hannaford denying our request for support from them.

The Village received a membership application from Saratoga Arts Council; the membership fee for the Village is \$35. The Village was a member last year and will join the Saratoga Arts Council again this year.

#### APPROVAL OF MINUTES

MOTION by Trustee Nellissen to approve the minutes of the regular meeting of the Round Lake Village Board held April 21, 2010, as presented, SECONDED by Trustee Woerner.

Trustee Nellissen – aye  
Trustee Woerner – aye  
Mayor Sacks - abstain

Trustee Elford – aye  
Trustee Bergin – aye

#### MOTION APPROVED

VILLAGE MAYOR: Mayor Sacks commented that after reading the minutes for the last meeting, she discussed the liability of hiring a young adult to deliver the newsletter. The village would have to put him on the payroll, there are Dept. of Labor and insurance issues that would have to be taken care of. So Mayor Sacks made an executive decision and mailed the newsletter.

Mayor Sacks commented that she is not sure of what was decided about the tables and chairs for WRLIS. The Mayor is concerned that if the Village does things for WRLIS, we will have to do the equal amount for the Fire Department and other groups in the Village.

Trustee Woerner commented that we are agreeing to the donation of labor as well as the use of the tables and chairs. We want to be clear on what is being done.

Superintendent Stevenson commented that he agreed to pick up the chairs and tables at the fire house during the week and put them in the Auditorium. WRLIS members will have to set them up.

Mr. Peterson asked the Superintendent if he is okay with picking up the tables and chairs.

Superintendent Stevenson replied that he will do it this year, and see what happens for next year.

VILLAGE ATTORNEY: Mr. Peterson presented the proposed legislation to amend the lease agreement for the cell tower.

#### RESOLUTION 37 OF 2010

WHEREAS, the village of Round Lake entered into an Option and Lease Agreement (“Lease”) to lease a portion of property located on Griffin Avenue, Village of Round Lake, New York (Tax Map Nos. 250-3-2 and/or 250-3-4) to CELLCO PARTNERSHIP d/b/s Bell Atlantic Mobile (“BAM”) Dated September 17, 1997 and WHEREAS, such Lease was authorized pursuant to Chapter 542 of the Laws of 1997 of the State of New York; and

WHEREAS, the Lease was amended by a FIRST ADDENDUM TO OPTION AND LEASE AGREEMENT between the village of Round Lake and BAM last executed on January 8, 1998; and

WHEREAS, the Lease was amended by SECOND ADDENDUM TO OPTION AND LEASE AGREEMENT dated March 25, 1999 between the Village of Round lake and BAM: and

WHEREAS, the Lease was assigned by BAM to Crown Atlantic Company LLC, upon consent of the Village of Round Lake, as evidenced by a Memorandum of Assignment last executed March 25, 1999 and recorded with the Saratoga County, New York Clerk on June 10, 1999 at Book of Deeds 01520, Page 0296; and

WHEREAS, the Lease was amended pursuant to a THIRD ADDENDUM TO OPTION AND LEASE AGREEMENT DATED November 8, 2000 between the Village of Round Lake and Crown Atlantic Company LLC, and

WHEREAS, the Village of Round Lake and Crown Atlantic Company LLC desire to again amend the Lease to, inter alia, extend the term of the Lease for up to four (4) more additional five (5) years terms in addition to the current right to extend the Lease for three (3) additional five (5) year terms, such that the original five year term, which commenced on April 29, 1998, may be extended for a total of seven (7) additional five (5) year terms at the option of the lessee (“FOURTH ADDENDUM TO OPTION AND LEASE AGREEMENT’); and

WHEREAS, chapter 542 of the Laws of 1997 of the State of New York limited the term of the Lease to no more than twenty (20) years; and

WHEREAS, the Village Board seeks to have the State of New York amend Chapter 542 of the Laws of 1997 of the State of New York to provide that the term of the Lease (including extension terms) shall be no longer than forty (40) years commencing on April 29, 1998.

NOW, THEREFORE, be it Resolved and Determined, pursuant to the New York State Village Law and other applicable laws as follows:

1. The proposed FOURTH ADDENDUM TO OPTION AND LEASE AGREEMENT is an “action” which will not, for the purpose of New York State Environmental Quality Review Act (SEQRA), have a significant impact and/or effect on the environment, and the Village Mayor is authorized to execute, prepare and/or file any documentation to this effect, inclusive of a Negative Declaration (Notice of Determination of Non-significance); and
2. The provision of adequate and safe communications coverage to the surrounding area for emergency and non-emergency use by the general public is hereby deemed to be in the best interest of the community.
3. The Village Mayor is therefore authorized and directed to transmit a Home Rule Message to the appropriate representatives of the New York state legislature so that authorization to enter into the FORTH ADDENDUM TO OPTION AND LEASE AGREEMENT be obtained including, but not limited to, allowing the term of the Lease (including extension terms) not to exceed forty (40) years commencing on April 29, 1998; and
4. The Village Mayor is authorized and directed to execute the FORTH ADDENDUM TO OPTION AND LEASE AGREEMENT (in such form and context as is satisfactory to Village Counsel) on behalf of the Village of Round Lake, Saratoga County, New York, upon the effective date of the amendment to chapter 542 of the Laws of 1997 of the state of New York.

RESOLVED by Trustee Nellissen, SECONDED by Trustee Woerner.

Trustee Nellissen – aye  
Trustee Woerner – aye  
Mayor Sacks – aye

Trustee C. Brent Elford – aye  
Trustee Bergin – aye

RESOLUTION APPROVED

The Trustees were asked to review for draft agreement for the May 19 meeting.

Mr. Peterson told the Trustees that the Malta Town Board heard some brief options for engineering services regarding Round Lake. Not sure where the discussion will go now.

VILLAGE TRUSTEES: Nothing for this meeting.

MOTION by Trustee Woerner to go into executive session to discuss the Hose Company Lease for Station 1, SECONDED by Trustee Nellissen.

MOTION APPROVED

MOTION by Trustee Bergin to return to regular session of the meeting, SECONDED by Trustee Nellissen.

MOTION APPROVED

MOTION by Trustee Bergin to adjourn the meeting at 8:37 pm.

Respectfully submitted,

Lois J. Whitbeck  
Village Clerk