



**Lake Placid Village, Inc.
Village Board Minutes
Monday, May 7, 2018**

A Regular Meeting of the Lake Placid Village Board of Trustees and two Public Hearings were held on the above date at 5:00 pm in the Board Room on the floor of the Municipal Hall at 2693 Main Street, Lake Placid, New York.

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| Present: | Craig Randall | Mayor |
| | Art Devlin | Deputy Mayor/Trustee |
| | Peter Holderied | Trustee |
| | Jason Leon | Trustee |
| | Scott Monroe | Trustee |
| | Anita A. Estling | Clerk |
| | Mindy Goddeau | Deputy Treasurer |
| | Janet Bliss | Attorney |

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| Others Present: | Griffin Kelly | James Hughes |
| | Michael Orticelle | Catherine Ericson |
| | Chris Ericson | Peter Fazio |
| | Marc Galvin | Michael B |
| | Laurie May | Sara Diehl |
| | Krissa Beamish | Heather Le Derr |
| | Jessie Seguin | Jon Seguin |
| | Tim Smith | Susan Whiteman |
| | Terry Nichols | Tim Robinson |
| | Lori Fitzgerald | Lisa Lester |
| | Scott Schulz | Laurie Schulz |
| | Eric Schulz | Gail Billerman |
| | Bill Billerman | Fred Ace |
| | Denise Dramm | MartinShubert |
| | Mary Shubert | Macie Huwiler |
| | James Lemons | Jon Dork |
| | Dean Dietrich | |

PUBLIC HEARINGS

Mayor Randall opened the first of the Public Hearing at 5:00 pm with the Pledge of Allegiance and the reading of the Public Notice for the Public Hearing below which is included herein:-

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Proposed Local Law #1 of 2018 – Cryptocurrency

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Lake Placid will hold a public hearing on a proposed local law to impose an 18-month moratorium on commercial cryptocurrency mining operations in the Village of Lake Placid, on Monday, May 7, 2018 at 5:00 p.m. in the Town of North Elba Town Hall First Floor Meeting Room, 2693 Main Street, Lake Placid, New York.

The text of the proposed local law is available for inspection by any interested person at the Office of the Village Clerk.

All interested persons are invited to attend the public hearing, and will be given an opportunity to be heard.

Anita Anthony Estling, Village Clerk

Dated: April 13, 2018

To be Published: April 20, 2018

Mayor Randall spoke providing some explanation about the significance of cryptocurrency to Lake Placid and the adverse impact it would have, and the moratorium.

Martin Shubert: I'd like to commend the Board for thinking about this moratorium. I can see no positive with that group coming to town. As I was sitting this afternoon trying to figure out what I'd say, this may sound sharp, but it sounds to me like they want to come here and raise all our prices and I think it should be longer than 18 months that we should keep them out. Thank you.

Jim Hughes: I second that.

The Public was heard and the Public Hearing was closed at 5:10 pm.

Mayor Randall opened the Public Hearing at 5:15 pm with the reading of the Public Notice for this Public Hearing which is included below:-

Proposed Local Law #2 of 2018 – Amendment of Joint Land Use Code

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Village Board of the Village of Lake Placid will hold a public hearing on a proposed local law to amend the Joint Village of Lake Placid/Town of North Elba Land Use Code, on Monday May 7, 2018, at 5:15 p.m., in the Town of North Elba Town Hall First Floor Meeting Room, 2693 Main Street, Lake Placid, New York.

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The proposed local law would amend the Sign Regulations of the Land Use Code so as to allow certain temporary signs in Village Center and Gateway Corridor Districts, and certain flags in those two districts and in Old Military Road Corridor and Rural Countryside Districts.

The text of the proposed local law is available for inspection by any interested person at the Office of the Village Clerk.

All interested persons are invited to attend the public hearing, and will be given an opportunity to be heard.

Anita Anthony Estling, Village Clerk

Dated: April 13, 2018
To be Published: April 20, 2018

Mayor Randall: For anyone who is interested, there are copies of the proposals, as they were received by this Board, sitting on the table. If not, I would remind everybody again that this is a public hearing and the purpose of this hearing is for input and comment into the proposal that we would amend the existing land code as was outlined by the Village Clerk with respect to the application and use of sandwich boards in the Village center district and the Gateway corridor, as outlined in the proposal here. At this point, I would open the floor, and again I would ask that you stand and state your name for the benefit of Anita so that she can get the record.

Dean Dietrich: Thank you. If you don't mind, I just think there are three pieces of information before we start the discussion that might be helpful. The Village corridor would start at the High Peaks and work its way down Main Street to the Robo stop sign, and then head down Mill Hill then goes down as far as the train station. It also at this particular point goes up Morningside Drive and catches the old Lake Placid Club properties. Those are areas where the businesses go right up on the sidewalk. The second point I'd like to make is that our group did take a walk down Main Street to find out which locations would be able to have the two foot sandwich board signs. So the question is where is there eight foot sidewalks? The answer to that is just about everywhere, except for around Mid's Park, and the Breakfast Club, Candy Man, Miracle, Olive Oil, EMS would be a couple of stores that don't have alcoves that could not fit (the signs). On the far side, right around that area, the Base Camp, (old) Breakfast Club and Starbucks are in the same situation. Everything else on the non-lake basically has wide enough sidewalks; it was all designed for pedestrian traffic. Some outliers there, the Good Bite has a unique situation, they don't have eight feet. And the other one is Generations because they have a sidewalk that sticks out. Other than that everyone would possibly be able to have a sidewalk sign if they use their alcove. And the final thing is, this came out of a study that was done in 2016 by a Main Street group which was commissioned by the Village. The proposal was vetted by the Appearance Committee. The Appearance Committee is representative of Beautification, the Tree Board, the Garden Club, Mirror Lake Watershed Association, the Shore Owners Association, Lake Placid Business Association and general community members. It was also vetted by the Development Commission, which is not necessarily stakeholders, but a group of people who look at these kinds of things. And both those committees do not have a consensus to move forward, but did say they are generally in favor of it. A substantial majority of those people felt they are in favor

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of it. There was a minority report of each of those committees that had some concerns about clutter and safety. I just thought I'd give you that background information that is not in the proposal. Thank you very much.

Bill Billerman: I just have a couple questions before I comment further. So if I'm hearing correctly you have to have eight foot clearance...

Randall: Six foot.

Billerman: You have to have more than six foot...

Lori Fitzgerald: You have to have six foot once the sign is up. You have to have an eight foot sidewalk to be able to accommodate a two foot sign.

Billerman: So that would leave six foot of clearance? The Business Association with the help of the Village Review Board would approve all of the sandwich boards?

Fitzgerald: No, all of the sandwich boards would have to go past joint review. All the Business Association is saying is to make that process easier, we would purchase some signs that we would go get the approval on and then be able to resell and distribute those, so that businesses wouldn't have to each individually go past joint review.

Billerman: Would there be any relief for businesses that are not able to have a six foot clearance?

Fitzgerald: That's why there is a portion in there that talks about flags. So you would be able to have a sign on a flag as long as the flag was high enough so that it cleared peoples' heads.

Billerman: And the flag would be a logo is what I think I read?

Fitzgerald: Yes.

Billerman: Just the logo? So it wouldn't have any other information, just the logo?

Fitzgerald: It wouldn't be an open flag. It would be... the logo is it.

Phoebe Burns: Lori, would you consider an awning sign in lieu of a flag sign?

Fitzgerald: We didn't as a committee consider that, but that doesn't mean the Board can't consider that.

Burns: I'm Phoebe Burns. I fall in the realm of the I can't make the sandwich board work, therefore I would have to choose a flag and I would like the ability to add an awning sign, as a projecting sign, versus the flag. I think awnings are very tasteful and also serve the purpose of shading.

Peter Holderied: So long as they're high enough.

Burns: I am looking at a half story above.

Jason Leon: Taller than 6' 2"?

Burns: Yeah, I think so...

Fitzgerald: The flags have to be at least seven foot so they don't brush anybody's head.

Randall: We're not in a position tonight to address that as part of the proposal that's in front of us, and there are specific conditions for awning signs in Lake Placid that would be...

Unknown: But awnings are allowed?

Randall: Awnings are allowed.

Burns: They are, but not writing. If your awning is within ten feet of the curb, the way the law is written, you can't have any text, which I... if you're going to allow flags, feel that that's the same, yet more tasteful.

Randall: The record will note your interest Phoebe in that particular area, although at this point it's not in the proposals that we have in front of us, but that's not to say it shouldn't be considered.

Hughes: What constitutes the dimensions that we're talking about? We have a length that is going to go to the building or the light pole, but in the other direction, the opposite direction, what constitutes this dimension that we have? So if there is a light pole that projects out from the curb, how much space is needed laterally? Back and forth?

Unknown: I never considered the light pole.

Randall: The proposal at the moment stipulates curb. It realizes that there are pay stations, light poles, but generally...

Hughes: If you look into Title II of ADA compliance that would fall into scopes which would be...

Randall: Keep in mind that we've got a major project underway on the street in the next two years. Some of that is issues that will be addressed at that time. It's the best we can do.

Hughes: So it's just going to be the curb back to the building?

Randall: That's how it's stipulated at the moment.

Denise Dramm: Denise Dramm from the Placid Bay Inn. If I'm correct, and please correct me if I am not, the proposed law is saying that in the corridor on Saranac Avenue, that a sandwich board would not be allowed further than ten feet from the building. Am I correct?

Fitzgerald: Yes.

Dramm: In my case that would do nothing to help my business. My building sits back more than twenty feet and I do not put my sandwich board on the sidewalk. It's in my parking lot, away from vehicular traffic, away from pedestrian traffic.

Randall: I think the issue here that is trying to be addressed is that sandwich boards generally, since 1992, have been completely prohibited in the various districts, whether it's on your property or on the sidewalk. We're trying to provide a mechanism so that sandwich boards would be permissible under conditions.

Dramm: All I'm asking in this proposal that is being brought to the Village Board, is that the property owner be allowed to have the sandwich board, like "free canoes with stay," as long as it passes the Joint Review Board, so that it's like five feet or three feet from the sidewalk, on to their own property.

Randall: As opposed to twenty feet from your building?

Dramm: Correct. I don't want to get into a situation where I have to take a tape measure with the building inspector and say, which building are you measuring from? And which corner are you measuring from? And then there's bad feelings. I feel that for buildings, whether it's the Town and Country, whether it's McDonald's, whether it's Placid Bay, our buildings set back further, so any signage that's twenty feet would not be seen from the road, especially since traffic moves a lot faster on Saranac Avenue. So I'm asking that a change in the proposal would be that it be "x" number of feet from the sidewalk onto their own property, with one sign only. And, you know, there are a lot of folks on Saranac Avenue -- I don't know about Main Street -- that have added little signs to their approved sign and those have not been passed. So rather than me try to play political or games of having a sign made and hanging it off my sign, which I believe is prohibited, that I be able to have a sandwich board so it is not obstructing anything, but yet still visible once you get closer to my property.

Terry Nichols: I second that, and also we don't have foot traffic. We don't have a sidewalk. We own the miniature golf course up on the right, Boots & Birdies, so in addition to hers, if we could without measuring from the sidewalk, if we could just put a sandwich board a certain distance from one of our buildings that is up by the road, because all we get is car traffic. We don't get foot traffic.

Randall: I would recommend Terry, the Town Board will be undertaking the same Public Hearing tomorrow just before their regular Board Meeting. You may want to, because you're outside the Village with respect to that...

Nichols: Would that still be in the corridor?

Randall: Yes, yes it would be.

Leon: Bob Miller who is on the Town Board is right behind you. Just put a name to a face.

Randall: Anyone else?

Fitzgerald: Just to be clear, we look at this as an evolutionary process. We don't look at this as something that is going to be one and done. As a group it is our goal to partner with the Village and the Town on this and to continue to work to improve it so that it works for everybody. So I think we'll look at this in six months and see where we are and see what became of it. And then I think there are plenty of things that are not a part of this current change that perhaps need to be. Awnings is a good thing. We didn't even think of that. I think there will be other things that we need to address, but it's not an unchangeable thing once we get rolling.

Dramm: I don't think anyone wants to make the Town or the Village look unseemly, and I do agree one has to address safety issues, especially with the amount of dogs that are on the sidewalks. But that's a different issue, I'm sorry. But on the other hand, we have a very short time to make a living in this community, and for a lot of us, whether you're on the lake or you're offering mini putt-putt or whatever it be, we have a short time that we can make that living and pay the taxes, the property taxes...

Unknown: That's another issue...

Dramm: Well, in other words I'm trying to advertise something that I have that maybe a neighbor would not, and they might want to advertise something that they offer, like a wax room, and people are putting things additionally on their signs, and to my knowledge that's illegal and it hasn't been addressed, so if we're going to address this issue, let's address the whole issue, and let's have safety, minimal clutter and have the businesses able to make a living and pay their property taxes.

Randall: Any other comments? Bill?

Billerman: As far as who is in charge of enforcement on this?

Randall: The land code is enforced by our land code office and I think the reason this particular matter has come up in the last two, three years. We've tried very hard to address a number of issues with the Main Street itself of sandwich boards which have always been prohibited. In order for sandwich boards to exist we have to get those prohibitions out of the land code as this is contemplating, and in the process we have to recognize that the American Disabilities Act has certain requirements for sidewalks and access. Obviously we have issues of appearance and concern what we want to look like. I think that is the purpose of this undertaking here. It's also to give the... the code officer does what the code requires him to do, and I've heard said tonight that it hasn't been enforced in the past and that's perhaps true, but it's something that has grown

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back into the Village since 1992 to a point where some of the folks are saying that without those they can't conduct their business. So that's what we're discussing and trying to provide a mechanism that will accommodate that issue which has changed from where the community was 18 years ago.

Billerman: Lori, the majority of restaurants and/or businesses on Main Street are behind this, so the Business Association, the majority are saying this is something we should do?

Fitzgerald: Yes.

Billerman: And it's for a six month trial period basically?

Fitzgerald: Well we don't have a real time period on it, but we have agreed through the Appearance Committee and through CBC that we will go back and we will revisit it. If it for whatever reason it doesn't work then it doesn't work.

Holderied: But if we're proposing a law change here, which is kind of like a law...

Fitzgerald: Right, but it's a law change, doesn't mean we can't change it again at some future point in time.

Holderied: You want be here in six months again, hold a public hearing?

Fitzgerald: If it's that much of a mess, sure. We're trying to change the law now, which means that the law is changeable. I would prefer not to revisit it in six months, I would prefer to revisit in two or three years or whatever and give it some time but if that's a point of compromise then obviously we're willing to make that compromise.

Randall: Understand that there are several elements that are involved. The Planning Board -- Chairman Hurley is here this evening-- has the primary responsibility of receiving applications and determining what's acceptable and what isn't acceptable in the sense of the initial design, like any sign that is designed and installed in the area we're concerned with. Likewise our Code Office will need standards. The standards are somewhat defined at this point. I think there's a couple of things that are missing, that common sense will say will have to be part of it. For example, how high can a sandwich board stand off the street? You can have a six square foot restriction but you can elevate that sign so it's up above the cars for example on Main Street. Would we want that? Bottom line is this is silent about that at this point.

Dramm: The way we're having a moratorium on the Bitcoin, and I applaud you, excuse me, cybermining, cryptomining...

Randall: That's not a subject of this public hearing however. That was the first public hearing.

Dramm: Yes, I understand. Could we have a moratorium on our own Planning Board rules for this summer season until this is ironed out?

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Randall: I think the intent is to iron the problem out before moving forward. In effect we have a moratorium right now which is nothing is permitted.

Dramm: I understand. I meant a moratorium the opposite way.

Randall: No, I don't think that serves the businesses very well.

Dramm: But how long is it going to take to get approval from the Joint Review Board? They're going to have a backlog if they have a hundred people asking for review.

Fitzgerald: That's partly why the Business Association is going to take a lead on that to short-circuit that process. I'm pretty sure Bill doesn't want to spend every other Wednesday evaluating sandwich boards. We hope we will present some, get those designs approved, purchase them and then be able to redistribute them out in order to short-circuit that process.

Leon: I think the concept is to make it a code issue not an enforcement issue, where it was enforcement issue before. Where it's subjective we want to make it black and white, but black and white so that it's hopefully beneficial to everyone, so that it's easily enforced.

Fitzgerald: We want Mike and the code enforcement team to be concerned about life and safety issues, not signs. So we're trying to make it easy, we're trying to make it clear-cut. And we are looking for consistent enforcement because that was part of it as well; it wasn't being enforced consistently, so nobody really knew what the rules were. So we're just trying to make clear that this is what we want the rules to be. This is what they are. So everyone knows you are either in bounds or out of bounds.

Mike Beglin: Anything that we can do to encourage local businesses to be healthy and flourish is a good thing. Signs are found... in Europe when I travel over there, you'll see little tables with candles on it trying to invite people in... it's commonplace. If you're going to put any kind of reevaluation on it I think you should wait at least a year, and you know if this was a terrible thought of everybody put a sunset on it for a year that can be renewed. But I can see no reason that you wouldn't try this for a year to allow every business to see how it works. You'll have a full year of tourism, snow removal and all of those issues will be addressed. But six months is, I don't think reasonable.

Randall: I expect the outcome with the Village Board will be something similar to that, Mike. I agree with those thoughts however.

Billerman: One more question. The location of the sandwich board is right next to the building, correct?

Fitzgerald: Next to the building, within three feet of the building.

Billerman: Within three feet of the building? So they can't compete? One can't bring it out a little further?

Fitzgerald: Correct. And if you don't have a face on Main Street you don't get a sandwich board.

Holderied: What's your and everybody's opinion about attaching these to the building, so they don't get blown over and become a hazard?

Randall: We may suggest that there be an anchor, to just keep them from blowing out or being pushed out onto the sidewalk, because some of that does potentially have the opportunity to occur. But I think that's, most of the time that's going to be addressed by the fact that there just isn't that much space. At the present time with the sidewalk situation that we have over there.

Fitzgerald: Right now signs are just leaning against the walls. That's...

Randall: There are many issues we are trying to address here, but it's all under public safety largely. And with the sandwich board if someone trips over it then I can assure you that the liability for it will be seen as the Village's, and those settlements can be expensive for the taxpayers. So that's a large part of what we're trying to do. The ADA does have governing standards that are set and we're trying to live within those as best we can, recognizing that there may be some issues such as a light pole or a pay station that are currently not where they might be if we're able to redesign the sidewalk system.

Fitzgerald: And I also think you have other things obstructing the sidewalk currently that are not...

Burns: So in response to what you said, that there are other things blocking the sidewalks and not just signs, could we not come to an agreement that people who have shops are able to put whatever they want out, as long as it's said distance from the curb, so that we are abiding by disability and safety standards. Like for example, I think it's Greg, he has his antique shop on the lake side and he has a plant stand out with different things hanging off of it like antique lacrosse sticks and this that and the other thing.

Randall: In his case he's at the rear of the sidewalk, and I understand what you're saying, but there's a separate local law and it's not the subject of the land code, prohibits retail from displaying merchandise on the sidewalks. It's another old law that's been on the books for many years. Basically, I haven't seen this happen from the street in a few years, but it's designed in such a way that if they want to have a sidewalk sale day, the Association can request that.

Burns: So you can do that from a certain distance or cannot?

Randall: You can't do it on an open basis every day, but there is a small window of opportunity, I'm trying to remember it, and I don't have it right with me.

Fitzgerald: We have done sidewalk sales in the past, we haven't done it in the last couple of years, but there is merchandise out on the street.

Burns: I'm just bringing Greg up because I recall it. I mean, I think it's tasteful, but I for example have restaurants, so maybe I would want like, I know a few years ago I had little patio tables in front of my shop and I apologize I'm not up to speed on that portion of the law, but now of course we're across the street. So, tables, signs, retail goods, I mean they're all sort of variable, whatever someone's business is.

Randall: Tables and chairs are not permitted on the sidewalks.

Unknown: They aren't? But they're all over...

Fitzgerald: It was the specific goal of the Main Street Committee and the Appearance Committee to just focus on just signs at this point in time. There are lots of other things we can have conversations about, but once you start talking about merchandise and tables there probably isn't quite enough sidewalk for it all that and where do you stop.

Burns: Do you think if you just said you have 24 inches from your building if it's within six feet of the curb you can put whatever you want on the sidewalk. Couldn't we really sum it all up? I mean, I own a restaurant; I could have a bench in front of mine. You own a retail shop; you could have a coat rack. She has a wine shop in Alpine Mall; she could have a little sandwich board. That would save a lot of trouble by just summing up what's allowed on Main Street. Just a thought.

Randall: I think that would have to be the subject of further discussions with the people that draft and design, first of all our land code, and secondly also we'd have to look at specific Village laws that govern some of what is being discussed here.

Burns: Who is that? Who would that be?

Randall: That would be the Village Board. Because that's a local law. It's been around for a long time, and again, just as with the Land Code, changing needs of the community will from time to time prompt change. This evening is specifically a public hearing to discuss sandwich boards and obviously flags where those boards can't be used. Just so we're clear on that.

Leon: I can understand where you're coming from because of the enforcement or lack thereof. And you go to many other communities having tables on the sidewalk is an eclectic sort of, but it was an enforcement sort of thing, but now that everything is being enforced.

Fitzgerald: But it's not. If it were being enforced then she would know that it wasn't allowed.

Burns: Well I haven't done it in a while. Like I said, I've moved across the street. I now have the museum lot. However, it's still going on. And I am well aware of what I'm here for. I know it's for the signs. Of course I'm trying to throw the awning in there. But it's just, when we're talking about distances, and all the struggles that go back and forth, we might as well think about talking to the Town and going forth with Main Street business owners, they have a certain distance from their shop where they're allowed to display their trade.

Fitzgerald: For Community Development and for Appearance we chose to take it one piece at a time.

Dietrich: And there is an anti-clutter law which was passed last year which basically says that you can put what you want in front of your store so long as you leave six feet of clearance. To my understanding the exception is retail clothing was separated way back in the 50s and that's still separate, but other than that the anti-clutter law says you need to keep six feet of clearance in front, and that's probably what precipitated this, because if the anti-clutter law says you have six feet of clearance, why can't you put a sandwich board sign in the two feet that are (?)

Fitzgerald: Thank you.

Bill Hurley: Some of you people have addressed some of the issues that the Review Board discussed when we looked at that, one being the height of the boards, the second being attached to the buildings so they're not blowing around on the street. We have a major concern with the flag can't stay open but it can contain a logo. So you're going to ask the Board to determine what is an appropriate logo. Is a keg of beer an appropriate logo? Is the colors?

Randall: Bill, I took that logo, and again, this is my interpretation, maybe others see it differently. I took that as it would be a logo of the business itself. It can't be a Bud Light logo or a Labatt's logo.

Hurley: But if it's a pub and he just wants to put a beer on it is that his logo? I don't know. According to this it can't be an open flag. I don't want to get into the big discussion. These are issues that this Board will have to deal with and I'd like to nip them off before it gets to that. The other one is one flag allowed per lot. There are many businesses on Main Street that are in one building on one lot that are with two businesses or three businesses. You guys are going to get into a fight over which one of you gets a flag. We're not going to get into the middle of that. No, you can't have one because your neighbor's got one. That doesn't seem fair to anybody. Then the big existential question was, you can have a sandwich board, which is a sign which you can put lettering on and describe your goods for sale or your menu. You can't have that but you can get a flag. We didn't see the equivalency between a menu board or a business that can list stuff and a flag with just your logo. It's not the same thing.

Burns: So we're going after the flag that you can just put your logo on, no other message?

Hurley: I'm not going after anything, I'm stating...

Burns: No, no I'm saying is that what they're...

Hurley: I'm saying what's the purpose of a flag? I've seen pictures from the 50s and 60s of Main Street. Every building had a projecting sign and every building had a flag hanging off of it. In my opinion they're terrible. It closes down Main Street. There is a reason that projecting signs got taken away. It's because it does have this effect on Main Street. So to change this to allow them again, and awning signs we've struggled with because if you put it on the end of the

awning, which is square footage, or do you just put it on the flap? The overhang? These are all things that have to be discussed in the future, but for this particular problem we don't see the equivalency between a flag with a logo blowing in the wind and a sandwich board that can actually present information.

Fitzgerald: I think that you're right, but the alternative was nothing. We were trying to come up with some compromise and I do agree. And potentially the flag could have a logo and some words. But it's not like you're going to have a flag for every daily special, so you aren't going to be in the same situation just by virtue. Alpine Mall, they can't have sandwich boards because they're not on the street. There are different advantages and disadvantages for everyone.

Hurley: Just to say we compromise, you can't have a sign so we're going to give you a flag, that's not for the appearance of the whole community. We think for the whole community, not individual business.

Unknown: That exempts American flags, right?

Hurley: Yes, this is an advertising flag.

Fitzgerald: And that's why no open flags, because we didn't want every single business to have an open flag. It becomes too much.

Hurley: We just didn't see the equivalency of one being words...

Fitzgerald: I understand.

Hurley: And this is the first time I heard that you guys are going to buy signs and then recycle them. If you're buying the signs standard that's fine, but that's not offensive, a black sign standard, everyone has the same standard, it's the message, it's the colors that they put in there that's offensive and I don't think... if you want to send everyone to us we'll handle it. We've done it before, we'll do it again, but I don't the Business Association should say, ok, bright yellow is fine, bright pink is fine...

Fitzgerald: It was our intention to take some selections to your Board and for your Board to decide what is fine and what's not. What we're trying to avoid is bright yellow signs, every other sign saying Bud Light or Tito's or whatever the case may be. That's horrible.

Hurley: When you said recycle I just... changing the message every day is a nightmare.

Randall: This is a project and I do appreciate...

Hurley: The only other comment and I know I'm going to put him on the spot, legally we had some verbiage issues that I brought to Mr. Smith's attention at the meeting. It's the sandwich board, a-frame, easel board equivalent doesn't go through the whole law so that needed to be taken care of. And do the lawyers have any opinion on the way this is written? If it's A.

enforceable, gives the Review Board enough A. discretion or B. to be pointing you in the right direction to tell us what these people want as opposed to... I mean you're asking us to do our job which is to try to make the community look good. Everyone's opinion of what looks good is different. And there's going to be some people walking in who are going to be proud of what they bring, and we're going to look at it and go it's not for us. So I don't know if there is enough in here to get people on the right path. I don't know if the lawyers have discussed the language issues either.

Janet Bliss: We have not. We were waiting to hear the public comment.

Fitzgerald: And I wrote it, so it's not shocking. It's written like ad copy, just like I was taught.

Dramm: I don't understand why if the sign boards were allowed, sandwich boards were allowed, why they'd have to go to the Review Board.

Randall: It's a sign.

Unknown: Because they don't want... I love the idea of the Review Board buying them and us buying them from the Review Board. And maybe we can pick our color.

Dramm: I don't mind guidelines. Guidelines I understand and that can be part of the law. I think that's what Bill was trying to say. You have to give us some guidelines of what you want. And you know, just because I have a printed sign that is professionally printed, and Ben says, well I'd like to see birch bark on there and this and that, that is what he's trying to say to us. Are you going to make them be official "this is ugly" "this is not." All I'm saying is if you have some guidelines...

Randall: Well that is exactly what the Business Association has proposed is to help to create some standards that will be useful for the Planning Review Board and also for the Building Code Officer in doing the jobs that they have to do. And it doesn't say that every sign is going to look exactly alike. I don't think that is the intent, but I do think that there have to be some standards set someplace because otherwise there is no jurisdiction.

Fitzgerald: And in here it does say that no neon or fluorescent lettering is allowed.

Bliss: Denise, the current sign code – forget sandwich boards for a minute - gives the Board some objective standards and I think the sandwich boards or banners should be no different, they should have some objective standards, like Lori said, maybe no internally lit, no neon, whatever. But yes, I think that's what Bill was saying, I think that's what I would say. Give them some objective standards.

Burns: I also agree with Bill that the sandwich board versus just the flag with the logo aren't really in line with one another. I think that maybe we should revisit what's allowed on the flags. It's totally different. On my sandwich board I might put my daily specials, but on my flag I might put...

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Fitzgerald: And restaurants also get menu boards, so there is another opportunity if you are a restaurant unlike a retail establishment.

Holderied: Lori have you contemplated for the Alpine Mall? We don't want eight sandwich boards outside the entrance.

Jessie Seguin: I think we were told that it's on the Alpine Mall for us to approach a variance.

Fitzgerald: Some variation of a sign, like a Placid Pond sign, obviously not as big because it's Main Street that lists all the businesses within the mall in such a way as it's visible perpendicular to the building.

Holderied: Would a variance go to the Board of Appeals or to the Review Board?

Randall: That's a special problem on the street.

Mike Orticelle: The question was raised earlier who enforces it and the Mayor was kind enough to deflect. I'm that guy. Take your time with this. The better it's worded, the better it's written the easier it is to enforce.

Fitzgerald: All of that said, we're running out of time.

Orticelle: I'm not trying to stop anybody from running a business. We just want everybody to have the same opportunity. Alpine Mall is obviously a special issue.

Fitzgerald: I think we're in a situation now where we need to take our time and hurry.

Orticelle: Let's get something going.

Randall: We may not get all of the solutions on the first go-around. I'm inclined to agree and I believe that Main Street in the future may have more structures like the Alpine Mall where you've got inside store fronts that have very little exposure.

Orticelle: There are 17 pages, it's not just a-frames. There are a lot of other things that are detailed. You can get it online Understand it. Know where you stand before you do something or come to complain to me that somebody else is doing something. Because there are a lot of things that people just aren't aware of. I'm not saying people aren't paying attention, but everybody has their own idea of what should be, what's a good way to exist. And I have no opinions on this. I'm strictly enforcement. Whatever the Boards decide I'm going to enforce.

Randall: We will keep this hearing open for one week for written comments that others that aren't here this evening may wish to contribute. In the meantime we'll get this record published as quickly as we can and we'll add that to the conversation about the proposed changes that are in front of us right now. Thank you all for coming out. Your input is useful to trying to come up with something that works for the community.

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The Public was heard and the Public Hearing was closed at 5:56 pm.

The Regular Board meeting was opened at 5:57 pm.

Speaker

Lake Placid High School senior, Scott Schulz presented to the Board about his senior project, an adaptation of Keeseville's Hometown Heroes project. Scott is creating banners with Adirondack Awards, each with a photo of a local veteran and their branch of service (sample included below.) He is requesting that the Village waive hanging fees to have these hung for a week around Memorial Day and a week around Veteran's Day. His project is endorsed by the American Legion and the Electric Department Superintendent supports hanging the flags free of charge.

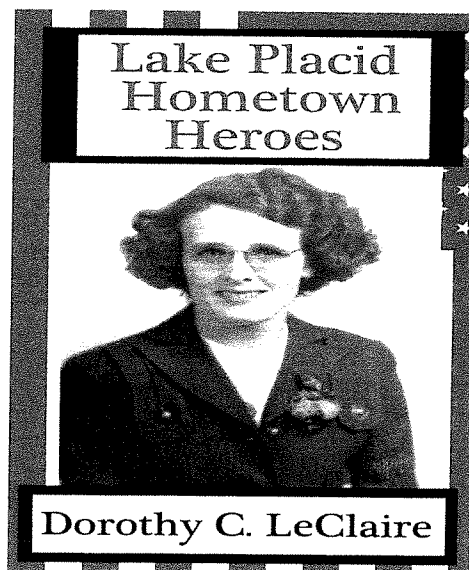
FLAG HANGING

Resolution #86 – 2018

On motion by Trustee Monroe, seconded by Trustee Leon, the Board unanimously duly resolved as follows:-

To waive the hanging fee for six "Hometown Heroes" flags the weeks of Memorial Day and Veteran's Day.

Trustee Monroe, Trustee Devlin, Trustee Holderied and Trustee Leon voted AYE.



Clerk Items

VILLAGE BOARD MINUTES – April 16, 2018

Resolution #87 – 2018

On motion by Trustee Holderied, seconded by Trustee Devlin, the Board unanimously duly resolved as follows:-

To accept the April 16 Board Minutes as prepared and presented by the Village Clerk.

Trustee Monroe, Trustee Devlin, Trustee Holderied and Trustee Leon voted AYE.

FURNISHING AND DELIVERY OF 115-KV POWER TRANSFORMER, CHANGE ORDER 1

Resolution #88 - 2018

On motion by Trustee Monroe, seconded by Trustee Devlin, the Board duly resolved as follows:-

To approve Change Order No. 1, to perform a Sweep Frequency Response Analysis at the transformer factory as recommended by Technical Director Robert A. Cherry, at an additional cost of \$2,000.

Trustee Monroe, Trustee Devlin, Trustee Holderied and Trustee Leon voted AYE.

MOA BETWEEN VILLAGE OF LAKE PLACID AND LOCAL 4608

Resolution #89 – 2018

On motion by Trustee Devlin and seconded by Trustee Holderied, the Board duly resolved as follows:-

To approve the Memorandum of Agreement between the Village of Lake Placid and the Lake Placid Professional Firefighters Association, Local 4608 and authorize the Mayor to sign said Memorandum of Agreement.

Trustee Monroe, Trustee Holderied, Trustee Devlin and Trustee Leon voted AYE.

RETIREMENT NOTICE, STEVE FELL, EFFECTIVE MAY 31, 2018

Resolution #90 – 2018

On motion by Trustee Devlin and seconded by Trustee Leon, the Board duly resolved as follows:

To accept Steve Fell's retirement as Foreman in the Electric Department with congratulations and appreciation for his 31 years of service to the Village.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

TWO FIRE DEPARTMENT VEHICLES AS SURPLUS

Resolution #91– 2018

On motion by Trustee Monroe and seconded by Trustee Holderied, the Board duly resolved as follows:

To declare the following two fire department items as surplus equipment and authorize their advertisement for sale through a sealed public bid:

1994 Emergency One Pumper LDH, Truck #222
Zodiac Boat

Trustee Devlin, Trustee Monroe, Trustee Leon and Trustee Holderied voted AYE

REAL PROPERTY TAXES REFUND

Resolution #92 – 2018

On motion by Trustee Devlin, seconded by Trustee Monroe, the Board duly resolved as follows:-

To approve a refund of \$292.88 to a Lake Placid Village resident who overpaid their taxes due to a clerical error on assessments.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

CJIS AUDIT AND COMPLIANCE UNIT

Resolution #93– 2018

On motion by Trustee Monroe, seconded by Trustee Holderied, the Board duly resolved as follows:-

To approve Mirra Bickford to attend the NYS Criminal Justice Information Systems Audit and Compliance Unit Terminal Agency Coordinator Training in Ray Brook, NY on May 15, 2018.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

CLINTON COUNTY WATER WORKSHOP

Resolution #94 – 2018

On motion by Trustee Devlin, seconded by Trustee Leon, the Board duly resolved as follows:-

To approve Tom VanBenschoten, Jason Endries and Stuart Baird to attend the Clinton County Water Workshop in Peru, NY on May 18, 2018 with all associated costs paid for.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

NYSACOP ANNUAL TRAINING CONFERENCE

Resolution #95 – 2018

On motion by Trustee Monroe, seconded by Trustee Devlin, the Board duly resolved as follows:-

To approve Assistant Chief of Police Chuck Dobson to attend the NYS Association of Chiefs of Police Annual Conference in Glen Cove, NY on July 15 – 19, 2018 with associated costs paid for.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

CHE FLAGS

Resolution #96 – 2018

On motion by Trustee Devlin, seconded by Trustee Monroe, the Board duly resolved as follows:-

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To approve the following flag pole requests at \$25 per flag per hanging: CHE Hockey, 10 flags for each of the following dates for June 6 – 11 and August 3 – 20, 2018.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

LAKE PLACID SINFONIETTA AND SET THE NIGHT TO MUSIC, JULY 4, 2018

Resolution #97 – 2018

On motion by Trustee Devlin, seconded by Trustee Monroe, the Board duly resolved as follows:-

To authorize the use of Mid's Park on July 4, 2018 for the Lake Placid Sinfonietta concert at 7:00 pm followed by Set the Night to Music during the fireworks.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

MEMORIAL DAY PARADE

Resolution #98 – 2018

On motion by Trustee Leon, seconded by Trustee Holderied, the Board duly resolved as follows:-

To authorize the American Legion Post 326 Memorial Day parade on Main Street with brief street closure in front of the Post for Monday, May 28, 2018, with step off at 11:00 am at 1 Main Street and ceremonies and lunch to follow at the Post.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

CARRY THE LOAD

Resolution #99 – 2018

On motion by Trustee Monroe, seconded by Trustee Holderied, the Board duly resolved as follows:-

To authorize the 4th Annual Carry the Load walk around Mirror Lake on Sunday, May 27, 11:00 am to 3:00 pm with a concert at Mid's Park at 1:00 pm.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

APPEARANCE COMMITTEE REQUEST TO ESTABLISH A GARDEN TO HONOR VOLUNTEERS

Resolution #100 – 2018

On motion by Trustee Monroe, seconded by Trustee Leon, the Board duly resolved as follows:-

To approve the Appearance Committee's proposal to plant a garden in Mid's Park to honor the Spirit of Volunteerism.

Trustee Devlin, Trustee Leon, Trustee Monroe and Trustee Holderied voted AYE

The garden will include an expandable plaque with the names of the recipients of the Distinguished Volunteer of the Year. Funding will be provided by the Lake Placid Volunteer Committee and the planting work will be done by volunteers. The area will be maintained by Lake Placid Beautification.

Treasurer Items

WARRANT AFFIDAVIT #19 – 2017-18

Resolution #101-2018

On motion offered by Trustee Devlin, seconded by Trustee Leon, the Board resolved as follows:-

To approve the payment of Warrant Affidavit #19– 2017-18 as submitted by the Village Treasurer and reviewed by Trustee Monroe. The affidavit is included below:-

LAKE PLACID VILLAGE, INC.

2693 Main Street, Lake Placid, New York 12946

Phone: 518-523-9952, Fax: 518-523-1362

www.villageoflakeplacid.ny.gov

AFFIDAVIT #19 2017-2018

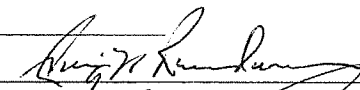


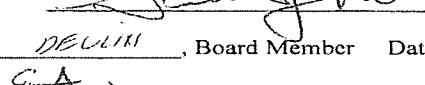
We, the undersigned, acting as a Board of Auditors to the Village of Lake Placid, NY
do approve that the Village Treasurer is authorized to issue checks as per the presented
and approved Warrant and is also authorized to make the following transfers as listed
below based on the warrants approved at the Board Meeting on **May 7, 2018**

Checks and bank drafts for 04/17/2018-05/07/2018 for Fiscal Year 2017-2018:
Check #'s 52615-52727, DOC #S: 340579-340842

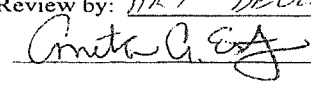
| | | |
|--|-----------|-------------------|
| TOTAL WARRANT OF ITEMS PRESENTED: | | 944,702.49 |
| PLUS: UTILITY REFUND CKS = | \$ | 2,922.77 |
| TOTAL WARRANT AND REFUNDS | \$ | 947,625.26 |

| | | |
|-----------------------------------|-----|------------|
| CREDIT - LISTED FUND CASH ACCOUNT | | |
| GENERAL (A1) FUND: A1-0001-0200 | -\$ | 184,681.08 |
| HUD REVOLVING LOAN (CM) 0001-0200 | -\$ | 0.00 |
| ELECTRIC (EE) FUND: EE-0001-0200 | -\$ | 570,888.62 |
| WATER (FX) FUND: FX-0001-0200 | -\$ | 34,499.87 |
| SEWER (G3) FUND: G3-0001-0200 | -\$ | 154,632.92 |
| CAPITAL (H8) FUND: H8-0001-0200 | -\$ | 0.00 |
| TRUST & AGENCY (TA): TA-0001-0200 | -\$ | 0.00 |

Date: 5-4-2018

 _____, Mayor
 _____, Trustee
 _____, Trustee
 _____, Trustee

Audit Review by: ART DEVLIN, Board Member Date: 5-4-2018

Attest:  _____, Village Clerk

Trustee Leon, Trustee Holderied, Trustee Monroe and Trustee Devlin voted AYE.

Old Business

Janet updated the Board on the previous discussion about raising parking fines. Janet reported that the fines are currently set by local law, so if the board desires to change that there would need to be a Public Hearing to create a local law to either set the new fines or to create a local law allowing the fines to in the future be set by resolution. A Public Hearing will be scheduled at the next Board Meeting. There was discussion about how to handle other parking and traffic issues that are in the works to be updated. Those will be revisited with General Code at a later date.

Mayor's Items

Mayor Randal reported on the Eminent Domain case with the Adirondack Experience. The Appellate Court decision on the legal question of segmentation was in the Village's favor. The procedural issue of the necessity of providing a current traffic impact study was decided against the Village but can be corrected by the Village. Discussion on the matter will continue in Executive Session.

Commissioner Reports

Scott followed up on the alleged extra, illegal vote during the Fire Department elections. It was admitted that this took place, but that the one vote did not change the outcome of the election, therefore the Council is not doing anything about the matter.

Main Street work continues. The cleaning and camera-ing has been finished and now slip lining will begin on or about May 21. The situation continues to be fluid. The Village has received compliments about how the work has been handled thus far.

Correspondence

EXECUTIVE SESSION

Resolution #102 - 2018

On Motion made by Trustee Leon, seconded by Trustee Holderied, the Board resolved as follows:

To enter into executive session to discuss personnel matters and litigation at 7:01 p.m.

Trustee Leon, Trustee Holderied, Trustee Monroe and Trustee Devlin voted AYE

RETURN TO REGULAR SESSION

Resolution #103 - 2018

On motion made by Trustee Devlin, seconded by Trustee Leon, the Board resolved as follows:

To return to the regular session of the Board meeting at 7:50 p.m.

Trustee Leon, Trustee Monroe, Trustee Holderied and Trustee Devlin voted AYE

PROPOSED LOCAL LAW #1 OF 2018 – CRYPTOCURRENCY

Resolution #104 - 2018

On motion by Trustee Devlin, seconded by Trustee Holderied, the Board duly resolved as follows:-

To approve the Proposed Local Law #1 – 2018 as written. Text included below.

Trustee Monroe, Trustee Holderied, Trustee Devlin and Trustee Leon voted AYE.

A LOCAL LAW IMPOSING A MORATORIUM ON COMMERCIAL CRYPTOCURRENCY MINING OPERATIONS IN THE VILLAGE OF LAKE PLACID AND TOWN OF NORTH ELBA

Section 1. Enactment and Title.

The Board of Trustees of the Town of North Elba and Village of Lake Placid, respectively, do hereby ordain and enact the Town of North Elba and Village of Lake Placid, moratorium on commercial cryptocurrency mining operations in the Town of North Elba and Village of Lake Placid. This local law shall impose a moratorium on applications or proceedings, or the issuance of approvals or permits for commercial cryptocurrency mining operations in the Town of North Elba and Village of Lake Placid.

Section 2. Authorization, Purpose and Definitions.

A. Authorization

Pursuant to the authority and provisions of Section 10 of the Municipal Home Rule of the State of New York and the statutory powers vested in the Board of Trustees of the Town of North Elba and The Board of Trustees of the Village of Lake Placid to regulate and control land use and to protect the health, safety and welfare of its residents, the Board of Trustees of the Town of North Elba and the Board of Trustees of the Village of Lake Placid do hereby declare an eighteen (18) month moratorium, on all applications or proceedings for applications, for the issuance of approvals or permits for the commercial crypto currency mining operations in the Town of North Elba and Village of Lake Placid. This moratorium will allow time for the Joint Town of North Elba-Village of Lake Placid Land Use Code and Village of Lake Placid Electric Department regulations to be amended to regulate this potential use.

B. Purpose

It is the purpose of this Local Law to allow the Town of North Elba and Village of Lake Placid the opportunity to consider zoning and land use laws and Village of Lake Placid Electric Department regulations before commercial crypto currency mining operations result in irreversible change to the character and direction of the Town of North Elba, Village of Lake

Placid and the Village of Lake Placid Electric Department.

Further, it is the purpose of this Local Law to allow the Town of North Elba and Village of Lake Placid time to address through planning and legislation, the promotion of the protection, order, conduct, safety health and well-being of the residents of the Town and Village which are presented as heightened risks associated with commercial cryptocurrency mining operations.

It is the purpose of this Local Law to facilitate the adoption of land use and zoning and/or Village of Lake Placid Electrical Department regulations to protect and enhance the Town's and Village's natural, historic, cultural and electrical resources.

C. Definitions

"Cryptocurrency" is defined herein as a digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank.

"Commercial cryptocurrency mining" is defined herein is the commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms employing data processing equipment. For purposes of this definition, any equipment which requires a High Density Load Service, or any Server Farm, will presumably be a commercial cryptocurrency mining operation.

"Server Farm" is defined herein as three or more interconnected computers housed together in a single facility whose primary function is to perform cryptocurrency mining or associated data processing.

"High Density Load Service" is defined herein as the provision of electrical service where the requested load density, in the portion of the premises containing the load consuming equipment exceeds 250 kWh/ft²/year.

Section 3. Scope of Controls.

During the effective period of this local law:

- A. The Code Enforcement Officer, Building Inspector, Review Board, or Zoning Board of Appeals shall not accept an application for a Commercial Cryptocurrency Mining operation.
- B. The Code Enforcement Officer, Building Inspector, Review Board, or Zoning Board of Appeals shall not grant any permit for a Commercial Cryptocurrency Mining operation.

Section 4. No Consideration of New Applications.

No applications for Commercial Cryptocurrency Mining operations or for approvals for a site plan, special use permit, building permit, or, any other permit shall be approved by any board, officer, employee or agent of the Town of North Elba or Village of Lake Placid while the moratorium imposed by this local law is in effect. Nothing in this local law shall be construed such as to result in any default approval for any application heard or considered during the moratorium imposed by this local law. This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law.

Section 5. Term.

The moratorium imposed by this local law shall be in effect for a period of eighteen (18) months from the effective date of this local law. It may be terminated earlier if it is determined by resolution that the purpose of the local law has been fulfilled. During the period of the moratorium, the municipal boards shall endeavor to amend the local zoning and land use code and/or Village of Lake Placid Electric Department regulations to address and regulate Commercial Cryptocurrency Mining operations.

Section 6. Location.

The moratorium imposed by this local law shall apply to the territorial limits of the Town of North Elba and Village of Lake Placid and all properties serviced by the Village of Lake Placid Electric Department.

Section 7. Penalties.

Any firm, person, corporation, or other entity that shall establish, place, construct, erect or in any way site or locate a Commercial Cryptocurrency Mining operation described in this local law in the Town of North Elba or Village of Lake Placid in violation of the provisions of this Local Law shall be subject to, in addition to any penalties prescribed by state or local law, a civil penalty of not more than \$1,000.00 for each day or part thereof during which such violation continues. If necessary to remove any construction or property that may have taken place in violation of this local law, the cost of such removal, including reasonable attorney's fees incurred by the Town of North Elba or Village of Lake Placid, shall constitute a lien and charge against any real property owned or leased by the violator and shall be collected in the same manner and at the same time as other charges. The civil penalties provided for by this section shall be recoverable in an action instituted in the name of the Town of North Elba or Village of Lake Placid in any court of competent jurisdiction.

Section 8. Validity.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

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Section 9. Effective Date.

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

ADJOURNMENT

With no further business to come before the Board, a motion to adjourn was made by Trustee Monroe, seconded by Trustee Devlin and the meeting was unanimously adjourned at 7:52 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anita A. Estling".

Anita A. Estling
Village Clerk